

DECISION ON PRELIMINARY EXAMINATION

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 (ERT) of the individual review of the annual submission of Slovakia submitted in 2011 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. 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

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>>.

and the IPCC Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories (the IPCC Good Practice Guidance).^{6,7}

5. The questions of implementation with respect to the annex to decision 19/CMP.1 are related to the eligibility requirement referred to in paragraph 31 (c), annex to decision 3/CMP.1, paragraph 21 (c), annex to decision 9/CMP.1 and paragraph 2 (c), annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in paragraph 1 of section X apply to the consideration by the branch of these questions of implementation.

6. The ERT calculated and applied 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. Consequently, the expedited procedures as contained in paragraph 5 of section X would apply to the consideration by the branch of the disagreement whether to apply adjustments.

7. It appears from the 2011 ARR that the disagreement whether to apply adjustments is related to one or more of the questions of implementation. The decision of the ERT to apply adjustments arose from its 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.

8. The enforcement branch notes that the expedited procedures as contained in paragraphs 1 and 5 of section X differ with respect to time frames and procedural specification. Since the disagreement whether to apply adjustments appears to be related to one or more of the questions of implementation, the branch considers that procedural efficiency and clarity, including full procedural safeguards of the Party concerned, are to be ensured by the application of the expedited procedures as contained in paragraph 1 of section X.

DECISION

9. The enforcement branch decides 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.

10. Having conducted the preliminary examination in accordance with paragraph 2 of section VII and paragraph 1 (a) of section X, the enforcement branch decides to proceed. In particular, the enforcement branch notes that the questions of implementation raised in the 2011 ARR are supported by sufficient information, are not de minimis or ill-founded, and are based on the requirements of the Kyoto Protocol.

11. In accordance with paragraph 5 of section VIII and rule 21 of the rules of procedure, the enforcement branch decides 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.

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.

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

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

This decision was adopted unanimously on 1 June 2012.