

EXPERT ADVICE: CROATIA

1. The enforcement branch agreed to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/IRR/2008/HRV and on issues related to any decision of the enforcement branch with regard to the two indicated questions of implementation (CC-2009-1-2/Croatia/EB, paragraph 9). The branch intends to receive the expert advice during its meeting to conduct a possible hearing (if so requested by the Party concerned) as well as deliberate, elaborate and adopt a preliminary finding or a decision not to proceed further. This meeting is scheduled to take place 11-12 October 2009.
2. Experts from whom advice is sought are invited to be available on both days of the meeting. The enforcement branch will receive expert advice in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the Rules of procedure of the Compliance Committee contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.
3. The following experts are to be invited:
 - Ms. Riitta Pipatti (Finland)
 - Ms. Sirintornthep Towprayoon (Thailand)
 - Barbara Muik (Austria)

Indicative list of questions

4. Both questions of implementation to be addressed relate to compliance with the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). On the first question of implementation, the expert review team considered that the addition of 3.5 million tons carbon dioxide equivalent (CO₂ eq) by Croatia to its base year level following decision 7/CP.12 is not in accordance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol.¹ On the second question of implementation the expert review team considered that the calculation of Croatia's commitment period reserve, based on the calculation of its assigned amount following decision 7/CP.12, is not in accordance with paragraph 6 of the annex to decision 11/CMP.1.² Paragraph 8(a) of the annex to decision 13/CMP.1 requires each Party to calculate its commitment period reserve in accordance with decision 11/CMP.1.
5. With respect to these questions of implementation, the enforcement branch will request an overview of the review process in this case, and in particular, seek the opinion of and ask questions to the invited experts primarily on one substantive issue: From the perspective of a technical expert, what are the nature and scope of the problems identified in the report of the review of the initial report of Croatia with respect to conformity with the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1) and how do they relate to paragraph 6 of the annex to decision 11/CMP.1?
6. The enforcement branch may put further more detailed follow-up questions to the invited experts during the meeting at which expert advice is received or considered. The branch may also request experts to provide advice on the assessment of any new information received with respect to the questions of implementation since the ERT conducted the review.

¹ See paragraph 157 and section II.C of the report of the expert review team contained in document FCCC/IRR/2008/HRV.

² See paragraph 158 and section II.D of the report of the expert review team contained in document FCCC/IRR/2008/HRV.

Members and alternate members participating in the consideration and elaboration of the decision:
Johanna G. Susanna DE WET, Raúl ESTRADA-OYUELA, Kirsten JACOBSEN, René LEFEBER,
Mary Jane MACE, Stephan MICHEL, Bernard NAMANYA, Ainun NISHAT, Sebastian OBERTHÜR,
Ilhomjon RAJABOV, Oleg SHAMANOV, SU Wei.

Members voting for: Johanna G. Susanna DE WET, Kirsten JACOBSEN (alternate member serving as
member), René LEFEBER, Mary Jane MACE (alternate member serving as member), Bernard
NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, SU Wei.

Members voting against:
Raúl ESTRADA-OYUELA.

This decision was adopted on 24 September 2009.

- - - - -