

**DECISION ON A DISAGREEMENT WHETHER TO APPLY ADJUSTMENTS TO
INVENTORIES UNDER ARTICLE 5, PARAGRAPH 2, OF THE KYOTO PROTOCOL**

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” (the rules of procedure),¹ the enforcement branch adopts the following decision.

I. BACKGROUND

1. On 8 May 2012, the secretariat received the report of the expert review team of the individual review of the annual submission of Slovakia submitted in 2011 (ERT), contained in document FCCC/ARR/2011/SVK (2011 ARR), that included a disagreement whether to apply adjustments. The 2011 ARR also included a question of implementation relating to the disagreement whether to apply adjustments as well as questions of implementation relating to Slovakia’s national system. On 17 May 2012, the members and alternate members of the enforcement branch were informed in writing of this disagreement (CC-2012-1-1/Slovakia/EB). The 2011 ARR resulted from an in-country review of Slovakia’s annual submission submitted in 2011 (2011 annual submission) which was conducted from 22 to 27 August 2011 in accordance with the “Guidelines for review under Article 8 of the Kyoto Protocol” (annex to decision 22/CMP.1).

2. During the review of Slovakia’s 2011 annual submission, the ERT identified underestimations in some of Slovakia’s emission estimates. It recommended nine adjustments in the energy sector and five adjustments in the industrial processes sector for 2008 and 2009. The adjustments, calculated in accordance with the “Technical guidance on methodologies for adjustments under Article 5, paragraph 2, of the Kyoto Protocol” (annex to decision 20/CMP.1), relate to:

(a) The following estimates of emissions from road transportation in the energy sector:

- i. Carbon dioxide (CO₂) emissions from gasoline;
- ii. Nitrous oxide (N₂O) emissions from gasoline;
- iii. CO₂ emissions from diesel oil;
- iv. N₂O emissions from diesel oil;
- v. Methane (CH₄) emissions from liquefied petroleum gas (LPG);
- vi. N₂O emissions from LPG;
- vii. CH₄ emissions from gaseous fuels;
- viii. CH₄ emissions from biomass; and
- ix. N₂O emissions from biomass;

(b) The following estimates of emissions from the consumption of halocarbons and sulphur hexafluoride (SF₆) in the industrial processes sector:

- i. Hydrofluorocarbon (HFC) emissions from foam blowing;
- ii. Perfluorocarbon (PFC) emissions from fire extinguishers;
- iii. SF₆ emissions from fire extinguishers;
- iv. HFC emissions from aerosols/metered dose inhalers; and
- v. HFC emissions from solvents.

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.

3. On 1 June 2012, the enforcement branch decided, in accordance with paragraph 2 of section VII² and paragraph 1 (a) of section X, to proceed with the questions of implementation indicated in the 2011 ARR (CC-2012-1-2/Slovakia/EB). It also decided to consider the questions of implementation and the disagreement whether to apply adjustments together, following the expedited procedures as contained in paragraph 1 of section X.
4. On 7 June 2012, the enforcement branch received a request for a hearing from Slovakia (CC-2012-1-3/Slovakia/EB), which also indicated that Slovakia intended to make a written submission under paragraph 1 (b) of section X.
5. On 27 June 2012, the enforcement branch agreed to invite two experts drawn from the UNFCCC roster of experts to provide advice to the branch (CC-2012-1-4/Slovakia/EB). One of these experts was part of the ERT.
6. On 4 July 2012, the enforcement branch received a written submission (CC-2012-1-5/Slovakia/EB) in accordance with paragraph 1 of section IX, paragraph 1 (b) of section X, and rule 17 of the rules of procedure.
7. From 10 to 11 July 2012, the enforcement branch held a hearing in accordance with paragraph 2 of section IX and paragraph 1 (c) of section X. The hearing formed part of the twentieth meeting of the enforcement branch held in Bonn from 9 to 14 July 2012 to, inter alia, consider the questions of implementation with respect to Slovakia and the disagreement whether to apply adjustments.³ During the hearing, Slovakia made a presentation and submitted additional information, both orally and in writing, for consideration by the enforcement branch. The enforcement branch received advice from the two invited experts during the meeting.
8. No competent intergovernmental or non-governmental organization provided any information under paragraph 4 of section VIII.

II. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED

9. In its deliberations, the enforcement branch considered the 2011 ARR, the written submission of Slovakia, information submitted and presented by Slovakia during the hearing, both orally and in writing, and advice from the experts invited by the branch.
10. In the 2011 ARR, the ERT calculated and recommended the adjustments listed in paragraph 2 above on the following grounds:
 - (a) With regard to the estimates of emissions from road transportation referred to in paragraph 2 (a) above, Slovakia did not provide an explanation of the values used in the COPERT IV (Computer Programme to calculate Emissions from Road Transport) model for setting and calculating the emission factors and the corresponding emissions as requested by the ERT. In accordance with paragraph 19 of the annex to decision 20/CMP.1, the ERT initiated an adjustment procedure on the ground that the information provided by Slovakia was not sufficiently transparent.⁴
 - (b) With regard to the estimates of emissions from the consumption of halocarbons and SF₆ referred to in paragraph 2 (b) above, Slovakia reported actual and potential HFC emissions from foam blowing, aerosols/metered dose inhalers and solvents, and PFC and SF₆ emissions from fire extinguishers as “NO” (not occurring) for 2008 and 2009. However, the ERT found that it was highly possible that some of these emissions occur in Slovakia, because related relevant activities are common in most developed countries, and were also identified in neighbouring countries with similar economic, social and industrial structures. In accordance

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 Item 4 of the agenda of the twentieth meeting of the enforcement branch, contained in document CC/EB/20/2012/1/Rev.1.

⁴ Paragraphs 153 and 154, 2011 ARR.

with paragraph 4 of the annex to decision 20/CMP.1, the ERT initiated an adjustment procedure on the ground that the inventory data submitted by Slovakia were incomplete due to missing and incomplete estimates of these emissions for the years 2008 and 2009.⁵

11. The adjustments recommended by the ERT lead to an increase in Slovakia's estimated total greenhouse gas emissions from sources listed in Annex A to the Kyoto Protocol of:

- (a) 0.8 per cent (396.00 Gigagramme CO₂ equivalent (Gg CO₂ eq)) for 2008, from 48,195.21 Gg CO₂ eq as reported by Slovakia to 48,591.21 Gg CO₂ eq as calculated by the ERT;
- (b) 0.8 per cent (349.89 Gg CO₂ eq) for 2009, from 43,393.10 Gg CO₂ eq as reported by Slovakia to 43,742.98 Gg CO₂ eq as calculated by the ERT.

12. During the meeting, the experts stated that the adjustments, in quantitative terms, were insignificant in relation to Slovakia's total greenhouse gas emissions from Annex A sources and that the underestimations could be easily solved in the next annual submission. The experts also pointed out that these adjustments could have been avoided if Slovakia had provided adequate responses to the questions raised by the ERT during the review of Slovakia's 2011 annual submission.

13. With regard to the estimates of emissions from road transportation referred to in paragraph 2 (a) above, in its written submission, Slovakia expressed its disagreement with the ERT's views and reasoning for the recommended adjustments. Upon the presentation of further information from Slovakia on the values used for setting and calculating the emission factors and the corresponding emissions in the COPERT IV model and the justifications for their application, the experts indicated that, in view of the updated information provided by Slovakia at the hearing, the nine adjustments recommended by the ERT with respect to the emissions from road transportation referred to in paragraph 2 (a) above were no longer necessary.

14. With regard to the estimates of emissions from the consumption of halocarbons and SF₆ referred to in paragraph 2 (b) above, in its written submission, Slovakia pointed out that the adjustments proposed by the ERT do not take into account its national circumstances. Expert advice indicated that national circumstances could be taken into account provided that they are adequately explained. At the hearing, after consideration of the expert advice, Slovakia accepted the five adjustments recommended by the ERT with respect to the emissions from the consumption of halocarbons and SF₆ referred to in paragraph 2 (b) above.

III. REASONS AND CONCLUSIONS

15. With regard to the estimates of emissions from road transportation referred to in paragraph 2 (a) above, the branch concludes, based on the additional information provided by Slovakia during the hearing and the expert advice received, that the information provided by Slovakia on the use of the COPERT IV model is sufficiently transparent, and that adjustments are no longer necessary.

16. With regard to the estimates of emissions from the consumption of halocarbons and SF₆ referred to in paragraph 2 (b) above, the branch notes the acceptance by Slovakia of the adjustments recommended by the ERT and concludes, therefore, that there is no longer a disagreement whether to apply adjustments.

IV. DECISION

17. In accordance with paragraph 5 of section X, the enforcement branch decides:

- (a) With respect to the estimates of emissions from road transportation referred to in paragraph 2 (a) above, not to apply the adjustments calculated and recommended by the ERT in the 2011 ARR, and that the estimates submitted by Slovakia, as contained in the submission

⁵ Paragraphs 170 to 174, 2011 ARR.

of revised estimates on 12 October 2011,⁶ shall be inscribed in the compilation and accounting database;

- (b) With respect to the estimates of emissions from the consumption of halocarbons and SF₆ referred to in paragraph 2 (b) above, to apply the adjustments calculated and recommended by the ERT in the 2011 ARR, and that the adjusted estimates for Slovakia in 2008 and 2009, as contained in the 2011 ARR, shall be inscribed in the compilation and accounting database.

Members and alternate members participating in the consideration and elaboration of the decision:

Mohammad ALAM, Joseph AMOUGOU, Mirza Salman BABAR BEG, Sandea JGS DE WET, Victor FODEKE, José Antonio GONZALEZ NORRIS, Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Ainun NISHAT, Sebastian OBERTHÜR, Oleg SHAMANOV.

Members participating in the adoption of the decision: Mohammad ALAM (alternate member serving as member), Sandea JGS DE WET, Victor FODEKE, Antonio GONZALEZ NORRIS (alternate member serving as member), Rueanna HAYNES, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Ainun NISHAT, Sebastian OBERTHÜR.

This decision was adopted by consensus in Bonn on 14 July 2012.

⁶ See svk-2011-crf-12oct.zip available at http://unfccc.int/national_reports/annex_i_ghg_inventories/national_inventories_submissions/items/5888.php