

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 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. On 8 May 2012, the secretariat received questions of implementation indicated in the report of the expert review team of the individual review of the annual submission of Slovakia submitted in 2011 (ERT) and contained in document FCCC/ARR/2011/SVK (2011 ARR). In accordance with paragraph 1 of section VI² and paragraph 2 of rule 10 of the rules of procedure, the questions of implementation were deemed received by the Compliance Committee on 9 May 2012.

2. The bureau of the Compliance Committee allocated the questions of implementation to the enforcement branch on 16 May 2012 under paragraph 1 of section VII, in accordance with paragraphs 4 to 6 of section V and paragraph 1 of rule 19 of the rules of procedure.

3. On 17 May 2012, the secretariat notified the members and alternate members of the enforcement branch of the questions of implementation, in accordance with paragraph 2 of rule 19 of the rules of procedure, and of their allocation to the enforcement branch.

4. On 1 June 2012, the enforcement branch decided, in accordance with paragraph 2 of section VII and paragraph 1 (a) of section X, to proceed with the questions of implementation (CC-2012-1-2/Slovakia/EB).

5. The questions of implementation relate 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).³ In particular, the ERT concluded that the national system of Slovakia fails to perform some of the specific functions required by the annex to decision 19/CMP.1.⁴ The ERT also included a question of implementation with respect to Slovakia’s estimates for 2008 and 2009 of carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O) emissions from road transportation and hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆) emissions from consumption of halocarbons and SF₆ since they are incomplete and/or not prepared in accordance with the methodological and reporting requirements of the Revised 1996 Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories (the Revised 1996 IPCC Guidelines)⁵ and the IPCC Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories (the IPCC Good Practice Guidance).^{6,7}

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 See paragraphs 238 and 239 of the 2011 ARR.

⁴ See in particular paragraphs 6, 7, 12, 20, 21, 24, 27–31, 37, 38, 40, 47–49, 51, 81, 102, 215, 222, 227 and 240–242 of the 2011 ARR.

⁵ Available at <<http://www.ipccnggip.iges.or.jp/public/gl/invs1.htm>>.

⁶ Available at <<http://www.ipcc-nggip.iges.or.jp/public/gp/english/>>.

⁷ See in particular paragraphs 6, 8, 20, 28, 47, 51, 57–59, 220, 222 and 243 and sections II G and IV of the 2011 ARR.

6. The ERT calculated and recommended adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol as described in section IV of the 2011 ARR. Slovakia did not agree with these adjustments and formally communicated its disagreement with them in its communication of 17 April 2012. On 17 May 2012, the members and alternate members of the enforcement branch were informed in writing of this disagreement.

7. In deciding to proceed with the questions of implementation, the enforcement branch decided to seek expert advice on the content and basis of the 2011 ARR and on issues related to any decision of the enforcement branch with regard to the indicated questions of implementation and the disagreement whether to apply adjustments (CC-2012-1-2/Slovakia/EB, paragraph 11).

REASONS AND CONCLUSIONS

8. The highly technical nature of the questions of implementation identified in paragraph 5 above and the disagreement whether to apply adjustments referred to in paragraph 6 above requires the enforcement branch to seek assistance from experts. Advice from experts will facilitate the branch's further understanding of the questions of implementation and the disagreement whether to apply adjustments, as well as the assessment of any information to be provided by the Party concerned during the hearing referred to in paragraph 9 below and any written submission to be made by this Party. These experts should include one of the lead reviewers of the ERT and one expert who was not part of that ERT.

9. The expert advice will be required during the meeting at which the branch will conduct a hearing 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 from 9 to 14 July 2012. Experts from whom advice is sought are invited to be available from 9 to 11 July 2012.

10. In the context of the questions of implementation and the disagreement whether to apply adjustments, the 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 Slovakia submitted in 2011 with respect to compliance with the guidelines for national systems and the methodological and reporting requirements of the Revised 1996 IPCC Guidelines and the IPCC Good Practice Guidance, including the following more specific questions:
 - i. Which unresolved problems substantiate the conclusion that the national system fails to perform some of the specific functions required by the guidelines for national systems?
 - ii. Which unresolved problems substantiate the conclusion that Slovakia's estimates for 2008 and 2009 of CO₂, CH₄ and N₂O emissions from road transportation and HFCs, PFCs and SF₆ emissions from consumption of halocarbons and SF₆ are incomplete and/or not prepared in accordance with the methodological and reporting requirements of the Revised 1996 IPCC Guidelines and the IPCC Good Practice Guidance?
 - iii. What is the relationship between the ERT's decision to calculate and recommend 14 adjustments, as described in sections II G and IV of the 2011 ARR, and the unresolved problems relating to Slovakia's national system?
 - iv. How does Slovakia's inability to implement, in a timely manner, the recommendations made in the current and previous review reports relate to the failure of Slovakia's national system to perform some of the required specific functions?

- (b) What is the rationale for deciding to calculate each of the adjustments recommended by the ERT, as well as for the assumptions, data and methodology used to calculate each of the adjustments?
- (c) What actions should be taken and which information should be submitted by Slovakia to resolve the questions of implementation, including the following more specific questions:
- i. What are the changes in the national system that need to be implemented by Slovakia as a matter of priority to ensure that its national system can perform all the specific functions required by the guidelines for national systems at the soonest possible time and to address the weaknesses and vulnerabilities identified by the ERT?
 - ii. What steps must Slovakia take to ensure that its future estimates of CO₂, CH₄ and N₂O emissions from road transportation and HFCs, PFCs and SF₆ emissions from consumption of halocarbons and SF₆ are complete and/or prepared in accordance with the methodological and reporting requirements of the Revised 1996 IPCC Guidelines and the IPCC Good Practice Guidance?
- (d) What would be required to review and ascertain that any action taken or to be taken by Slovakia addresses and resolves the questions of implementation?

11. The branch may put detailed follow-up questions to the invited experts during the meeting referred to in paragraph 9 above. It may also request experts to provide advice on the assessment of any new information received with respect to the questions of implementation since the ERT conducted the review.

DECISION

12. In accordance with paragraph 5 of section VIII, paragraph 5 of section X, rule 21 of the rules of procedure and the considerations in paragraph 8 above, the enforcement branch decides to seek expert advice during the meeting, referred to in paragraph 9 above, on the questions, referred to in paragraphs 10 and 11 above, from the following experts:

- Ms. Daniela Romano (Italy), a member of the roster of experts who was not part of the ERT; and
- Mr. Tinus Pulles (the Netherlands), one of the two lead reviewers of the ERT and the generalist in the team.

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.
