

COMMENTS FROM BULGARIA ON THE FINAL DECISION
(CC-2010-8/Bulgaria/EB)



BOTSCHAFT DER REPUBLIK BULGARIEN
IN DER BUNDESREPUBLIK DEUTSCHLAND
BOTSCHAFTER

Pv-21-352 / 21. 07. 10

WRITTEN RESPONSE REGARDING FINAL DECISION
CONCERNING BULGARIA

21 July 2010

MR. FENG GAO
Secretary to the Compliance Committee
UNFCCC Secretariat
Haus Carstanjen, Martin-Luther-King-Strasse 8
D-53175 Bonn, Germany

DEAR MR.FENG GAO,

In accordance with rule 22, paragraph 2 of the "Rules of procedure of the Compliance Committee of the Kyoto Protocol" please find attached written response by Bulgaria on the final decision concerning Bulgaria and the text of the Intervention made by Bulgaria at the meeting of the Enforcement Branch on 28 June 2010.

Attachments:

1. Comments by Bulgaria on the final decision of the Enforcement Branch, adopted in Bonn, on 28 June 2010.
2. Text of the Intervention made by Bulgaria at the meeting of the Enforcement Branch on 28 June 2010

Sincerely,



AMBASSADOR IVO PETROV

**COMMENTS BY BULGARIA ON THE FINAL DECISION
CONCERNING BULGARIA
ADOPTED BY THE ENFORCEMENT BRANCH
ON 28 JUNE 2010**

In accordance with rule 22, paragraph 2 of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” Bulgaria herein provides written response on the final decision by the Enforcement Branch.

Bulgaria expresses its disappointment of the final decision which confirmed the preliminary finding of 12 May 2010 regarding Bulgaria.

Our disappointment comes from the fact that the fundamental actions taken by Bulgaria since the ERT in-country review to improve its national system were not taken into account by the Enforcement Branch in the course of its decision-making process.

The final decision, as the preliminary finding, is based mainly on the findings and conclusions made by the ERT during its visit to Bulgaria in September-October 2009. However, there have been substantial improvements to the national system since then, which were duly reported through the following communications by Bulgaria:

- on 16 November 2009 Bulgaria submitted a work plan with measures addressing improvement of the institutional arrangements, technical competence of staff and quality of the annual inventory submission;
- on 16 February 2010 Bulgaria submitted an update of the work plan with progress report of scheduled projects, training workshops and the accomplished institutional cooperation agreements;
- in its written submission of 5 May 2010 and in its presentation at the hearing on 10 May Bulgaria has provided detailed information and clearly demonstrated its institutional and legal arrangements and measures undertaken to strengthen the national inventory system;
- On 15 June 2010 Bulgaria presented a detailed sector-based improvement plan with specific priorities and deadlines to be met in order to achieve speedy solution of outstanding issues and the improvement of its national system.

Bulgaria believes that the expedited procedure, laid down in Section X of “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, does not provide the country concerned with adequate opportunities to effectively prove the progress made and thereby avoid the serious economic and financial consequences stemming from the inevitable, in the current circumstances, confirmation of non-compliance. Such a procedure is hardly justifiable, especially when it is linked to application of mechanisms under Articles 6, 12 and 17 embodying basic principles and rights of Parties under the Kyoto Protocol. Therefore, we advocate that in the period between

the preliminary finding and the final decision there should be appropriate time and conditions set for the country concerned to make reasonable efforts and demonstrate progress sufficient to alter the final outcome.

We noted with due respect the efforts made by the Enforcement Branch to accommodate to certain extend our concerns regarding the text in section “Conclusions and reasons”, paragraph 14 of the preliminary finding. We take this as a positive sign of recognition by the Enforcement Branch of our willingness and efforts made to address the outstanding issues as early as possible. In this vein, we consider the respective part of the addition to the section “Conclusions and reasons” as reflecting a more balanced and equitable approach. However, our justified doubts are not sufficiently met since in the further submission of 15 June 2010 and the intervention made during the 28 June 2010 meeting we did not question the right of the Enforcement Branch to seek expert advice but only the level of objectivity and correctness of quotation of expert opinions as they were presented at the hearing on 10 May 2010.

Bulgaria reconfirms its intention to provide a 2010 resubmission (CRF tables and NIR) as well as an updated Improvement plan by 12 August 2010 to further demonstrate the substantial progress made by the country.

Following Section X, paragraph 2 of “Procedures and mechanisms of the Compliance Committee” Bulgaria confirms its intention to request an in-country review to be carried out in September-October 2010, following our resubmission. We express our hopes and expectations for a fair and equitable treatment and prompt resolution of the matter within a short period of time following the in-country review in September-October 2010.

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