

DECISION TO DEFER THE ADOPTION OF A DECISION UNDER PARAGRAPH 2 OF SECTION X

Party concerned: Ukraine

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. On 13 January 2012, the report of the individual review of the annual submission of Ukraine submitted in 2011 (FCCC/ARR/2011/UKR; hereinafter referred to as the 2011 ARR) was published following an in-country review which was conducted from 10 to 15 October 2011. On 23 January 2012, Ukraine submitted a request to the enforcement branch, pursuant to paragraph 2 of section X,² to consider the adoption of a decision to reinstate Ukraine’s eligibility at the eighteenth meeting of the enforcement branch (CC-2011-2-12/Ukraine/EB).

2. On 7 February 2012, Ukraine submitted the “First progress report submitted in accordance with paragraph 5 of the Decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2011-2-11/Ukraine/EB) adopted by the Enforcement Branch concerning Ukraine and in accordance with section XV, paragraph 3 of the Procedures and mechanisms relating to compliance under the Kyoto Protocol” (CC-2011-2-13/Ukraine/EB; hereinafter referred to as the first progress report).

REASONS AND CONCLUSIONS

3. Under paragraph 2 of section X, in response to a request for reinstatement submitted directly to it by a Party concerned, the branch is required to take a decision as soon as possible.

4. The branch commends Ukraine for the submission of the first progress report before the date indicated at its seventeenth meeting and for the significant progress already made, as reflected in the 2011 ARR. The branch notes that not all the measures described in Ukraine’s plan³ have yet been implemented and urges Ukraine to carry out all the measures contained in the plan. The branch welcomes Ukraine’s statement that it will submit further progress reports by 1 May 2012 and 1 November 2012.

5. The branch further notes that no question of implementation was identified in the 2011 ARR.⁴

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 “Plan submitted in accordance with paragraph 24 (b) of the preliminary finding (CC-2011-2-6/Ukraine/EB), confirmed by the final decision of the Enforcement Branch concerning Ukraine (CC-2011-2-9/Ukraine/EB) and in accordance with section XV, paragraph 2 of the Procedures and mechanisms relating to compliance under the Kyoto Protocol and rule 25 bis of the Rules of procedure of the Compliance Committee of the Kyoto Protocol” (CC-2011-2-10/Ukraine).

⁴ Paragraph 197.

6. However, in its consideration of the request for reinstatement, that is based on the 2011 ARR, the branch notes that in the 2011 ARR it is, inter alia:

- (a) Concluded that the national system performs its required functions, but also recognized that “parts of the national system relating to the LULUCF sector of the inventory and reporting of activities under KP-LULUCF need to be further improved”⁵ and identified that there is “a need to further incorporate the LULUCF sector into the national system”;⁶
- (b) Recommended that “Ukraine use the GIS database in its assessment of land uses and land-use changes in its 2014 submission at the latest [...], thereby ensuring consistency between different data sources and coherence of the reported data”;⁷
- (c) Concluded that “Ukraine’s inventory is generally in line with the Revised 1996 IPCC Guidelines, the IPCC good practice guidance and the IPCC good practice guidance for LULUCF”, but also that some areas of Ukraine’s inventory are not completely in line with these guidelines, namely:

“(a) The application of the IPCC good practice guidance QA/QC methods to ensure consistency between the data reported in the NIR and in the CRF tables (e.g. in the industrial processes, agriculture and waste sectors);

(b) General issues relating to transparency across all sectors;

(c) The allocation of some emissions within and between the energy and the industrial processes sectors, and within the LULUCF sector”.⁸

7. In light of the uncertainties arising from the above, the branch recognizes that it needs further clarification in order to be in a position to conclude its consideration of the request for reinstatement. For this reason, the branch wishes to seek advice from experts, including one or more members of the expert review team that prepared the 2011 ARR.

DECISION

8. The branch decides to defer the adoption of a decision under paragraph 2 of section X pending the receipt of expert advice.

Members and alternate members participating in the consideration and elaboration of the decision: Mirza Salman BABAR BEG, Sandea JGS DE WET, Victor FODEKE, José Antonio GONZALEZ NORRIS, Balisi GOPOLANG, Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Sebastian MARINO, Sebastian OBERTHÜR, Oleg SHAMANOV.

⁵ Paragraph 22. ‘LULUCF’ refers to land use, land-use change and forestry and ‘KP-LULUCF’ to activities under Article 3, paragraph 3, and elected activities under Article 3, paragraph 4, of the Kyoto Protocol.

⁶ Paragraph 191.

⁷ Paragraph 125; see also paragraphs 129 and 164. ‘GIS’ refers to geographic information systems.

⁸ Paragraph 186. ‘IPCC’ refers to the Intergovernmental Panel on Climate Change; the ‘Revised 1996 IPCC Guidelines’ refers to the Revised 1996 IPCC Guidelines for National Greenhouse Gas Inventories, <<http://www.ipcc-nggip.iges.or.jp/public/gl/invsl.htm>>; the ‘IPCC good practice guidance’ to the Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories, <<http://www.ipcc-nggip.iges.or.jp/public/gp/english/>>; ‘IPCC good practice guidance for LULUCF’ to the IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry, <<http://www.ipcc-nggip.iges.or.jp/public/gp/lulucf/gp/lulucf.htm>>; ‘QA/QC’ refers to quality assurance/quality control; ‘NIR’ to the national inventory report; and ‘CRF’ to the common reporting format.

Members participating in the adoption of the decision: Mirza Salman BABAR BEG (alternate member serving as member), Sandea JGS DE WET, Victor FODEKE, José Antonio GONZALEZ NORRIS (alternate member serving as member), Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Sebastian OBERTHÜR.

This decision was adopted by consensus on 10 February 2012.
