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OTHER MATTERS

**SPECIAL CIRCUMSTANCES OF CROATIA UNDER
ARTICLE 4, PARAGRAPH 6, OF THE CONVENTION**

**The Bosnia and Herzegovina position on the special circumstances of Croatia
under Article 4, paragraph 6, of the Convention**

Submission from a Party

1. The UNFCCC secretariat has received a letter dated 4 April 2003 from the Minister for Physical Planning, Civil Engineering and Ecology of Bosnia and Herzegovina requesting the secretariat to forward the following submission of the Government of Bosnia and Herzegovina for consideration at the eighteenth session of the Subsidiary Body for Implementation.
2. In accordance with the procedure for miscellaneous documents, this submission is attached and reproduced* in the language in which it was received and without formal editing.

* This submission has been electronically imported in order to make it available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the text as submitted.

SUBMISSION FROM BOSNIA AND HERZEGOVINA

THE BOSNIA AND HERZEGOVINA POSITION ON THE SPECIAL CIRCUMSTANCES OF CROATIA UNDER ARTICLE 4, PARAGRAPH 6, OF THE CONVENTION

The Government of Bosnia and Herzegovina has carefully considered the proposal of the Republic of Croatia related to its special circumstances under Article 4.6 of the Convention and has strong reservation to that proposal. There are several reasons why the Government of Bosnia and Herzegovina cannot support the Croatian proposal for its greenhouse gases emission inventory adjustments for the 1990 base year (see document FCCC/SBI/2001/MISC.3).

1. Firstly, there is no legal basis for the Croatian request because its estimates are based on the emissions from coal-fired power plants that are ownership of Bosnia and Herzegovina and are located on the territory of Bosnia and Herzegovina. As elaborated in the Technical Document, Croatia has submitted during the 17th session of the Subsidiary Body for Scientific and Technological Advice (FCCC/SBSTA/2002/L.14, paragraph 5), three coal-fired power plants from Bosnia and Herzegovina and one coal-fired power plant from the territory of Federal Republic of Yugoslavia (Serbia and Montenegro) were used, without any legal basis as its own emission sources, i.e. as a "Croatian power plants outside its borders". The emissions from this coal-fired power plants (650 MW, producing 4,300 CgCO₂) were used to adjust the emission estimates for 1990 and 1991 calculated according the IPCC Guidelines. Using this approach, Croatia has increased its total national emissions from 31,9 to 39,391 CgCO₂ equivalents, i.e. for 23%.

2. Secondly, argument that the Republic of Croatia has built its own coal-fired power plants in Bosnia and Herzegovina before disintegration of former Socialistic Federal Republic of Yugoslavia in 1992, and that has the problems of unresolved property rights over these power plants, is not valid. (See document FCCC/IDR.1 HRV/Add.1, paragraph 7.) Such statements are conflicting directly sovereign rights of Bosnia and Herzegovina, as a Party to the Convention, related to the ownership of thermal power plants and their further exploitation aimed for achievement of sustainable development and the poverty eradication.

3. Having considered all aforementioned Bosnia and Herzegovina cannot accept parts of the First National Communication of the Republic of Croatia to the UN Framework Convention on Climate Change (UNFCCC), that relate to the Croatian Energy production sector, as well as the chapter related to the national emission projection based on emission adjustments for reference year 1990 in the energy sector, since in the cited segments of Croatia's National Communication, power sources, as well as GHG emissions from Bosnia and Herzegovina were involved, without legal basis. In relation to this, Bosnia and Herzegovina requires the First National Communication of the Croatia to be revised, and to phase out all data related to the coal-fired power plants located at the territory of Bosnia and Herzegovina, their coal consumption and GHG emissions.

4. As a Party to the Convention, Bosnia and Herzegovina cannot support the methodology for adjustment applied by Republic of Croatia for the GHG emissions inventory in 1990 (base year) and 1991, because of its inconsistency with the IPCC Guidelines (see conclusions FCCC/SBSTA/2002/L.14) as well as in the long term prospective, this could have negative implications for Bosnia and Herzegovina, in the sense of fulfillment of the undertaken commitments under the Convention and Kyoto Protocol.

We are emphasizing that Bosnia and Herzegovina fully recognizes the difficulties currently facing of the Republic of Croatia, in implementing the Convention and Kyoto Protocol commitments. During the recent bilateral meeting held in March 2003, Bosnia and Herzegovina has expressed readiness to give its

contribution in resolving this problem that would not by any mean harm the interests of Bosnia and Herzegovina and other Parties. Thereof, Republic of Croatia has agreed, taking into consideration Bosnia and Herzegovina position, to dismiss identified inaccuracies and disputable quotations in the documents, submitted to the Convention bodies. Also, the Republic of Croatia has expressed readiness for alternative solution that would not harm the interests of Bosnia and Herzegovina in any sense.

Bosnia and Herzegovina considers that canceling of Croatian commitment to reduce greenhouse gas emissions by 5 percent in relation to the reference year over the commitment period 2008-2012 (with the possibility for Republic of Croatia to increase its emissions for 10%), could be one of the alternative justifiable solution, that has already been applied in some countries in bringing up the Kyoto Protocol.
