

### **EXPERT ADVICE: UKRAINE**

1. The enforcement branch agreed to seek expert advice on the report of the expert review team (ERT) contained in document FCCC/ARR/2011/UKR. The branch considers that it needs to receive expert advice in relation to its consideration of Ukraine's request that the branch reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2011-2-12/Ukraine/EB). The nineteenth meeting of the enforcement branch, at which it will continue its consideration of the request for reinstatement, is scheduled to take place from 8 to 9 March 2012.
2. Experts from whom advice is sought are invited to be available on both days. The enforcement branch will receive expert advice in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the rules of procedure of the Compliance Committee contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.
3. The following experts are to be invited:
  - Mr. Philip Acquah (Ghana)
  - Ms. Marina Vitullo (Italy)

### **Indicative list of questions**

4. In the context of the question of implementation indicated in the ERT report contained in FCCC/ARR/2010/UKR, in its preliminary finding dated 25 August 2011 (see document CC-2011-2-6/Ukraine/EB), the enforcement branch reached the determination that Ukraine 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 (document CC-2011-2-9/Ukraine/EB) on 12 October 2011.
5. Following an in-country review that took place from 10 to 15 October 2011, the report of the individual review of the annual submission of Ukraine submitted in 2011 contained in document FCCC/ARR/2011/UKR was published on 13 January 2012 (2011 ARR). On 23 January 2012, Ukraine submitted a request to the enforcement branch, pursuant to paragraph 2 of section X,<sup>1</sup> to consider the adoption of a decision to reinstate Ukraine's eligibility at its eighteenth meeting (CC-2011-2-12/Ukraine/EB).
6. In accordance with paragraph 2 of section X, the branch began its consideration of Ukraine's request for reinstatement during its eighteenth meeting held in Bonn from 7 to 8 and 10 February 2012. In its consideration of Ukraine's request, that is based on the 2011 ARR, the branch recognized that it needed further clarification in order to be in a position to conclude its consideration of the request for reinstatement and decided to defer the adoption of a decision

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<sup>1</sup> 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.

under paragraph 2 of section X pending the receipt of expert advice, including from one or more members of the ERT that prepared the 2011 ARR (CC-2011-2-14/Ukraine/EB).

7. The enforcement branch will seek the opinion of and ask questions to the invited experts in relation to the in-country review of the annual submission of Ukraine submitted in 2011 that took place from 10 to 15 October 2011 and the preparation and contents of the ERT report contained in document FCCC/ARR/2011/UKR.

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

- (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”<sup>2</sup> and identified that there is “a need to further incorporate the LULUCF sector into the national system”;<sup>3</sup>
- (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”;<sup>4</sup>
- (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”.<sup>5</sup>

9. The enforcement branch will put more detailed questions to the invited experts at the meeting referred to in paragraph 1 above.

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<sup>2</sup> 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.

<sup>3</sup> Paragraph 191.

<sup>4</sup> Paragraph 125; see also paragraphs 129 and 164. ‘GIS’ refers to geographic information systems.

<sup>5</sup> 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/invs1.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.