

EXPERT ADVICE: UKRAINE

1. The enforcement branch agreed to seek expert advice on the content and basis of the report of the expert review team (ERT) 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 (CC-2011-2-2/Ukraine/EB, paragraph 7). The branch intends to receive the expert advice during its meeting to conduct a possible hearing (if so requested by the Party concerned) as well as deliberate on, elaborate and adopt a preliminary finding or a decision not to proceed further. This meeting is scheduled to take place 22–27 August 2011.
2. Experts from whom advice is sought are invited to be available from 23 to 25 August 2011. 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:
 - Ms. Tatiana Tugui (Moldova) or if she is unavailable, Ms. Marina Vitullo (Italy)
 - Mr. Leif Hockstad (United States of America)
 - Ms. Anke Herold (Germany)
 - Mr. Daniel Martino (Uruguay)

Indicative list of questions

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; hereinafter referred to as “guidelines for national systems”). 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 guidelines for national systems, 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,¹ the Intergovernmental Panel on Climate Change (IPCC) Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories,² and the IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry.³ 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

¹ “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.

² Available at <<http://www.ipcc-nggip.iges.or.jp/public/gp/english/>>.

³ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gp/lulucf/gp/lulucf.htm>>.

land use, land-use change and forestry activities under the Kyoto Protocol” (annex to decision 16/CMP.1).⁴

5. In the context of this question of implementation, the enforcement branch will in particular seek the opinion of and ask questions to the invited experts on the following issues:

- a. What is the nature and scope of the unresolved problems identified in the report of the individual review of the annual submission of Ukraine submitted in 2010 with respect to compliance with the guidelines for national systems, including the following more specific questions:
 - Which unresolved problems substantiate the conclusion that the national system fails to perform some of the general and specific functions required by “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)?
 - Which unresolved problems substantiate the conclusion that the Ukrainian national system does not fully comply with “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1)?
 - Which unresolved problems substantiate the conclusion that Ukraine’s national system did not ensure that its 2010 annual submission was sufficiently transparent, consistent, comparable, complete and accurate?
 - Which unresolved problems substantiate the conclusion that Ukraine’s national system is unable to ensure that areas of land subject to land use, land-use change and forestry (LULUCF) activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol are identifiable in accordance with paragraph 20 of the annex to decision 16/CMP.1?
 - What is the relationship between the need for the ERT to apply four adjustments, as described in section IV of the ERT report referred to in paragraph 1 above and the unresolved problems relating to Ukraine’s national system?
 - Were there any changes in the national system since the annual submission of Ukraine submitted in 2009 which led to the emergence of an unresolved problem relating thereto?
 - How does Ukraine’s inability to implement, in a timely manner, the recommendations made in the current and previous review reports relate to the failure of Ukraine’s national system to perform some of its general and specific functions?

⁴ See paragraphs 184–186, 188 and 191 of the report of the expert review team contained in FCCC/ARR/2010/UKR.

- b. What actions should be taken and which information should be submitted by Ukraine to resolve the question of implementation, including the following more specific questions:
- What are the changes in the national system that need to be implemented by Ukraine as a matter of priority to ensure that its national system can perform all the general and specific functions required by the guidelines for national systems at the soonest possible time?
 - What actions should Ukraine plan and implement to improve the national system to ensure that it can perform all the general and specific functions required by the guidelines for national systems?
 - What additional action(s), if any, must be taken by Ukraine to ensure that its annual submission is sufficiently transparent, consistent, comparable, complete and accurate?
- c. What would be required to review and ascertain that any action taken or to be taken by Ukraine addresses and resolves the question of implementation, including the following more specific questions:
- What would be the most effective way to determine if the changes to be implemented in the national system will allow Ukraine's national system to perform all the general and specific functions required by the guidelines for national systems?
 - What would be the most effective way to determine if the measures contained in Ukraine's inventory improvement plan have been implemented?
 - When can the results of Ukraine's inventory improvement plan be realistically expected, and in which annual submission are these results likely to be verifiable?
6. The enforcement branch may put further more detailed follow-up questions to the invited experts during the meeting at which expert advice is received or considered. The branch may also request experts to provide advice on the assessment of any new information received with respect to the question of implementation since the ERT conducted the review.

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