



ENFORCEMENT BRANCH

Twentieth meeting

9–14 July 2012
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. René Lefeber, chairperson of the enforcement branch, declared the meeting open at 10:11.
2. Noting that this was the first meeting attended by Ms. Maria Socorro Manguiat in her capacity as Secretary to the Compliance Committee, the chairperson congratulated Ms. Manguiat on her new position and thanked the outgoing Secretary, Mr. Dan Bondi Ogolla, for his service to the Committee and, in particular, to the branch.
3. 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.

2. Adoption of the agenda

4. The branch reviewed and adopted the provisional agenda as revised (CC/EB/20/2012/1/Rev.1).

3. Organization of work

5. The branch decided to organize its consideration of the items under its agenda in the following manner:
 - (a) First, to consider other matters, focusing, in particular, on:
 - i. Templates for preliminary findings;
 - ii. The report of the vice-chairperson on the ninth meeting of inventory lead reviewers; and



- iii. The approach to considering disagreements whether to apply adjustments under Article 5, paragraph 2, of the Kyoto Protocol;
- (b) Second, to consider the questions of implementation with respect to Slovakia, including the disagreement whether to apply adjustments, and to elaborate and adopt a decision under section X, paragraphs 1 (d) and 5, of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”¹ with respect to Slovakia;
- (c) Third, to consider the question of implementation with respect to Romania and, in this context, to consider the request to reinstate Romania’s eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2011-1-13/Romania/EB) and to elaborate and adopt a decision under section X, paragraph 2, with respect to Romania;
- (d) Fourth, to consider question of implementation with respect to Lithuania and, in this context, to consider the second progress report on the plan submitted by Lithuania pursuant to the final decision of the enforcement branch and the request to reinstate Lithuania’s eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2011-3-12/Lithuania/EB), and to elaborate and adopt a decision under section X, paragraph 2, with respect to Lithuania;
- (e) Fifth, to discuss any other matters, including:
 - i. Stocktaking; and
 - ii. Schedule of meetings of the branch for the remainder of the year.

4. Consideration of the questions of implementation with respect to Slovakia and the disagreement whether to apply adjustments

6. At the request of the chairperson, the secretariat provided a summary of the proceedings since the publication of the report of the individual review of the annual submission of Slovakia submitted in 2011 (FCCC/ARR/2011/SVK; hereinafter referred to as “Slovakia’s 2011 ARR”).

7. Also at the request of the chairperson, the delegation of Slovakia informed the meeting that, in accordance with section VIII, paragraph 2, and rule 25, paragraph 3, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”,² the following designated representatives of Slovakia were present at the meeting:

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

² 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/20/2012/2
9 August 2012

- (a) Ms. Helena Princová, Director of Climate Change Policy Department, Ministry of Environment, Slovak Republic;
- (b) Mr. Milan Zvara, Chief State Advisor, Climate Change Policy Department, Ministry of Environment, Slovak Republic;
- (c) Ms. Janka Szemesová, NIS Coordinator, Department of Emissions and Air Quality Monitoring, Slovak Hydrometeorological Institute;
- (d) Mr. Peter Tomlein, Slovak Association for Cooling and Air-conditioning Technology;
- (e) Mr. Vladimír Danielik, Faculty of Chemical and Food Technology, Slovak University of Technology;
- (f) Mr. Helmut Schreiber, Expert, Slovak Republic; and
- (g) Mr. Marek Staroń, Expert, Slovak Republic.

8. In accordance with section VIII, paragraph 5, and rule 21, and pursuant to the decision on expert advice that was adopted by the branch on 27 June 2012 (CC-2012-1-4/Slovakia/EB), the meeting was also attended by Mr. Tinus Pulles, one of the lead reviewers for the in-country review of the annual submission of Slovakia submitted in 2011 (Slovakia's 2011 annual submission), and Ms. Daniela Romano, who is a member of the roster of experts and was not part of the expert review team (ERT) that reviewed Slovakia's 2011 annual submission.

(a) Advice from experts

9. The experts referred to in paragraph 8 above provided advice in relation to the questions of implementation identified by the ERT, indicating that the proper management of the national system was the core issue. The experts pointed out that the adjustments calculated and recommended by the ERT were an indicator of a structural problem of the national system to perform some of the specific functions required for national systems, in particular those relating to the collection of sufficient activity data, process information and emission factors. They also pointed out that these adjustments could have been avoided if Slovakia had provided adequate responses to the questions raised by the ERT during the review process.

(b) Hearing

10. At the hearing, Slovakia presented updated information on its national system in relation to its institutional structure and the roles of the institutions involved in the preparation of the inventory. Slovakia asserted that its national system is fully operating and able to prepare inventory reports and manage inventory data at a very high standard. It stated that the issues identified during the review of its 2011 annual submission were either addressed during the review or only constituted *de minimis* deviations from the requirements for national systems. Slovakia accepted the adjustments with respect to estimates of emissions from the consumption



of halocarbons and sulphur hexafluoride (SF₆), and provided additional information on the estimates of emissions from road transportation.

11. During the hearing, the experts indicated that it was clear that Slovakia had developed and implemented measures to address the questions of implementation after the finalization of Slovakia's 2011 ARR. However, a review of Slovakia's 2012 annual submission would be required to assess whether those measures have resolved the questions of implementation listed in Slovakia's 2011 ARR relating to the national system. With regard to the question of implementation relating to the disagreement whether to apply adjustments, the experts indicated that, in view of the additional information provided by Slovakia, the recommended adjustments with respect to estimates of emissions from road transportation were no longer considered necessary.

(c) Elaboration and adoption of a decision

12. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a decision (CC-2012-1-6/Slovakia/EB) under section X, paragraph 5, to apply the adjustments calculated and recommended by the ERT that reviewed Slovakia's 2011 annual submission in relation to emissions from the consumption of halocarbons and SF₆, and not to apply the adjustments calculated and recommended by the ERT with regard to emissions from road transportation.

13. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a preliminary finding (CC-2012-1-7/Slovakia/EB) that Slovakia was not in compliance with the "Guidelines for national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks under Article 5, paragraph 1, of the Kyoto Protocol."³

14. The branch applied the relevant consequences provided in section XV of the annex to decision 27/CMP.1. It noted that the finding and consequences take effect upon confirmation by a final decision of the enforcement branch.⁴

15. The branch agreed that it either would meet to adopt a final decision if Slovakia makes a further written submission within four weeks of receipt of the written notification of the preliminary finding or adopt a final decision confirming its preliminary finding by electronic means if Slovakia does not make a further written submission within that time period. The secretariat informed the branch that arrangements had been made for the branch to meet from 15 to 16 August 2012 in Bonn, Germany, if it was necessary to do so.

5. Consideration of the question of implementation with respect to Romania

16. At the request of the chairperson, the secretariat provided a summary of the proceedings since the submission of Romania's request for reinstatement and its third progress report on the

³ Annex to decision 19/CMP.1.

⁴ See paragraphs 30 and 31 of the preliminary finding, CC-2012-1-7/Slovakia/EB.



COMPLIANCE COMMITTEE

CC/EB/20/2012/2
9 August 2012

implementation of the plan it had submitted pursuant to the final decision of the enforcement branch (CC/2011-1-13/Romania/EB).

17. Also at the request of the chairperson, the delegation of Romania informed the meeting that, in accordance with section VIII, paragraph 2, and rule 25, paragraph 3, the following designated representatives of Romania were present at the meeting:

- (a) Ms. Rovana Plumb, Minister for Environment and Forestry, Romania;
- (b) Ms. Elena Dumitru, Deputy Secretary General, Ministry of Environment and Forestry, Romania;
- (c) Ms. Alina Boldea, Counselor for European Affairs, European Affairs Directorate, Ministry of Environment and Forestry, Romania;
- (d) Mr. Felix Zaharia, Deputy Director, Ministry of External Affairs, Romania;
- (e) Ms. Ioana Preda, Second Secretary, Directorate for International Public Law, Ministry of External Affairs, Romania;
- (f) Mr. Sorin Deaconu, National Focal Point for GHG Inventories, National Agency for Environment Protection, Romania;
- (g) Ms. Gheorghită Nicodim, Counsellor, National Agency for Environment Protection, Romania;
- (h) Mr. Gheorghe Marin, land use, land-use change and forestry (LULUCF) expert, Forest Research and Management Institute, Romania; and
- (i) Mr. Doru Leonard Irimie, GHG Expert, United Nations Development Programme.

18. In accordance with section VIII, paragraph 5, and rule 21, and pursuant to the decision on expert advice that was adopted by the branch on 27 June 2012 (CC-2011-1-14/Romania/EB), the meeting was also attended by Mr. Marcelo Rocha, a LULUCF expert who was not part of the ERTs that prepared the relevant reports; Ms. Daniela Romano, one of members of the ERTs that reviewed Romania's 2010 and 2011 annual submissions; and Mr. Robert Waterworth, the LULUCF expert in the ERT that reviewed the 2011 annual submission of Romania.

(a) Consideration of the request to reinstate Romania's eligibility

19. As part of the consideration by the branch of the question of implementation with respect to Romania, the branch provided Romania with an opportunity to make a presentation entitled "Progress achieved for strengthening national system and improving National Greenhouse Gas Inventory of Romania."



20. The experts referred to in paragraph 18 above clarified a number of issues arising from the report of the individual review of the annual submission of Romania submitted in 2011 (FCCC/ARR/2011/ROU).

(b) Elaboration and adoption of a decision under section X, paragraph 2

21. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a decision under section X, paragraph 2, reinstating Romania's eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol at 10:42:59 Greenwich Mean Time on 13 July 2012 (CC-2011-1-15/Romania/EB).

6. Consideration of the question of implementation with respect to Lithuania

22. At the request of the chairperson, the secretariat provided a summary of the proceedings following the adoption of the final decision of the enforcement branch with respect to Lithuania on 21 December 2011 (CC-2011-3-8/Lithuania/EB).

23. Also at the request of the chairperson, the delegation of Lithuania informed the meeting that, in accordance with section VIII, paragraph 2, and rule 25, paragraph 3, the following designated representatives of Lithuania were present at the meeting:

- (a) Mr. Vitalijus Auglys, Director, Pollution Prevention Department, Ministry of Environment, Republic of Lithuania;
- (b) Ms. Stasilė Znutienė, Head of the Climate Change Policy Division of the Pollution Prevention Department, Ministry of Environment, Republic of Lithuania;
- (c) Mr. Albertas Kasperavičius, Deputy Director, State Forestry Service, Republic of Lithuania;
- (d) Ms. Rita Tijunaitė, Head of the Climate Change Division of the Environment Status Assessment, Department of the Environmental Protection Agency; Republic of Lithuania;
- (e) Mr. Ričiardas Beniušis, Deputy Head, National Forestry Inventory Division, State Forestry Service, Republic of Lithuania; and
- (f) Mr. Karolis Mickevicius, Chief Desk Officer, National Forestry Inventory Division, State Forestry Service, Republic of Lithuania.

24. In accordance with section VIII, paragraph 5, and rule 21, and pursuant to the decision on expert advice that was adopted by the branch on 27 June 2012 (CC-2011-3-13/Lithuania/EB), the meeting was also attended by Ms. Thelma Krug, one of the lead reviewers of Lithuania's 2011 annual submission and the LULUCF expert on the team; Mr. Rocha, a LULUCF expert who was not part of the ERTs that prepared the relevant reports, but provided expert advice



during the meeting at which the hearing was held and the preliminary finding was adopted; and Mr. Waterworth, a LULUCF expert who was not part of the ERTs that prepared the relevant reports.

25. As part of the consideration by the branch of the question of implementation with respect to Lithuania, the branch provided Lithuania with an opportunity to make a presentation entitled “Lithuania’s progress on the implementation of the plan of the measures to remedy the non-compliance.”

(a) Consideration of the second progress report on the plan submitted by Lithuania pursuant to the final decision of the enforcement branch

26. The branch considered the second progress report on the plan submitted by Lithuania pursuant to the final decision of the enforcement branch, which Lithuania had submitted together with its request for the branch to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2011-3-12/Lithuania/EB), in the context of its consideration of agenda item 6 (b) below.

(b) Consideration of request to reinstate Lithuania’s eligibility

27. The experts referred to in paragraph 24 above clarified a number of issues arising from the report of the review of the annual submission of Lithuania submitted in 2011 (FCCC/ARR/2011/LTU; hereinafter referred to as “Lithuania’s 2011 ARR”). The experts identified unresolved problems with respect to the collection of sufficient activity data and emission factors, the completeness of estimates of emissions of hydrofluorocarbons, and Lithuania’s archiving system. In addition, the experts noted concerns with Lithuania’s LULUCF activities since 1990, in particular Lithuania’s inability to:

- (a) Identify all areas of land subject to LULUCF activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol (KP-LULUCF activities) since 1990;
- (b) Demonstrate that there was no double counting of land subject to KP-LULUCF activities; and
- (c) Demonstrate that estimates were prepared completely in line with the Revised 1996 Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories and the IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry.

28. The experts also noted that on the basis of their preliminary reading of Lithuania’s 2012 annual submission and the information presented by Lithuania in its second progress report on the implementation of its plan and at the meeting, it appears there have been significant further improvements since the publication of Lithuania’s 2011 ARR. However, they advised that an in-country review of Lithuania’s 2012 annual submission is required for an in-depth assessment of the implementation of these measures.



(c) Elaboration and adoption of a decision under section X, paragraph 2

29. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a decision under section X, paragraph 2, that there continues to be a question of implementation with respect to Lithuania's eligibility under Articles 6, 12 and 17 of the Kyoto Protocol and, therefore, decided not to reinstate Lithuania's eligibility, and to initiate the procedure referred to in section X, paragraph 1, unless Lithuania requests the branch before 31 July 2012 not to initiate this procedure. The secretariat informed the branch that arrangements will be made for the branch to meet from 11 to 13 September 2012 if no such request is received from Lithuania before 31 July 2012.

7. Other matters

30. The branch discussed the draft template for preliminary findings that it had asked for at its eighteenth meeting and requested the chairperson, with the assistance of the secretariat, to revise the template and present it for consideration by the branch at its next meeting.

31. The chairperson recalled that the plenary at its ninth meeting requested the secretariat to make arrangements for the bureau of the Compliance Committee to attend the ninth meeting of inventory lead reviewers. The lead reviewers' meeting was held from 27 to 29 March 2012 in Bonn, Germany, and the vice-chairpersons of the enforcement and facilitative branches attended the meeting as observers.

32. The vice-chairperson of the enforcement branch reported to the branch on her participation in the meeting referred to in paragraph 31 above. In accordance with rule 9, paragraph 1, the presentation was made in a meeting held in private because the vice-chairperson was reporting back on a meeting that was held in private. Following the discussion in private, the branch requested the bureau of the Committee, with the assistance of the secretariat, to explore the possibility of organizing a workshop involving members and alternate members of the Committee, lead reviewers and members of the secretariat. The workshop, which would be held in private, would aim at a focused, informal exchange of views on consistency of reviews under Article 8 of the Kyoto Protocol. The branch requested that this workshop and any materials prepared for the workshop be treated as confidential.

33. The branch briefly considered the approach to considering disagreements whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol. The chairperson requested that the secretariat arrange a technical presentation on the procedure for the calculation of adjustments at the branch's meeting scheduled in October 2012.

34. The chairperson requested that an updated version of the list of issues that the branch had considered during its last stocktaking exercise (annex to the report on the eighteenth meeting of the enforcement branch, CC/EB/18/2012/2) be added to agendas of future meetings of the branch and be considered as a standing sub-item under the agenda item on other matters or as a separate agenda item for future meetings when the branch considered it appropriate.



COMPLIANCE COMMITTEE

CC/EB/20/2012/2
9 August 2012

35. The secretariat provided updated information on the schedule of upcoming meetings of the branch for the rest of the year, indicating that meetings of the branch would be organized in August and September, depending on developments relating to agenda items 5 and 7 above (see paragraphs 15 and 29 above, respectively), and that a meeting of the branch would be organized from 22 to 23 October 2012, in conjunction with the eleventh meeting of the plenary that is scheduled to take place from 24 to 25 October 2012.

8. Closure of the meeting

36. The meeting was declared closed at 17:00 on 14 July 2012.

9. Attendance

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

| Members (in alphabetical order) | Alternate Members |
|--|---|
| 1. DE WET , Sandea Ms. | AMOUGOU , Joseph Armathé Mr. |
| 2. ESTRADA OYUELA , Raúl Mr. | GONZALEZ NORRIS , José Antonio Mr. |
| 3. FODEKE , Victor Mr. | GOPOLANG , Balisi Justice Mr. |
| 4. HAYNES , Rueanna Ms.* | MARINO , Sebastian Mr. |
| 5. KODJABASHEV , Alexander Mr. | SHAMANOV , Oleg Mr. |
| 6. LEFEBER , René J M Mr. | PALLEMAERTS , Marc Mr. |
| 7. LOIBL , Gerhard Mr. | RUDZKO , Iryna Ms. |
| 8. NISHAT , Ainun Mr. | BABAR BEG , Mirza Salman Mr. |
| 9. OBERTHÜR , Sebastian Mr. | KUOKKANEN , Tuomas Mr. |
| 10. SU , Wei Mr. | ALAM , Mohammad Mr. |

* Ms. Haynes was absent from 13 to 14 July 2012.