

EXPERT ADVICE: BULGARIA

1. The enforcement branch agreed to seek expert advice on the report of the expert review team (ERT) contained in FCCC/ARR/2010/BGR. The branch considers that it needs to receive expert advice in relation to its consideration of Bulgaria's request that the branch reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2010-1-14/Bulgaria). The twelfth meeting of the enforcement branch, at which the request for reinstatement will be considered, is scheduled to take place from 3 to 4 February 2011.
2. Experts from whom advice is sought are invited to be available on both days. The enforcement branch will receive expert advice in accordance with the "Procedures and mechanisms relating to compliance under the Kyoto Protocol" (annex to decision 27/CMP.1)¹ and the "Rules of procedure of the Compliance Committee of the Kyoto Protocol" (annex to decision 4/CMP.2 and the amendments contained in the annex to decision 4/CMP.4).
3. The following experts are to be invited:
 - Ms. Tatiana Tugui (Moldova)
 - Mr. Michael Strogies (Germany)

Indicative list of questions

4. In the context of the question of implementation indicated in the ERT report contained in FCCC/ARR/2009/BGR, in its preliminary finding dated 12 May 2010 (see document CC-2010-1-6/Bulgaria/EB), the enforcement branch reached the determination that Bulgaria 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" (annex to decision 19/CMP.1). The branch confirmed its preliminary finding in a final decision (document CC-2010-1-8/Bulgaria/EB) on 28 June 2010.
5. On 1 October 2010, Bulgaria submitted a document entitled "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 "revised plan"). On 25 October 2010, the enforcement branch adopted a decision (CC-2010-1-13/Bulgaria/EB) to defer the completion of the review and assessment of the revised plan until after the publication of the ERT report of the individual review of the 2010 annual submission of Bulgaria, noting that information in this report could contribute to a more effective review and assessment of the revised plan.
6. Following an in-country review that took place from 4 to 9 October 2010, the report of the individual review of the annual submission of Bulgaria submitted in 2010 contained in document FCCC/ARR/2010/BGR was published on 29 November 2010 (2010 ARR). In the 2010 ARR, the ERT concluded that the national system of Bulgaria is now performing its required general and specific functions, as set out in the annex to decision 19/CMP.1 with respect to the institutional, legal and procedural arrangements to perform these functions. The ERT further concluded that the institutional, legal and procedural arrangements established and formalized by the "Ordinance on the way and order of organization of the National Inventories of hazardous substances from greenhouse gases in the ambient air" (ordinance number 215) that entered into force on 21 September 2010 are fully operational and that

¹ All section references in this document refer to the "Procedures and mechanisms relating to compliance" contained in the annex to decision 27/CMP.1.

Bulgaria has in place the institutional arrangements and the capacity, including the arrangements for the technical competence of staff involved in the national system, to plan, prepare and manage inventories on an annual basis.² No questions of implementation were identified by the ERT during the review.

7. On 2 December 2010, Bulgaria submitted a request for the enforcement branch to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol, in accordance with paragraph 2 of section X (document CC-2010-1-14/Bulgaria/EB).

8. The enforcement branch will seek the opinion of and ask questions to the invited experts in relation to the in-country review of the annual submission of Bulgaria submitted in 2010 that took place from 4 to 9 October 2010, the preparation of the ERT report contained in document FCCC/ARR/2010/BGR and the revised plan referred to in paragraph 5 above as well as any progress reports on the implementation of such plan.

9. In particular, advice will be sought on the relationship between the specific observations, recommendations and conclusions set out in the 2010 ARR and the conclusions of the ERT in relation to Bulgaria's national system and the extent to which the revised plan referred to in paragraph 5 above and its implementation remedies the non-compliance referred to in paragraph 4 above.

10. The enforcement branch will put more detailed questions to the invited experts at the meeting referred to in paragraph 1 above.

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² See paragraphs 191 and 203 of the report of the expert review team contained in FCCC/ARR/2010/BGR.