

DECISION ON PRELIMINARY EXAMINATION

Party concerned: Romania

1. On 11 May 2011, the secretariat received a question of implementation indicated in the report of the expert review team of the individual review of the annual submission of Romania submitted in 2010 and contained in document FCCC/ARR/2010/ROU. In accordance with paragraph 1 of section VI¹ and paragraph 2 of rule 10 of the “Rules of procedure of the Compliance Committee” (the rules of procedure),² the question of implementation was deemed received by the Compliance Committee on 12 May 2011.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 16 May 2011 under paragraph 1 of section VII, in accordance with paragraphs 4 (b) and (c) of section V and paragraph 1 of rule 19 of the rules of procedure.
3. On 17 May 2011, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with paragraph 2 of rule 19 of the rules of procedure, and of its allocation to the enforcement branch.
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). In particular, the expert review team found that the national system fails to perform some of the specific functions required by the annex to decision 19/CMP.1 in relation to inventory preparation. In addition, the expert review team found that the national system is unable to comply with the requirements for the preparation of information under Article 7, paragraph 1, of the Kyoto Protocol, in particular for the land use, land-use change and forestry activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol as set out in the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” and the “Definitions, modalities, rules and guidelines relating to land use, land-use change and forestry activities under the Kyoto Protocol” (annexes to decisions 15/CMP.1 and 16/CMP.1, respectively).³
5. The question is related to the eligibility requirement referred to in paragraph 31 (c), annex to decision 3/CMP.1, paragraph 21 (c), annex to decision 9/CMP.1 and paragraph 2 (c), annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in section X apply.
6. Having conducted the preliminary examination in accordance with paragraph 2 of section VII and paragraph 1 (a) of section X, the enforcement branch decides to proceed. In particular, the enforcement branch notes that the question of implementation raised in the report by the expert review team of the individual review of the annual submission of the Party concerned submitted in 2010 as indicated in paragraph 4 above is supported by

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

² Contained in the annex to decision 4/CMP.2, as amended by decision 4/CMP.4.

³ See paragraphs 20, 21, 27, 108, 142, 144, 178 and 185–187 of the report of the expert review team contained in FCCC/ARR/2010/ROU.

sufficient information, is not de minimis or ill-founded, and is based on the requirements of the Kyoto Protocol.

7. In accordance with paragraph 5 of section VIII and rule 21 of the rules of procedure, the enforcement branch agrees to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/ARR/2010/ROU and on issues related to any decision of the enforcement branch with regard to the indicated question of implementation.

Members and alternate members participating in the consideration and elaboration of the decision: Mohammad ALAM, Joseph AMOUGOU, Raúl ESTRADA-OYUELA, Victor FODEKE, Balisi Justice GOPOLANG, René LEFEBER, Mary Jane MACE, Stephan MICHEL, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Iryna RUDZKO, Oleg SHAMANOV, SU Wei.

Members participating in the adoption of the decision on preliminary examination: Joseph AMOUGOU (alternate member serving as member), Raúl ESTRADA-OYUELA, Victor FODEKE, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, SU Wei.

This decision was adopted by consensus on 27 May 2011.