
DECISION UNDER PARAGRAPH 2 OF SECTION X CONCERNING THE REQUEST FOR REINSTATEMENT

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.

I. BACKGROUND

1. The final decision of the enforcement branch taken on 27 August 2011 (CC-2011-1-8/Romania/EB) gave effect to the consequences contained in paragraph 24 of the preliminary finding of the branch, as confirmed by and annexed to the final decision. According to subparagraph (a) of that paragraph, Romania was declared to be in non-compliance; according to subparagraph (b), Romania was required to develop a plan referred to in paragraph 1 of section XV,² in accordance with paragraphs 2 and 3 of section XV and paragraph 1 of rule 25 bis; and according to subparagraph (c), Romania’s eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol was suspended in accordance with the relevant provisions under those Articles pending the resolution of the question of implementation.

2. On 2 November 2011, Romania submitted a document entitled “Section XV(2) Plan” (CC-2011-1-9/Romania/EB; hereinafter referred to as the “plan”), which included a first progress report on its implementation. In accordance with paragraph 2 of rule 10 of the rules of procedure, the plan and progress report were deemed received by the enforcement branch on 3 November 2011.

3. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the branch reviewed and assessed the plan submitted by Romania at its sixteenth meeting, held in Bonn from 14 to 18 November 2011, and provided inputs to Romania.³ On 15 November 2011, the enforcement branch adopted a decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2011-1-11/Romania/EB) that concluded that the plan sets out and adequately addresses each of the elements specified in paragraph 2 of section XV and, if implemented in accordance with this decision, is expected to remedy the non-compliance. The branch noted that not all the measures described in the plan had yet been implemented and urged Romania to carry out all the measures contained in the plan.⁴

4. On 1 February 2012, Romania submitted its second progress report on the implementation of the plan (CC-2011-1-12/Romania/EB) which was forwarded to members and alternative members of the enforcement branch on 2 February 2012.

5. The enforcement branch considered the second progress report at its eighteenth meeting which took place on 7–8 and 10 February 2012 and made a number of recommendations to Romania.⁵

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 CC/EB/16/2011/2, paragraph 9.

⁴ Paragraph 5, decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2011-1-11/Romania/EB).

⁵ CC/EB/18/2012/3, paragraph 19.

6. On 27 February 2012, the report of the individual review of the annual submission of Romania submitted in 2011, contained in FCCC/ARR/2011/ROU (2011 ARR), was published following an in-country review, conducted from 26 September to 1 October 2011. On 1 March 2012, the secretariat forwarded the 2011 ARR to the Compliance Committee, including the members and alternate members of the enforcement branch, in accordance with paragraph 3 of section VI.

7. On 23 March 2012, Romania submitted the third progress report on the implementation of the plan and a request to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol, in accordance with paragraph 2 of section X (CC-2011-1-13/Romania/EB).

8. On 27 June 2012, the enforcement branch decided to invite three experts drawn from the UNFCCC roster of experts to provide advice to the branch (CC-2011-1-14/Romania/EB). These included the generalist and the land use, land-use change and forestry (LULUCF) expert that reviewed Romania's 2011 annual submission, as well as one expert who was not part of any of the expert review teams which prepared the relevant reports.

9. During the twentieth meeting of the enforcement branch, held in Bonn from 9 to 14 July 2012, the branch considered the request to reinstate Romania's eligibility in accordance with paragraph 2 of section X. The enforcement branch received advice from the three invited experts during the meeting. In its deliberations, the enforcement branch considered the 2011 ARR, the three progress reports on the implementation of the plan and the additional information presented by Romania at the twentieth meeting of the branch, and the expert advice received.

II. REASONS AND CONCLUSIONS

10. In the 2011 ARR, the expert review team (ERT) found that:

- (a) Romania's inventory submission has been prepared and reported in accordance with the "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/2006/9,⁶ and the information required under Article 7, paragraph 1, of the Kyoto Protocol has been prepared and reported in accordance with decision 15/CMP.1.⁷
- (b) The inventory is generally in line with the Revised 1996 Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories,⁸ the IPCC Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories⁹ and the IPCC Good Practice Guidance for Land Use, Land Use Change and Forestry (IPCC Good Practice Guidance for LULUCF)¹⁰ although a number of improvements are needed, especially with regard to the transparency of the reporting on the methodologies and assumptions applied in the estimation process, and the overall accuracy of the inventory, through a better implementation of quality assurance and quality control activities and verification procedures;¹¹
- (c) Significant improvements were made by Romania in the inventory for the activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol (KP-LULUCF activities) since the 2010 submission, in particular the improved representation of lands, and the improvements in completeness and transparency. It also concluded that the methods used to estimate emissions and removals for the KP-LULUCF activities, including forest

⁶ Paragraph 209, 2011 ARR.

⁷ Paragraph 210, 2011 ARR.

⁸ Available at <<http://www.ipccnggip.iges.or.jp/public/gl/invs1.htm>>.

⁹ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gp/english/>>.

¹⁰ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gpglulucf/gpglulucf.htm>>.

¹¹ Paragraph 211, 2011 ARR.

management, while requiring improvement, are largely in line with the IPCC Good Practice Guidance for LULUCF;¹²

- (d) The 2011 inventory submission shows significant improvement in the functions of the national system and the system performs its required functions, although there is a need for further improvements ensuring the continuity of its proper functioning.¹³

11. While no questions of implementation were identified by the ERT during the review,¹⁴ the ERT made a number of recommendations, including with regard to various aspects of the national system.¹⁵

12. In response to the questions raised in the decision on expert advice referred to in paragraph 8 above and at the twentieth meeting, the invited experts clarified a number of issues in relation to the recommendations contained in the 2011 ARR, including the following:

- (a) In its 2011 annual submission and during the review, Romania demonstrated that it collected activity data, processed information and applied emissions factors and calculated uncertainty estimates as required by paragraph 14 of the annex to decision 19/CMP.1;
- (b) With regard to LULUCF, a revised land use and land-use change matrix as well as emissions/removal estimates for a number of pools were provided and evidence for other pools not being net sources of emissions in 2009 was included in the 2011 ARR, in accordance with paragraph 6 (e) of the annex to decision 15/CMP.1. In this regard, some further clarifications had to be made by Romania during the review and the ERT recommended that such information be included in the future annual submissions of Romania;
- (c) Although, in the course of the in-country review, the ERT had to seek further details and explanations in relation to the information included in the 2011 annual submission of Romania, Romania had been able to generate the necessary data during the review. This ability to respond quickly and effectively also demonstrated that the national system was functioning.

13. The experts also clarified that, in their view, the review of the annual submission of Romania demonstrated that the national system met the mandatory requirements. Although a number of recommendations were included in the 2011 ARR, these were aimed at further improving the functioning of the system, in particular to ensure that the relevant information is included in the future annual submissions rather than only provided during the review. Overall, the necessary procedures and plans were in place and were being implemented in a way that met the mandatory requirements.

14. The enforcement branch concludes, on the basis of the information submitted and presented, that the information now available is sufficient to determine that the question of implementation considered by the branch¹⁶ has been resolved.

15. The branch notes that not all the measures described in Romania's plan have yet been implemented. The branch urges Romania to fully implement the measures contained in its plan and to include a progress report on the implementation of the plan in its 2013 annual submission.

¹² Paragraph 213, 2011 ARR.

¹³ Paragraph 216, 2011 ARR.

¹⁴ Paragraph 221, 2011 ARR.

¹⁵ Paragraph 219, 2011 ARR.

¹⁶ Paragraph 4, decision on preliminary examination (CC-2011-1-2/Romania/EB).

III. DECISION

16. In accordance with paragraph 2 of section X, the branch decides that there no longer continues to be a question of implementation with respect to Romania's eligibility, and that Romania is now fully eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol.

Members and alternate members participating in the consideration and elaboration of the decision: Mohammad ALAM, Joseph AMOUGOU, Mirza Salman BABAR BEG, Sandea JGS DE WET, Victor FODEKE, José Antonio GONZALEZ NORRIS, Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Ainun NISHAT, Sebastian OBERTHÜR, Oleg SHAMANOV.

Members and alternate members participating in the adoption of the decision: Mohammad ALAM (alternate member serving as member), Sandea JGS DE WET, Victor FODEKE, Antonio GONZALEZ NORRIS (alternate member serving as member), Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Ainun NISHAT, Sebastian OBERTHÜR.

This decision was adopted by consensus in Bonn on 13 July 2012, 10:42:59, Greenwich Mean Time.