



ENFORCEMENT BRANCH

Thirteenth meeting

6–8 July 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.
3. The secretariat informed the branch that Mr. Vidar Vik of Norway had been nominated by Parties included in Annex I for the position of alternate member to the serve in the enforcement branch of the Compliance Committee. Mr. Vik replaced Ms. Kirsten Jacobsen, who resigned from the Committee as of 1 July 2010. In accordance with established practice, and as agreed by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its sixth session (hereinafter referred to as “CMP 6”), after receipt of the name for the pending nomination, the nominee was deemed to have been elected at CMP 6.
4. The secretariat noted that Mr. Kunihiko Shimada, the chairperson of the facilitative branch, was attending the meeting consistent with the established practice whereby members and alternate members of each branch may take part in the meetings of the other branch.
5. At the request of the chairperson, the secretariat informed the meeting that, in accordance with rule 25, paragraph 3 (c), of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”¹ the following designated representatives of Romania were present at the meeting:

¹ 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.



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- (a) Mr. Sorin Deaconu, National Focal Point for GHG Inventory Activities, National Agency for Environment Protection;
- (b) Mr. Narcis Jeler, National Focal Point for Climate Change a. i., Ministry of Environment and Forests;
- (c) Mr. Cosmin Boianuiu, Director, Ministry of Foreign Affairs;
- (d) Mr. Moritz von Unger, Legal Consultant for the Ministry of Environment and Forests, Climate Focus, B.V.

6. Also present was Mr. Doru Leonard-Irimie, United Nations Development Programme, who was designated as additional representative of Romania for purposes of the meeting.

7. In accordance with section VIII, paragraph 5, of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”² and pursuant to a decision of the branch on expert advice (CC-2010-1-3/Romania/EB), the meeting was also attended by Ms. Dominique Blain, lead reviewer for the centralized review of the annual submission of Romania submitted in 2010 that took place from 20 to 25 September 2010 (hereinafter referred to as the “2010 centralized review”), Ms. Anke Herold and Mr. Daniel Martino. The other lead reviewer for the 2010 centralized review, Mr. Walter Oyhantçabal, joined the meeting via teleconference from Montevideo, Uruguay.

2. Adoption of the agenda

8. The branch reviewed and adopted the provisional agenda (CC/EB/13/2011/1) on the understanding that it would elaborate and adopt a decision on expert advice with respect to Ukraine under agenda item 7, other matters.

3. Organization of work

9. The branch decided to organize its consideration of the items under its agenda in the following manner:

- (a) First, to elaborate and adopt a decision on expert advice with respect to Ukraine;
- (b) Second, to receive expert advice on the report of the review of the annual submission of Romania submitted in 2010 (FCCC/ARR/2010/ROU, hereinafter referred to as “the 2010 ARR”), in accordance with the decision to seek expert advice (CC-2011-1-3/Romania/EB);

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



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- (c) Third, to hold a hearing of the views of Romania, including any expert testimony it may wish to put forward;
- (d) Fourth, to elaborate and adopt a decision, with further expert advice and questions of Romania as required; and
- (e) Finally, to receive the report of the vice-chairperson on the eighth meeting of inventory lead reviewers and to discuss any other matters.

4. Advice from experts

10. At the request of the chairperson, the secretariat provided a summary of the proceedings relating to the question of implementation with respect to Romania.

11. Ms. Blain made a presentation and provided an overview of the 2010 centralized review. In particular, she presented the findings of the expert review team that reviewed the annual submission of Romania submitted in 2010 (hereinafter referred to as the “ERT”) in relation to the national system of Romania. Mr. Oyhantçabal made a statement in which he provided further details on the findings of the ERT in relation to land use, land-use change and forestry. Ms. Herold and Mr. Martino provided their views on the findings of the ERT contained in the 2010 ARR and the questions raised by the enforcement branch in its decision on expert advice.

5. Hearing

12. At the hearing, Romania made a presentation and provided its views and background information based on its written submission (CC-2011-1-5/Romania/EB). Romania presented information relating to its national system, in particular on the progress it had achieved, initiated and planned to strengthen its national system and improve its national greenhouse gas inventory. Romania highlighted that its inventory was gradually being improved and that funding for all relevant measures was being fully provided or committed. Further, the measures planned and initiated included legal, institutional and procedural adjustments of the national system, including a significant increase of dedicated staff, as well as five studies to strengthen the national system and establish comprehensive data. Romania also raised a variety of factual and legal arguments relating to the review of Romania’s 2010 annual submission and requested that the enforcement branch decide not to proceed further in its consideration of the question of implementation or alternatively refer the question of implementation to the facilitative branch in accordance with paragraph 12 of section IX. In addition, Romania presented additional information in the course of the hearing on how the measures planned and initiated relate to the specific unresolved problems identified by the ERT in the 2010 ARR.



13. Romania emphasized that it was committed to improving its national system and had made significant progress in implementing measures to improve the performance of its national system.

14. During the hearing, the independent experts identified in paragraph 7 above provided their preliminary assessment of whether the measures described by Romania address the unresolved issues identified in the 2010 ARR.

6. Elaboration and adoption of a decision

15. After the elaboration of a decision held in private, in accordance with rule 9, paragraph 2, the enforcement branch adopted a preliminary finding (CC-2011-1-6/Romania/EB).

16. The branch appreciated Romania's realization that improvements are required to the national system, the announcement of improvement plans and measures and the commitment shown to improve the national system. However, the enforcement branch noted that unresolved problems remained and that measures to address these unresolved problems were at an early stage of development or implementation. The branch also addressed the factual and legal issues raised by Romania in relation to the individual review of its 2010 annual submission. The branch concluded that the unresolved problems identified in the 2010 ARR resulted in non-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) and that the question of implementation was still unresolved. Furthermore, the enforcement branch concluded that as long as there are unresolved problems pertaining to language of a mandatory nature relating to Romania's national system it is not appropriate to consider referral of the question of implementation to the facilitative branch under paragraph 12 of section IX.

17. The branch applied the relevant consequences provided in section XV of the annex to decision 27/CMP.1, but noted that the findings and consequences take effect upon confirmation by a final decision of the enforcement branch.

18. The branch agreed to meet to adopt a final decision in view of Romania's stated intention to make a further written submission within four weeks of receipt of the written notification of the preliminary finding. The secretariat informed the branch that arrangements had been made to hold the fourteenth meeting of the branch from 22 to 27 August 2010 in Bonn, Germany.

19. The branch noted that it had received the 2010 ARR after the deadlines established under the "Guidelines for review under Article 8 of the Kyoto Protocol" (contained in the Annex to decision 22/CMP.1). In addition, the branch also noted an increasing trend for expert review team reports to be published beyond such deadlines and that this trend was creating difficulties for the enforcement branch in the discharge of its functions, in particular in relation to the scheduling of meetings and the achievement of quorum at these meetings.



7. Other matters

20. Under this item, the branch agreed to elaborate and adopt a decision on expert advice with respect to Ukraine. While the practice of the branch has been to elaborate and adopt decisions on expert advice by electronic means, the branch decided to take advantage of the presence of most of its members and alternate members to elaborate on and adopt a decision on expert advice with respect to Ukraine at the meeting.
21. At the request of the chairperson, the secretariat provided a summary of the proceedings relating to the question of implementation with respect to Ukraine.
22. After the elaboration of a decision held in private in accordance with rule 9, paragraph 2, the branch considered and adopted a decision on expert advice (CC-2011-2-3/Ukraine/EB).
23. Under this item, the branch also received the report of the vice-chairperson on the eighth meeting of inventory lead reviewers. He recalled that the enforcement branch at its twelfth meeting, from 3 to 4 February 2011, requested the secretariat to make arrangements for its chairperson and vice-chairperson to attend the upcoming eighth meeting of inventory lead reviewers. The lead reviewers' meeting was held from 21 to 22 March 2011 in Bonn, Germany, and the vice-chairperson attended the meeting as an observer.
24. Following a discussion held in closed session under rule 9, paragraph 1, in view of the fact that the meeting of the inventory lead reviewers was a closed meeting, the branch requested the secretariat to provide it, in preparation for its fourteenth meeting, with the template used by the expert review teams (hereinafter referred to as "ERTs") for the preparation of the reports of the individual reviews of the annual submissions of Parties (hereinafter referred to as the "ARRs"). This would facilitate the branch's understanding of the specific terminology used in the ARR that are forwarded to the Committee in accordance with section VI.
25. The branch also requested the secretariat to facilitate the attendance by the chair and/or vice-chair of the branch at the annual meetings of the inventory lead reviewers. In addition, the branch expressed the need to have access to the same training materials as the ERTs and requested the secretariat to explore how this could be made possible.
26. The chairperson also requested the secretariat to provide information on the schedule of upcoming meetings of the branch as soon as possible.
27. Noting that this was the last meeting to be attended by Mr. Feng Gao in his capacity as Secretary to the Compliance Committee, the chairperson expressed the thanks of the branch to Mr. Gao for his service to the branch and to the Committee.



8. Closure of the meeting

28. The chairperson declared the meeting closed.

9. Attendance

29. 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. LEFEBER , René J M Mr.	LOIBL, Gerhard Mr.
5. MICHEL , Stephan Mr.	VIK, Vidar Mr.
6. OBERTHÜR , Sebastian Mr.	KUOKKANEN, Tuomas Mr.
7. RAJABOV , Ilhomjon Mr.	NISHAT , Ainun Mr.
8. SHAMANOV , Oleg Mr.	RUDZKO , Iryna Ms.
9. SHAREEF , Mohamed Mr.	MACE , Mary Jane Ms.
10. SU , Wei Mr.	ALAM , Mohammad Mr.
