

DECISION ON EXPERT ADVICE

Party concerned: Lithuania

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. In its preliminary finding dated 17 November 2011 (CC-2011-3-6/Lithuania/EB), the enforcement branch reached the determination that Lithuania 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 (CC-2011-3-8/Lithuania/EB) on 21 December 2011.
2. On 26 March 2012, Lithuania submitted a plan (CC-2011-3-9/Lithuania/EB), as required by paragraph 24 (b) of the preliminary finding (CC-2011-3-6/Lithuania/EB) and confirmed by the final decision (CC-2011-3-8/Lithuania/EB), in accordance with paragraph 2 of section XV² and paragraph 1 of rule 25 bis of the rules of procedure (hereinafter referred to as the “plan”). The plan included the first progress report on its implementation.
3. On 2 May 2012, the enforcement branch adopted a decision on the review and assessment of the plan and concluded, based on the information submitted, that Lithuania’s plan meets the requirements set out in paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure (CC-2011-3-11/Lithuania/EB).
4. On 13 April 2012, the report of the individual review of the annual submission of Lithuania submitted in 2011 and contained in FCCC/ARR/2011/LTU (2011 ARR) was published following an in-country review, conducted from 26 September to 1 October 2011. On 14 June 2012, Lithuania submitted the second progress report on its plan together with a request to the enforcement branch, pursuant to paragraph 2 of section X, to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (CC-2011-3-12/Lithuania/EB).

REASONS AND CONCLUSIONS

5. The branch notes that, in the 2011 ARR, the expert review team that conducted the review, referred to in paragraph 4 above (ERT), concluded that “the national system continues to perform its required functions as set out in the annex to decision 19/CMP.1”.³ While the ERT commended Lithuania for the changes introduced since the previous annual submission to improve the institutional capacity and continuity of the inventory preparation process, it noted, however, that additional efforts should be put in place to strengthen the functions of the national system relating to the reporting on land use, land-use change and forestry activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol (hereinafter referred to as “KP-LULUCF activities”) and the archiving system to bring them into full

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 Paragraph 200.

accordance with the annex to decision 19/CMP.1.⁴ The branch also notes that no question of implementation was identified in the 2011 ARR.⁵

6. At the same time, the ERT identified the need for further improvements, in particular regarding certain cross cutting issues.⁶ It also made some key recommendations,⁷ including in relation to the implementation of the Greenhouse Gas (GHG) Inventory Archive Improvement Plan and the action plan to improve reporting on the LULUCF sector.

7. The branch considers that it needs to receive advice from experts in relation to its consideration of Lithuania's request for reinstatement. These experts should include one of the experts who provided expert advice during the meeting at which the hearing was held and the preliminary finding was adopted, one of the lead reviewers and the LULUCF specialist of the ERT, and one expert who was not part of any of the expert review teams which prepared the relevant reports.

8. The expert advice will be required during the meeting at which the branch will consider the request to reinstate Lithuania's eligibility. This meeting is scheduled to take place from 9 to 14 July 2012. Experts from whom advice is sought are invited to be available from 13 to 14 July 2012.

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

- (a) It identified areas for improvement in relation to the land area identification, the choice of methods used for land identification and the estimation of emissions and removals, the use of notation keys, the time series consistency and the transparency of reporting;⁸
- (b) It recommended that Lithuania implement the GHG Inventory Archive Improvement Plan and ensure that the additional efforts are made to strengthen the archiving system in line with the requirements contained in the annex to decision 19/CMP.1;⁹
- (c) It recommended that Lithuania implement the action plan to improve the reporting on the LULUCF sector and provide information on how the harmonisation of data was carried out to help identify KP-LULUCF activities since 1990;¹⁰
- (d) It identified a number of cross-cutting issues for improvement.¹¹

10. The enforcement branch also intends to seek the opinion of and ask questions to the invited experts on whether the implementation by Lithuania of the measures contained in the plan remedies the non-compliance referred to in paragraph 1 above.

11. The enforcement branch may put detailed follow-up questions to the invited experts during the meeting, referred to in paragraph 8 above.

DECISION

12. In accordance with paragraph 5 of section VIII, rule 21 of the rules of procedure and the considerations in paragraph 7 above, the enforcement branch decides to seek expert advice on the 2011 ARR and the implementation of the plan by Lithuania from the following experts:

⁴ In particular, paragraph 200.

⁵ Paragraph 205.

⁶ In particular, paragraph 203.

⁷ Paragraph 204.

⁸ In particular, paragraphs 198 and 204 (a) and (b).

⁹ In particular, paragraph 204 (c).

¹⁰ In particular, paragraph 204 (d).

¹¹ Paragraph 203.

- Ms. Thelma Krug (Brazil), one of the two lead reviewers of the ERT and the LULUCF expert on the team;
- Mr. Marcelo Rocha (Brazil), a LULUCF expert who was not part of the expert review teams that prepared the relevant reports, but provided expert advice during the meeting at which the hearing was held and the preliminary finding was adopted; and
- Mr. Robert Waterworth (Australia), a LULUCF expert who was not part of the expert review teams that prepared the relevant reports.

13. The expert advice is to be received in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the rules of procedure.

This decision was adopted by consensus on 27 June 2012.
