



COMPLIANCE COMMITTEE**CC/EB/7/2009/2
26 October 2009*****ENFORCEMENT BRANCH*****Seventh meeting**

11–13 October 2009
Bangkok, Thailand

Report on the meeting**1. Opening of the meeting**

1. Mr. Sebastian Oberthür, chairperson of the enforcement branch, declared the meeting open. He welcomed Mr. Mohamed Shareef who was attending his first meeting of the branch.

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 all members and alternate members present had signed the Oath of Service, and that the meeting was being webcast live on the Internet. The secretariat noted that one individual had registered as an observer.

3. The secretariat informed the meeting that the representatives of Croatia, Ms. Višnja Grgasović, Head of Department for Climate and Ozone Layer Protection, Ministry of Environmental Protection, Physical Planning and Construction; and Mr. Vladimir Jelavić, Advisor for climate change policy, EKONERG (Environmental Protection and Energy Research Institute) were present at the meeting.

4. The secretariat further informed the meeting that Ms. Ritta Pipatti, an independent expert invited to the meeting, was in attendance.

5. Following brief opening remarks on the proceedings, the chairperson requested the secretariat to provide a summary of the proceedings to date.

2. Adoption of the agenda

6. The branch reviewed and adopted the provisional agenda.

3. Organization of work

7. The branch decided to organize its consideration of the question of implementation with respect to Croatia (CC-2009-1/Croatia/EB) in the following manner:

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- (a) First, to receive expert advice on the report of the expert review team (ERT);
- (b) Secondly, to hold a hearing of the views of Croatia, including any expert testimony it may wish to put forward; and
- (c) Finally, to elaborate and adopt a decision, with further expert advice and questions of Croatia as required.

4. Advice from experts

8. Ms. Pipatti one of the lead reviewers of the ERT that reviewed the initial report of Croatia, provided an overview of the report of the review of the initial report of Croatia (FCCC/IRR/2008/HRV) and explained the initial review process. She also presented the ERT's findings in relation to the assigned amount and commitment period reserve of Croatia.

5. Hearing

9. At the hearing, Croatia provided its views and background information, based on its written submission and at the hearing. Croatia argued that, following decision 7/CP.12, it is allowed to add 3.5 million tonnes (Mt) carbon dioxide equivalent (CO₂ eq) to its 1990 level of greenhouse gas emissions not controlled by the Montreal Protocol for the purpose of establishing the level of emissions for the base year for implementation of its commitments under Article 3 of the Kyoto Protocol. Among other things, Croatia further argued that decisions 11/CP.4 and 14/CP.7 have made special provision to take account of specific circumstances of other Parties and have been applied under the Kyoto Protocol without requiring confirmation by the CMP.

10. Croatia emphasized that in decision 7/CP.12 the COP recognized Croatia's specific circumstances with regard to greenhouse gas emissions before and after 1990. Croatia stated that it had gained independence in 1991, in the course of the dissolution of the former Yugoslavia, and that in 1990, a large part of Croatia's consumed electricity was sourced from plants located in other republics of the former Yugoslavia. Croatia also explained that the use of an historical base year or period other than 1990 in accordance with Article 3, paragraph 5, of the Kyoto Protocol does not address Croatia's specific circumstances.

6. Elaboration and adoption of a decision

11. After the elaboration of a decision held in private in accordance with rule 9, paragraph 2, of the Rules of procedure of the Compliance Committee,¹ the branch adopted a preliminary finding (CC-2009-1-6/Croatia/EB).

12. In adopting its preliminary finding, the branch noted that under the Kyoto Protocol the degree of the flexibility available to Parties included in Annex I undergoing the process of transition to a market economy is different than under the Convention, including in particular

¹ Contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

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that for the implementation of commitments under Article 3 of the Kyoto Protocol, flexibility for such Parties is limited to the use of an historical base year or period other than 1990.

13. The enforcement branch acknowledged that Croatia's specific circumstances, in particular the consequences arising from the dissolution of the former Yugoslavia, have not been addressed by the CMP to date. The enforcement branch also recognized that Croatia has become a Party to the Kyoto Protocol, but was not yet a Party when decision 7/CP.12 was adopted in 2006. The branch observed that Croatia may wish to bring its specific circumstances to the attention of the CMP for its consideration.

14. The branch applied the relevant consequences provided in section XV, but noted that the findings and consequences take effect upon confirmation by a final decision of the enforcement branch.

15. In this context, members of the branch considered that, while it was up to Croatia to determine the steps it wishes to take to resolve the questions of implementation, Croatia might explore a number of options. Options raised by members of the branch included accepting the calculation of the assigned amount and the commitment period reserve by the ERT, seeking advice and facilitation under section IV, paragraph 4, from the facilitative branch and working with the enforcement branch on the basis of the plan referred to in paragraph 1 of section XV. It was further noted that Croatia could consider seeking a decision from the CMP with an approach analogous to that taken in decision 14/CP.7 which addressed the impact of single projects on emissions in the commitment period. It was also noted that the combination of being a Party included in Annex I undergoing the process of transition to a market economy and having to deal with the consequences arising from the dissolution of the former Yugoslavia may provide a basis for a similar request.

16. The branch agreed that if Croatia makes a further written submission on or before 14 November 2009, the branch will meet to adopt a final decision. The secretariat informed the branch that provisional arrangements had been made to hold the eighth meeting of the branch from 23 to 24 November 2009 in Bonn, Germany. Following comments from members of the branch, the chairperson and vice-chairperson will be provided further information on the basis of which they will determine the dates of the meeting.

7. Other matters

17. The chairperson noted that the elections would be required in early 2010 for the offices of chairperson and vice-chairperson, but proposed that this issue be addressed in the plenary, in conjunction with the similar issue of facilitative branch elections.



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8. Closure of the meeting

18. After thanking the members and alternate members of the branch for their constructive work and wishing them a safe journey home, and thanking the secretariat for its support, the chairperson declared the meeting closed.

9. Attendance

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

Members (in alphabetical order)	Alternate Members
1. DE WET , Johanna G. Susanna Ms.	AMOUGOU , Joseph Armathé Mr.
2. ESTRADA OYUELA , Raúl Mr.	ITURREGUI BYRNE , Patricia Ms. ⁺
3. LEFEBER , René Mr.	LOIBL , Gerhard Mr.
4. MICHEL , Stephan Mr.	JACOBSEN , Kirsten Ms.
5. NAMANYA , Bernard Mr.	RAMOTHWA , Gladys Ms.
6. OBERTHÜR , Sebastian Mr.	KUOKKANEN , Tuomas Mr.
7. RAJABOV , Ilhomjon Mr.	NISHAT , Ainun Mr. ⁺
8. SHAMANOV , Oleg Mr.	<i>Vacant</i>
9. SHAREEF , Mohamed Mr.*	MACE , Mary Jane Ms.
10. SU Wei Mr.	ALAM , Mohammad Mr.

⁺ Served as member.

* Mr. Shareef was absent in the morning of 13 October 2009.