

DECISION ON EXPERT ADVICE

Party concerned: Romania

In accordance with the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol, and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (the rules of procedure),¹ the enforcement branch adopts the following decision.

BACKGROUND

1. In its preliminary finding dated 8 July 2011 (CC-2011-1-6/Romania/EB), the enforcement branch reached the determination that Romania was not in 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). The branch confirmed its preliminary finding in a final decision (CC-2011-1-8/Romania/EB) on 27 August 2011.
2. On 2 November 2011, Romania submitted a plan (CC-2011-1-9/Romania/EB), as required by paragraph 24 (b) of the preliminary finding (CC-2011-1-6/Romania/EB) and confirmed by the final decision (CC-2011-1-8/Romania/EB), in accordance with paragraph 2 of section XV² and paragraph 1 of rule 25 bis of the rules of procedure (hereinafter referred to as the “plan”). The plan included the first progress report on its implementation. On 26 January 2012, Romania submitted the second progress report on the implementation of the plan (CC-2011-1-12/Romania/EB).
3. On 27 February 2012, the report of the individual review of the annual submission of Romania submitted in 2011 and contained in FCCC/ARR/2011/ROU (2011 ARR) was published following an in-country review, conducted from 26 September to 1 October 2011. On 23 March 2012, Romania submitted the third progress report on its plan together with a request to the enforcement branch, pursuant to paragraph 2 of section X, to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2011-1-13/Romania/EB).

REASONS AND CONCLUSIONS

4. The branch notes that, in the 2011 ARR, the expert review team that conducted the review referred to in paragraph 3 above (ERT), concluded that Romania’s national system performs its required functions as set out in the annex to decision 19/CMP.1³ and noted the improvements in the general and specific functions of the national system.⁴ The branch also notes that no question of implementation was identified in the 2011 ARR.⁵
5. At the same time, the ERT identified the need for further improvements in relation to the proper functioning of the national system.⁶ The branch notes that, while the ERT concluded that significant improvements had been made by Romania in the inventory for land use, land-use change and forestry activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol (hereinafter referred to as “KP-LULUCF activities”), it also concluded that further improvements are still required.⁷

¹ All references to the rules of procedure in this document refer to the rules contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

² All section references in this document refer to the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” contained in the annex to decision 27/CMP.1.

³ Paragraphs 12 and 216.

⁴ Paragraph 12.

⁵ Paragraph 221.

⁶ In particular, paragraphs 12 and 216.

⁷ In particular, paragraph 213.

6. The branch considers that it needs to receive advice from experts in relation to its consideration of Romania's request for reinstatement. These experts should include one of the reviewers and the LULUCF specialist of the ERT, and one expert who was not part of any of the expert review teams that prepared the relevant reports.

7. The expert advice will be required during the meeting at which the branch will consider the request to reinstate Romania's eligibility. This meeting is scheduled to take place from 9 to 14 July 2012. Experts from whom advice is sought are invited to be available from 11 to 13 July 2012.

8. In particular, advice will be sought on the relationship between specific observations, recommendations and conclusions set out in the 2011 ARR in relation to Romania's national system, including the paragraphs where:

- (a) It is noted that some methodological changes are still in progress and the full impact of these changes will be further assessed in future annual submissions;⁸
- (b) It is noted that further improvements are still required with regard to: ensuring the continuity of methodological changes; strengthening the interaction between the National Environmental Protection Agency and data providers and research contractors at other agencies; improving the quality assurance/quality control activities; and improving the documentation in the national inventory report for all sectors on the methodologies, activity data and emission factors used, in order to increase the transparency of reporting;⁹
- (c) It is noted that further improvements are still required with regard to the inventory for KP-LULUCF activities;¹⁰
- (d) It is concluded that the national system performs its required functions as set out in the annex to decision 19/CMP.1, but the need for further improvements ensuring the continuity of the proper functioning of the national system is noted.¹¹

9. The enforcement branch also intends to seek the opinion of and ask questions to the invited experts on whether the implementation by Romania of the measures contained in the plan remedies the non-compliance referred to in paragraph 1 above.

10. The enforcement branch may put detailed follow-up questions to the invited experts during the meeting, referred to in paragraph 7 above.

DECISION

11. In accordance with paragraph 5 of section VIII, rule 21 of the rules of procedure and the considerations in paragraph 6 above, the enforcement branch decides to seek expert advice on the 2011 ARR and the implementation of the plan by Romania from the following experts:

- Mr. Marcelo Rocha (Brazil), a LULUCF expert who was not part of the expert review teams that prepared the relevant reports;
- Ms. Daniela Romano (Italy), one of the reviewers of the ERT; and
- Mr. Robert Waterworth (Australia), the LULUCF expert in the ERT.

12. The expert advice is to be received in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the rules of procedure.

This decision was adopted by consensus on 27 June 2012.

⁸ In particular, paragraph 7.

⁹ In particular, paragraphs 12 and 211.

¹⁰ In particular, paragraph 213.

¹¹ Paragraph 216.