



ENFORCEMENT BRANCH

Fourteenth meeting

22–27 August 2011
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. René Lefebber, vice-chairperson of the enforcement branch, declared the meeting open. He welcomed the members and alternate members of the branch who were present at the meeting and informed them that due to some last minute changes in her schedule, Ms. Sandea de Wet, chairperson of the branch, was unable to attend the meeting.

2. Noting that this was the first meeting attended by Mr. Dan Bondi Ogolla in his capacity as Secretary to the Compliance Committee, the chairperson welcomed Mr. Bondi Ogolla to the branch and to the Committee.

3. 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. The secretariat also informed the branch that in accordance with rule 13, paragraph 2, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”¹ Ukraine would provide interpretation from Russian to English and vice versa during the parts of the meeting to be held in public relating to the consideration of the question of implementation with respect to Ukraine.

4. The secretariat informed the branch of a letter received by the secretariat on 4 August 2011 from the Minister of Environmental Protection, Physical Planning and Construction of Croatia declaring that Croatia withdraws its appeal against the final decision of the enforcement branch (document FCCC/KP/CMP/2011/2).

2. Adoption of the agenda

5. The branch reviewed and adopted the provisional agenda (CC/EB/14/2011/1).

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.



3. Organization of work

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

- (a) First, to receive an update on available online training modules that could be accessed by the enforcement branch, in line with the request that the branch made at its thirteenth meeting (see paragraph 25 of CC/EB/13/2011/2);
- (b) Second, to receive expert advice on the report of the review of the annual submission of Ukraine submitted in 2010 (FCCC/ARR/2010/UKR, hereinafter referred to as “the 2010 ARR”), in accordance with the decision to seek expert advice (CC-2011-2-3/Ukraine/EB);
- (c) Third, to hold a hearing of the views of Ukraine, including any expert testimony it may wish to put forward;
- (d) Fourth, to elaborate and adopt a decision, with further expert advice and questions to Ukraine as required;
- (e) Fifth, to consider the further written submission by Romania (CC-2011-1-7/Romania/EB);
- (f) Sixth, to elaborate and adopt a final decision relating to the question of implementation with respect to Romania; and
- (g) Finally, to discuss any other matters.

4. Consideration of the question of implementation with respect to Ukraine

7. At the request of the chairperson, the delegation of Ukraine informed the meeting that, in accordance with section VIII, paragraph 2, of “Procedures and mechanisms relating to compliance under the Kyoto Protocol”² the following designated representatives of Ukraine were present at the meeting:

- (a) Mr. Sergii Orlenko, Head of the State Environmental Investment Agency;
- (b) Mr. Mykola Melenevskyi, Ambassador at Large, Ministry of Foreign Affairs;

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) Mr. Oleksii Khabatiuk, Deputy Director, Head of the GHG Inventory Division of the International Cooperation, JI Projects and National GHG Inventory System Department, the State Environmental Investment Agency;
- (d) Ms. Nataliia Usenko, Chief Specialist of the International Cooperation Division of the International Cooperation, JI Projects and National GHG Inventory System Department, the State Environmental Investment Agency;
- (e) Mr. Roman Kharytonov, Chief Specialist of the Budgetary Financing Division of the Finances, Control and Activity Support Department, the State Environmental Investment Agency;
- (f) Mr. Iurii Nabyvanets, Deputy Director for Science, Ukrainian Hydrometeorological Institute of the National Academy of Sciences;
- (g) Ms. Maryna Berezhnytska, Deputy Director on Research, the Environmental (Green) Investments Fund;
- (h) Mr. Sergiy Skybyk, Expert on Energy and Climate Change, the Environmental (Green) Investments Fund;
- (i) Ms. Oksana Butrym, Expert on Land Use, Land-Use Change, Forestry and Climate Change, the Environmental (Green) Investments Fund;
- (j) Mr. Georgiy Panchenko, Expert on Industrial Processes and Climate Change, the Environmental (Green) Investments Fund;
- (k) Ms. Olga Gassan-Zade, Associate Director, Advisory Services, Point Carbon;
- (l) Mr. Oleksandr Pavlenko, Deputy General Director, PNBK Ltd.; and
- (m) Mr. Volodymyr Didukh, First Secretary of the Embassy of Ukraine in Germany.

8. In accordance with section VIII, paragraph 5, and pursuant to a decision of the branch on expert advice (CC-2010-2-3/Ukraine/EB), the meeting was also attended by Mr. Leif Hockstad, lead reviewer for the centralized review of the annual submission of Ukraine submitted in 2010 that took place from 30 August to 4 September 2010 (hereinafter referred to as the “2010 centralized review”), Ms. Marina Vitullo, who was a member of the expert review team that reviewed the 2010 ARR (hereinafter referred to as the “ERT”), Ms. Anke Herold and Mr. Daniel Martino.



(a) Advice from experts

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

10. Ms. Vitullo made a presentation on behalf of Mr. Hockstad, whose arrival at the meeting was delayed by the cancellation of his original flight, and provided an overview of the 2010 centralized review. In particular, she presented the findings of the ERT in relation to the national system of Ukraine. 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. Upon his arrival, Mr. Hockstad provided further clarifications on the findings of the ERT.

(b) Hearing

11. At the hearing, Ukraine made a presentation and provided its views and background information based on its written submission (CC-2011-2-5/Ukraine/EB). Ukraine presented information relating to its national system, including a description of its current legal and institutional framework, staffing, data providers and new inventory data archiving system, as well as information on its efforts with respect to reporting of activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol and the measures it has taken and plans to improve its national system.³

12. During the hearing, the experts identified in paragraph 8 above provided their preliminary assessment of the measures described by Ukraine to address the unresolved issues identified in the 2010 ARR.⁴

(c) Elaboration and adoption of a decision

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

14. The branch was encouraged by the willingness and commitment shown by Ukraine to address unresolved problems with respect to the specific and general functions of the national system. However, the enforcement branch noted that questions remained regarding the development and implementation of measures to ensure the operation of the national system of Ukraine in accordance 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).⁵

³ See paragraph 16 of the preliminary finding, CC-2011-2-6/Ukraine/EB.

⁴ See paragraph 17 of the preliminary finding, CC-2011-2-6/Ukraine/EB.

⁵ See paragraphs 18–22 of the preliminary finding, CC-2011-2-6/Ukraine/EB.



15. 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.⁶

16. The branch agreed to meet to adopt a final decision, taking into consideration any further written submission that Ukraine may make 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 fifteenth meeting of the branch from 11 to 12 October 2011 in Bonn, Germany.

17. The branch noted that, as in the case of Romania, it had again 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). The branch reiterated that the increasing trend for expert review team reports being published beyond such deadlines 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. In this regard, the branch also noted that the delay in its adoption of the preliminary finding with respect to Ukraine, which in accordance with the timeframe under section IX, paragraph 4, should have been adopted on 12 August 2011, was due to the impossibility of reaching quorum at an earlier date.

5. Consideration of the question of implementation with respect to Romania

18. At the request of the chairperson, the delegation of Romania informed the meeting that, in accordance with section VIII, paragraph 2, the following designated representatives of Romania were present at the meeting:

- (a) Mr. Felix Zaharia, Counselor, Directorate for International Law and Treaties, Ministry of Foreign Affairs;
- (b) Mr. Narcis Jeler, National Focal Point for Climate Change, Ministry of Environment and Forests; and
- (c) Mr. Sorin Deaconu, National Focal Point for GHG Inventory Activities, National Agency for Environment Protection.

(a) Consideration of the further written submission from Romania

19. The branch considered the further written submission from Romania and, in this context, gave Romania an opportunity to address the branch.

⁶ See paragraphs 23–25 of the preliminary finding, CC-2011-2-6/Ukraine/EB.



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20. Following a request for clarification from the branch, Romania withdrew its request, contained in paragraph 8 of its further written submission, for ex officio investigation on how the expert review team that reviewed the annual submission of Romania submitted in 2010 was established as well as its request for referral of the question of implementation to the facilitative branch of the Compliance Committee, contained in paragraphs 40–48 of its further written submission.

21. In relation to the point raised by Romania in its further written submission concerning paragraph 17 of the preliminary finding on the advice provided by the experts, the branch observed that it is authorized to seek expert advice and paragraph 17 of the preliminary finding summarizes the advice from the experts considered most salient by the branch. The branch also clarified that the expert advice does not in any way prevent Romania from requesting, in accordance with section X, paragraph 2, the reinstatement of its eligibility at the time it deems fit.

(b) Elaboration and adoption of a final decision

22. After the elaboration of a final decision held in private in accordance with rule 9, paragraph 2, the branch adopted a final decision (CC-2011-1-8/Romania/EB) at 11:03:20 Greenwich Mean Time on 27 August 2011.

6. Other matters

23. Further to the request made by the enforcement branch at its thirteenth meeting, the branch received an update from the secretariat on how the training materials used by expert review teams could be accessed by the branch. The secretariat informed the branch that the modules on “Overview of the UNFCCC review process and the IPCC inventory guidelines”, “National systems” and “Review of activities under Article 3, paragraphs 3 and 4 of the Kyoto Protocol” had been screened, tested and made available for electronic access by the branch.

24. The branch acknowledged the usefulness of the training modules and encouraged members and alternate members who were not present at the meeting to also go through the modules. It was further recognized that the modules will be a useful tool for future members and alternate members of the branch.

25. The secretariat informed the branch of a letter received by the secretariat on 23 August 2011 from the diplomatic agent of Croatia, indicating that Croatia intends to submit a plan referred to in section XV, paragraph 1, of the procedures and mechanisms and requested the enforcement branch to reinstate its eligibility pursuant to section X, paragraph 2. On behalf of the chairperson and vice-chairperson, the secretariat will request a confirmation of Croatia’s understanding that it does not expect the branch to take action on its request before it submits the plan and provides further information that demonstrates that the questions of implementation with respect to the calculation of its assigned amount and its commitment period reserve have been resolved.



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26. The secretariat provided updated information on the schedule of upcoming meetings of the branch, indicating that:

- (a) The fifteenth meeting of the branch was scheduled from 11 to 12 October 2011;
- (b) It would not be necessary for the branch to meet from 14 to 15 October 2011; and
- (c) Another meeting of the branch in the period from 8 to 18 November 2011 would need to be organized.

7. Closure of the meeting

27. The chairperson declared the meeting closed.

8. Attendance

28. 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.

* Mr. Rajabov was absent from 22 August 2011 to the morning of 25 August 2011.