

DECISION ON PRELIMINARY EXAMINATION

Party concerned: Ukraine

1. On 3 June 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 Ukraine submitted in 2010 and contained in document FCCC/ARR/2010/UKR. 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 6 June 2011.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 13 June 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 14 June 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 of Ukraine fails to perform some of the general and specific functions required by the annex to decision 19/CMP.1 and that the national system did not ensure that Ukraine’s 2010 annual submission was sufficiently transparent, consistent, comparable, complete and accurate, as required by the annex to decision 19/CMP.1, the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1), the UNFCCC reporting guidelines,³ the Intergovernmental Panel on Climate Change (IPCC) Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories,⁴ and the IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry.⁵ The expert review team also found that the national system is not able to ensure that areas of land subject to land use, land-use change and forestry activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol are identifiable in accordance with paragraph 20 of the “Definitions, modalities, rules and guidelines relating to land use, land-use change and forestry activities under the Kyoto Protocol” (annex to decision 16/CMP.1).⁶
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),

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 “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.

⁴ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gp/english/>>.

⁵ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gpglulucf/gpglulucf.htm>>.

⁶ See paragraphs 184–186, 188 and 191 of the report of the expert review team contained in FCCC/ARR/2010/UKR.

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 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/UKR 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, Sandea JGS DE WET, Raúl ESTRADA-OYUELA, Victor FODEKE, Tuomas KUOKKANEN, René LEFEBER, Mary Jane MACE, Stephan MICHEL, Ainun NISHAT, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, Mohamed SHAREEF, SU Wei.

Members participating in the adoption of the decision on preliminary examination: Sandea JGS DE WET, Raúl ESTRADA-OYUELA, Victor FODEKE, René LEFEBER, Stephan MICHEL, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, Mohamed SHAREEF, SU Wei.

This decision was adopted by consensus on 29 June 2011.