

DECISION ON EXPERT ADVICE

Party concerned: Slovakia

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. On 14 July 2012, the enforcement branch adopted a preliminary finding of non-compliance with respect to Slovakia (CC-2012-1-7/Slovakia/EB). According to paragraph 30 (b) of the preliminary finding, Slovakia was to develop a plan referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure, submit it within three months to the enforcement branch in accordance with paragraph 2 of section XV, and report on the progress of its implementation in accordance with paragraph 3 of section XV. Slovakia was invited to submit this plan before the in-country review of its 2012 annual submission, which took place from 1 to 6 October 2012.

2. On 17 August 2012, the enforcement branch adopted a final decision (CC-2012-1-9/Slovakia/EB) which gave effect to the consequences contained in paragraph 30 of the preliminary finding of the branch, as confirmed by and annexed to the final decision.

3. On 20 September 2012, Slovakia submitted a document entitled “Plan and progress report of the Slovak Republic under Section XV of the Annex to Decision 27/CMP.1 (Procedures and Mechanisms Relating to Compliance under the Kyoto Protocol)” (CC-2012-1-10/Slovakia/EB; plan and progress report). In accordance with paragraph 2 of rule 10 of the rules of procedure, the plan and progress report were deemed received by the enforcement branch on 21 September 2012.

II. REASONS AND CONCLUSIONS

4. In its consideration of the questions of implementation indicated in the report of the expert review team contained in FCCC/ARR/2011/SVK (2011 ARR), the enforcement branch reached the determination that Slovakia 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). It appeared to the enforcement branch that there was a partial operational impairment of the performance of some of the specific functions of Slovakia’s national system during the review of Slovakia’s 2011 annual submission. The enforcement branch considered that this partial operational impairment resulted in non-compliance with Article 5, paragraph 1, of the Kyoto Protocol and the guidelines thereunder, but did not result in non-compliance with the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol.³

5. Determining the relationship between steps and measures contained in the plan and progress report submitted by Slovakia and the causes of Slovakia’s non-compliance, including consideration of the sufficiency of information provided on these steps and measures, and the feasibility of the timeframe

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.

³ Paragraphs 24 and 28, preliminary finding (CC-2012-1-7/Slovakia/EB) as confirmed by the final decision (CC-2012-1-9/Slovakia/EB).

for their implementation, requires the assistance of experts whose understanding of the unresolved problems referred to in paragraphs 13 and 14 of the preliminary finding will facilitate the review and assessment by the enforcement branch of Slovakia's plan. These experts should include at least one expert who was present at the hearing.

6. The expert advice will be required during the meeting at which the branch will review and assess Slovakia's plan. This meeting is scheduled to take place from 22 to 24 October 2012. Experts from whom advice is sought are invited to be available from 22 to 23 October 2012.

7. The enforcement branch will seek the opinion of and ask questions to invited experts in relation to the plan and progress report referred to in paragraph 3 above. In particular, advice will be sought on the extent to which the steps and measures contained in the plan and progress report are appropriate to remedy the non-compliance referred to in paragraph 4 above, i.e., whether these are likely to prevent a recurrence of the partial operational impairment of the performance of some of the specific functions of Slovakia's national system.

8. The enforcement branch may put more detailed questions to invited experts at the meeting referred to in paragraph 6 above.

III. DECISION

9. In accordance with paragraph 5 of section VIII, rule 21, of the rules of procedure and the considerations in paragraph 5 above, the enforcement branch decides to seek expert advice during the meeting referred to in paragraph 6 above, on the questions referred to in paragraphs 7 and 8 above, from Ms. Daniela Romano (Italy), a member of the roster of experts who was not part of the expert review team that prepared the 2011 ARR and who was present at the hearing held from 10 to 11 July 2012.

10. The expert advice is to be received in accordance with the procedures and mechanisms, and the rules of procedure.

Members and alternate members participating in the consideration and elaboration of the decision: Mirza Salman BABAR BEG, Sandea JGS DE WET, Raúl ESTRADA OYUELA, Victor FODEKE, José Antonio GONZALEZ NORRIS, Balisi GOPOLANG, Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Ainun NISHAT, Sebastian OBERTHÜR, 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, Ainun NISHAT, Sebastian OBERTHÜR, SU Wei.

This decision was adopted unanimously on 15 October 2012.

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