

DECISION UNDER PARAGRAPH 2 OF SECTION X CONCERNING REINSTATEMENT

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 (procedures and mechanisms),¹ and adopted under Article 18 of the Kyoto Protocol, and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (rules of procedure),² the enforcement branch adopts the following decision.

I. BACKGROUND

1. The final decision of the enforcement branch taken on 21 December 2011 (CC-2011-3-8/Lithuania/EB) gave effect to the consequences contained in paragraph 24 of the preliminary finding of the branch, as confirmed by and annexed to the final decision. 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 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 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).

5. On 31 July 2012, the branch adopted a decision not to initiate the expedited procedure referred to in paragraph 1 of section X pending 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 (CC-2011-3-16/Lithuania/EB).

6. On 11 October 2012, the report on the expedited in-country review for Lithuania conducted from 28 to 29 September 2012 (expedited review report) was published (FCCC/EXP/2012/LTU). On 12 October 2012, the secretariat forwarded the expedited review report to the Compliance Committee,

¹ All section references in this document refer to the procedures and mechanisms.

² 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.

including to the members and alternate members of the enforcement branch, in accordance with paragraph 3 of section VI.

7. On 23 October 2012, the branch decided to invite two experts drawn from the UNFCCC roster of experts to provide advice to the branch (CC-2011-3-17/Lithuania/EB). These experts were part of the expert review teams that conducted the expedited review referred to in paragraph 6 above and the in-country review of the annual report submitted by Lithuania in 2012 (2012 annual submission) that took place from 1 to 6 October 2012.

8. The branch addressed the question of implementation with respect to Lithuania³ during its twenty-first meeting held in Bonn from 22 to 24 October 2012 to, inter alia, consider this matter.⁴ Lithuania was represented at this meeting in accordance with paragraph 2 of section VIII and made a statement. The branch received advice from the two invited experts during the meeting.

II. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED

9. In its deliberations, the branch considered the expedited review report, the additional information presented orally by Lithuania, and the expert advice received.

10. In the expedited review report, the expert review team found that:

- (a) Lithuania's archiving system is fully in line with the relevant requirements of the guidelines for national systems;⁵
- (b) Lithuania has in place all institutional arrangements and compiles all necessary data to identify the lands subject to activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol and to enable accurate estimates of greenhouse gas emissions and removals associated with these activities;⁶ and
- (c) Lithuania has fully addressed the relevant issues for improvement raised in the review reports of Lithuania's 2010 and 2011 annual submissions and in the decision of the enforcement branch of the Compliance Committee on 14 July 2012.⁷

11. At the meeting, Lithuania requested the branch to reinstate its eligibility to participate in the mechanisms under Article 6, 12 and 17 of the Kyoto Protocol and not to initiate the expedited procedure referred to in paragraph 1 of section X. Lithuania also clarified that most measures in the "Plan under Section XV, paragraph 2 of the Procedures and mechanisms relating to compliance under the Kyoto Protocol and rule 25 bis of the Rules of procedure of the Compliance Committee of the Kyoto Protocol in response to the Final Decision concerning Lithuania of the Enforcement branch of the Compliance Committee (CC-2011-3-8/Lithuania/EB)" (CC-2011-3-9/Lithuania/EB; plan) have been implemented and that only a few measures remain outstanding.

12. In response to the questions in the decision on expert advice referred to in paragraph 7 above and posed at the twenty-first meeting, the invited experts addressed the relationship between the two reviews referred to in paragraph 7 above. They clarified that the review conducted from 28 to 29 September 2012 had assessed whether the question of implementation had been resolved; and the review conducted from 1 to 6 October 2012 had involved a comprehensive assessment of Lithuania's 2012 annual submission. The invited experts confirmed that they reviewed the land use, land-use change and forestry data in the 2012 annual submission and that Lithuania is now capable of providing the information on activities under Article 3, paragraph 3, of the Kyoto Protocol and elected activities under Article 3,

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

⁴ Item 5 of the agenda of the twenty-first meeting of the enforcement branch, contained in document CC/EB/21/2012/1/Rev.1.

⁵ Paragraph 24 (a), Report on the expedited review for Lithuania (2012) (CC/ERT/EXP/2012/1).

⁶ Paragraph 24 (b), Report on the expedited review for Lithuania (2012) (CC/ERT/EXP/2012/1).

⁷ Paragraph 25, Report on the expedited review for Lithuania (2012) (CC/ERT/EXP/2012/1).

paragraph 4, of the Kyoto Protocol necessary for it to meet the reporting requirements defined in the guidelines under Article 7 of the Kyoto Protocol.

III. REASONS AND CONCLUSIONS

13. The branch concludes, on the basis of the information submitted and presented, that the information now available is sufficient to determine that the question of implementation has been resolved. Under these circumstances, the branch considers that procedural efficiency is not served by the initiation of the expedited procedure referred to in paragraph 1 of section X and that reinstatement in accordance with the expedited procedure referred to in paragraph 2 of section X gives full effect to the procedural safeguards for the Party concerned.

14. The branch notes that some measures described in Lithuania's plan are yet to be fully implemented, and urges Lithuania to further strengthen its national system by implementing these measures and report on progress in its 2013 annual submission.

IV. DECISION

15. In accordance with paragraph 2 of section X, the branch decides that there no longer continues to be a question of implementation with respect to Lithuania's eligibility, and therefore decides:

- (a) Not to initiate the expedited procedure referred to in paragraph 1 of section X; and
- (b) That Lithuania is now fully eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol.

Members and alternate members participating in the consideration and elaboration of the decision: Mohammad ALAM, Mirza Salman BABAR BEG, Victor FODEKE, José Antonio GONZALEZ NORRIS, Balisi GOPOLANG, Rueanna HAYNES, Alexander KODJABASHEV, Tuomas KUOKKANEN, René LEFEBER, Gerhard LOIBL, Sebastian MARINO, Sebastian OBERTHÜR, Oleg SHAMANOV.

Members participating in the adoption of the decision: Mohammad ALAM (alternate member serving as member), Mirza Salman BABAR BEG (alternate member serving as member), Victor FODEKE, José Antonio GONZALEZ NORRIS (alternate member serving as member), Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Sebastian OBERTHÜR.

This decision was adopted unanimously in Bonn on 24 October 2012, 10:47:02 Greenwich Mean Time.
