

**DECISION NOT TO INITIATE THE EXPEDITED PROCEDURE REFERRED TO IN
PARAGRAPH 1 OF SECTION X**

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.

I. BACKGROUND

1. On 21 December 2011, the enforcement branch adopted a final decision confirming the preliminary finding of the branch and giving effect to the consequences contained in paragraph 24 of the preliminary finding (CC-2011-3-8/Lithuania/EB). According to subparagraph (a) of that paragraph, Lithuania was declared to be in non-compliance; according to subparagraph (b), Lithuania was required to develop a plan referred to in paragraph 1 of section XV, in accordance with paragraphs 2 and 3 of section XV and paragraph 1 of rule 25 bis; and according to subparagraph (c), Lithuania’s eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol was suspended in accordance with the relevant provisions under those Articles pending the resolution of the question of implementation.

2. On 14 June 2012, Lithuania submitted a request to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol, in accordance with paragraph 2 of section X (CC-2011-3-12/Lithuania/EB).

3. On 14 July 2012, the enforcement branch adopted a decision under paragraph 2 of section X concerning Lithuania’s request for reinstatement (CC-2011-3-14/Lithuania/EB). The branch decided that there continued to be a question of implementation with respect to Lithuania’s eligibility under Articles 6, 12 and 17 of the Kyoto Protocol and, therefore, also decided:

- (a) Not to reinstate Lithuania’s eligibility; and
- (b) To initiate the procedure referred to in paragraph 1 of section X, unless Lithuania requests the branch before 31 July 2012 not to initiate this procedure.

4. On 18 July 2012, the secretariat received a request from Lithuania for the enforcement branch not to initiate the procedure referred to in paragraph 1 of section X “before the report of the review of the National Greenhouse Gas Inventory, submitted in 2012, will be published” (CC-2011-3-15/Lithuania/EB).

II. REASONS AND CONCLUSIONS

5. Paragraph 2 of section X provides that if the enforcement branch considers that there continues to be a question of implementation, the procedure referred to in paragraph 1 of section X applies. In its decision under paragraph 2 of section X concerning the request for reinstatement by Lithuania, the enforcement branch concluded that:

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.

- (a) The unresolved problems referred to in paragraphs 9 to 11 of said decision continued to result in non-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) at the time of the finalization of the report of the individual review of the annual submission of Lithuania submitted in 2011, contained in FCCC/ARR/2011/LTU (2011 ARR);² and
- (b) The information submitted and presented by Lithuania at the twentieth meeting of the branch on the positive steps it has undertaken before and after the finalization of the 2011 ARR to address the unresolved problems referred to in paragraphs 9 to 11 of said decision had not enabled the branch to conclude that the question of implementation had been resolved.³

6. The enforcement branch also concluded that another in-country review is required for the branch to assess compliance with the annex to decision 19/CMP.1.⁴ In this respect, the branch noted that the official report of the next in-country review will not be available in time for the branch to consider such report under the procedure referred to in paragraph 1 of section X and to decide, in the context of this procedure, whether the question of implementation has been resolved. Therefore, the branch considered it appropriate to enable Lithuania to request the branch not to initiate the expedited procedure referred to in paragraph 1 of section X in the light of its conclusion not to reinstate Lithuania’s eligibility under paragraph 2 of section X.⁵

7. The enforcement branch notes that Lithuania has requested the procedure referred to in paragraph 1 of section X not to be initiated “before the report of the review of the National Greenhouse Gas Inventory, submitted in 2012, will be published”. The branch recalls:

- (a) Its decision on preliminary examination where it found that the question of implementation is related to the operation of Lithuania's national system;⁶ and
- (b) Its preliminary finding where it concluded that an in-country review of Lithuania's national system, in conjunction with a review of an annual inventory report that is generated by this system and reflects substantial progress, in particular in the reporting on activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol, is required for the enforcement branch to assess compliance with the annex to decision 19/CMP.1.⁷

8. Based on Lithuania's request and the nature of the question of implementation, the enforcement branch concludes that the initiation of the procedure referred to in paragraph 1 of section X should be deferred pending the receipt by the branch of the report of an in-country review of Lithuania's national system in conjunction with the review of its annual inventory report submitted in 2012.

² Paragraph 15, decision under paragraph 2 of section X concerning the request for reinstatement (CC-2011-3-14/Lithuania/EB).

³ Paragraph 16, decision under paragraph 2 of section X concerning the request for reinstatement (CC-2011-3-14/Lithuania/EB).

⁴ Paragraph 17, decision under paragraph 2 of section X concerning the request for reinstatement (CC-2011-3-14/Lithuania/EB).

⁵ Paragraph 18, decision under paragraph 2 of section X concerning the request for reinstatement (CC-2011-3-14/Lithuania/EB).

⁶ Paragraph 4, decision on preliminary examination (CC-2011-3-2/Lithuania/EB).

⁷ Paragraph 21, preliminary finding (CC-2011-3-6/Lithuania/EB).

III. DECISION

9. The enforcement branch decides not to initiate the procedure referred to in paragraph 1 of section X pending the receipt by the branch of the report of an in-country review of Lithuania's national system in conjunction with the review of its annual inventory report submitted in 2012.

Members and alternate members participating in the consideration and elaboration of the decision: Mohammad ALAM, Sandea JGS DE WET, Raúl ESTRADA-OYUELA, Victor FODEKE, José Antonio GONZÁLEZ NORRIS, Balisi GOPOLANG, Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Ainun NISHAT, Sebastian OBERTHÜR, Marc PALLEMAERTS, Oleg SHAMANOV, SU Wei.

Members participating in the adoption of the decision: Sandea JGS DE WET, Raúl ESTRADA-OYUELA, Victor FODEKE, Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Ainun NISHAT, Sebastian OBERTHÜR, SU Wei.

This decision was adopted unanimously in Bonn on 31 July 2012.

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