



ENFORCEMENT BRANCH

Eleventh meeting

16 September 2010
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 all members and alternate members present had signed the Oath of Service, that the meeting was being webcast live on the Internet, and that an audio recording was being made of the entire meeting. The secretariat noted that no observers had registered for the meeting.

2. Adoption of the agenda

3. The branch reviewed and adopted the provisional agenda (CC/EB/11/2010/1).

3. Requirement to submit a plan pursuant to the final decision of the enforcement branch with respect to Croatia

4. At the request of the chairperson, the secretariat provided a summary of the proceedings since the adoption of a final decision with respect to Croatia (CC-2009-1-8/Croatia/EB).

5. On 26 November 2009, the branch adopted a final decision confirming its preliminary finding of non-compliance with respect to Croatia. On 14 January 2010, Croatia lodged an appeal against the final decision¹ under section XI of the "Procedures and mechanisms relating to compliance under the Kyoto Protocol".²

¹ FCCC/KP/CMP/2010/2.

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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6. Paragraph 23 (b) of the preliminary finding required Croatia to develop the plan referred to in section XV, paragraph 1. In accordance with section XV, paragraph 2, such a plan was due on 2 March 2010. Croatia, by a letter dated 8 March 2010, in response to an inquiry in this regard, indicated that it did not intend to submit such a plan in view of its submission of an appeal against the final decision of the enforcement branch.

7. The branch noted that section XI, paragraph 4, provides that decisions of the enforcement branch stand pending decisions on appeal. Accordingly, Croatia remains subject to the final decision of the branch. Nevertheless, no plan has been submitted in a timely manner by Croatia as required by section XV, paragraph 2 and the final decision of the enforcement branch. The enforcement branch agreed to request the plenary of the Compliance Committee to bring this matter to the attention of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

4. Review and assessment of the plan submitted by Bulgaria pursuant to the final decision of the enforcement branch

8. At the request of the chairperson, the secretariat informed the meeting that in accordance with rule 25, paragraph 3 (c), the following officials of the Government of Bulgaria were present at the meeting:

- (a) Ms. Evelina Nikolova, National Emission Inventory Coordinator and Head of the Air Quality Unit, Air Monitoring Department, Executive Environment Agency of Bulgaria; and
- (b) Mr. Lyudmil Kotetzov, Senior Diplomatic Officer, UN Directorate of the Ministry of Foreign Affairs of Bulgaria.

9. Also at the request of the chairperson, the secretariat provided a summary of the proceedings since the adoption by the branch of a final decision with respect to Bulgaria (CC-2010-1-8/Bulgaria/EB).

10. On 28 June 2010, the branch adopted a final decision with respect to Bulgaria. The final decision confirmed the preliminary finding of non-compliance (CC-2010-1-6/Bulgaria/EB) and stated that the consequences set out in paragraph 20 of the preliminary finding are to take effect forthwith. Paragraph 20 (b) of the preliminary finding required Bulgaria to develop a plan referred to in section XV, paragraph 1, in accordance with section XV, paragraph 2 and rule 25 bis, paragraph 1, of the "Rules of procedure of the Compliance Committee of the Kyoto Protocol".³

³ 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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11. Pursuant to paragraph 1 of rule 10, Bulgaria is deemed to have received a copy of the final decision on 30 June 2010, the date indicated in the written confirmation of receipt by the expedited delivery courier.
12. In accordance with section XV, paragraph 2 and rule 25 bis, paragraph 1, Bulgaria's plan is due within three months from receipt of the final decision, i.e., by 1 October 2010.
13. On 12 August 2010, the secretariat received a document entitled "Updated Improvement Plan for ensuring the effective and timely functioning of Bulgarian National Inventory System in accordance with the requirements of Article 5.1 of the Kyoto Protocol and Decision 19/CMP.1, as well as the relevant requirements of EU" (CC-2010-1-11/Bulgaria/EB; hereinafter referred to as the "updated improvement plan").
14. The branch noted that Bulgaria's updated improvement plan does not fully meet the requirements set out in section XV, paragraph 2; rule 25 bis, paragraph 1; and paragraph 20 (b) of the preliminary finding. In particular, it does not include an analysis of the causes of the non-compliance as required by section XV, paragraph 2 (a).
15. The branch noted that in accordance with section XV, paragraph 2, Bulgaria has until 1 October 2010 to submit the plan referred to in paragraph 20 (b) of the preliminary finding. The branch encouraged Bulgaria to submit a complete plan as required by section XV, paragraph 2 and rule 25 bis, paragraph 1, no later than 1 October 2010, after which time the branch will continue its review and assessment of the plan in accordance with rule 25 bis, paragraph 2.
16. The branch urged Parties found in non-compliance to make the best use of the period provided under section XV, paragraph 2, in order to submit plans that fully meet the requirements of section XV, paragraph 2, and rule 25 bis, paragraph 1.

5. Other matters

17. No other matters were raised.

6. Closure of the meeting

18. The chairperson declared the meeting closed.



7. 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 , 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.	<i>Vacant</i> [‡]
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. ⁺

⁺ Served as member.

[‡] Ms. Kirsten Jacobsen resigned.