

EXPERT ADVICE: BULGARIA

1. The enforcement branch agreed to seek expert advice on the content and basis of the report of the expert review team (ERT) contained in document FCCC/ARR/2009/BGR and on issues related to any decision of the enforcement branch with regard to the indicated question of implementation (CC-2010-1-2/Bulgaria/EB, paragraph 4). The branch intends to receive the expert advice during its meeting to conduct a hearing as well as deliberate on, elaborate and adopt a preliminary finding or a decision not to proceed further. This meeting is scheduled to take place 10–12 May 2010.
2. Experts from whom advice is sought are invited to be available on all three days. 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:
 - Mr. Tinus Pulles (the Netherlands)
 - Mr. Marius Taranu (Moldova)
 - Mr. Newton Paciornik (Brazil)

Indicative list of questions

4. The question of implementation relates to 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; hereinafter referred to as “guidelines for national systems”). In particular, the ERT found that the specific and general functions of the national system did not ensure that Bulgaria’s 2009 annual submission was sufficiently transparent, consistent, comparable, complete and accurate, as required by the guidelines for national systems, the UNFCCC reporting guidelines,¹ the Intergovernmental Panel on Climate Change (IPCC) Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories² and the IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry.³ The ERT also found that Bulgaria’s institutional arrangements and arrangements for technical competence of staff within the national system involved in the inventory development process were insufficient to enable the adequate planning, preparation and management of the Party’s annual submission in accordance with the guidelines for national systems.⁴
5. In the context of this question of implementation, the enforcement branch will, in particular, seek the opinion of and ask questions to the invited experts on the following questions:
 - a. What is the nature and scope of the problems/shortcomings identified in the report of the individual review of the annual submission of Bulgaria submitted in 2009 with respect to compliance with the guidelines for national systems, including the following more specific questions:

¹ “Guidelines for the preparation of national communications by Parties included in Annex I to the Convention, Part I: UNFCCC reporting guidelines on annual inventories” contained in FCCC/SBSTA/2006/9.

² Available at <<http://www.ipcc-nggip.iges.or.jp/public/gp/english/>>; hereinafter referred to as the “IPCC good practice guidance”.

³ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gpglulucf/gpglulucf.htm>>; hereinafter referred to as the “IPCC good practice guidance for LULUCF”.

⁴ See paragraphs 194 and 200 and section II of the report of the expert review team contained in FCCC/ARR/2009/BGR.

- Which shortcomings substantiate the conclusion that the annual submission was not sufficiently transparent, consistent, comparable and accurate, as required by the guidelines for national systems, the UNFCCC reporting guidelines, the IPCC good practice guidance and the IPCC good practice guidance for LULUCF?
 - Which shortcomings substantiate the conclusion that the institutional arrangements and arrangements for technical competence of staff within the national system involved in the inventory development process were insufficient to enable the adequate planning, preparation and management of the annual submission in accordance with the aforementioned guidelines?
- b. What are the methodologies that the ERT has applied in assessing the adequacy of the specific and general functions of the national system of Bulgaria?
- c. What actions should be taken and which information should be submitted by Bulgaria to resolve the question of implementation, including the following more specific questions:
- Which of the areas of improvement listed by the ERT need to be implemented by Bulgaria as a matter of priority to ensure that its national system can perform the general and specific functions of a national system, as set out in the guidelines for national systems, at the soonest possible time?
 - What information must Bulgaria provide to demonstrate that the deliverables of the projects listed in paragraph 29 of the report will translate into an improvement or development of the technical competence of the staff within the national system, including with regard to information on activities under Article 3, paragraph 3, of the Kyoto Protocol, and contribute to the strengthening of the Party's institutional arrangements to ensure that its annual submission is prepared, for each year of the commitment period, in accordance with the applicable guidelines?⁵
 - What additional action, if any, must be taken by Bulgaria to ensure that its annual submission is sufficiently transparent, consistent, comparable and accurate?
- d. What would be required to review and ascertain the implementation of any action Bulgaria may have taken since the ERT finalized its report or may take in the future with respect to the question of implementation?
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 question of implementation since the ERT conducted the review.

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⁵ UNFCCC reporting guidelines, “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1), the revised 1996 IPCC Guidelines for National Greenhouse Gas Inventories (available at <<http://www.ipcc-nggip.iges.or.jp/public/gl/invs1.htm>>), the IPCC good practice guidance and the IPCC good practice guidance for LULUCF.