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ECONOMIC COMMISSION FOR EUROPE

EXECUTIVE BODY FOR THE CONVENTION ON  
LONG-RANGE TRANSBOUNDARY AIR POLLUTION

Twentieth session  
(Geneva, 10–13 December 2002)  
Item 4 of the provisional agenda

**THE FIFTH REPORT OF THE IMPLEMENTATION COMMITTEE**

**Addendum**

**II. COMPLIANCE WITH REPORTING OBLIGATIONS**

**A. Follow-up to Executive Body decision 2001/4**

1. At its nineteenth session, as part of decision 2001/4, the Executive Body requested the Implementation Committee to review the progress made by the Parties mentioned in that decision with their reporting obligations and report to it thereon at its twentieth session. Decision 2001/4 addressed continued non-compliance by certain Parties (Russian Federation and Spain) with their reporting obligations. It also addressed Parties that had not complied with their reporting obligations (Liechtenstein, Luxembourg and the European Community), even though they had been the subject of a similar decision in 2000. The Russian Federation and Spain were urged to provide the missing information as soon as possible, but no later than 31 January 2002. Liechtenstein, Luxembourg and the European Community were strongly urged to provide the missing information by 31 January 2002, and, if they could not comply, to draw up a precise timetable on the matter in agreement with the secretariat.
2. On 15 January, the secretariat reminded the Parties concerned about the terms of the decision and the deadline. The situation as of 1 September 2002 was as follows:

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(a) **Russian Federation.** On 25 January 2002, the Russian Federation submitted final and complete emission data for sulphur for the years 1980 to 1995 and for NO<sub>x</sub> for the years 1987 to 1989. It hence completed the data that had been identified as still missing in the fourth report of the Implementation Committee;

(b) **Spain.** On 14 December 2001 and 1 February 2002, Spain submitted the missing emission data for NO<sub>x</sub> for the years 1997 to 1999, VOCs for the years 1997 to 1999 and sulphur for the years 1998 and 1999. It hence provided all the data that had been identified as missing in the fourth report of the Implementation Committee;

(c) **Liechtenstein.** On 27 February 2002, Liechtenstein submitted, as required, its missing emission data for sulphur, NO<sub>x</sub> and VOCs for the years 1995 to 1999. By the reporting deadline of 22 April 2002, it had also submitted a response to the questionnaire for the 2002 Review on Strategies and Policies. It hence provided all the emission data that had been identified as missing in the fourth report of the Implementation Committee and also provided information on its strategies and policies;

(d) **Luxembourg.** In a letter dated 4 December 2001 and received by the secretariat on 8 January 2002, Luxembourg submitted NO<sub>x</sub> emission data for the base year (1987) of the NO<sub>x</sub> Protocol. With the same letter, Luxembourg submitted a response to the questionnaire for the 2000 Review on Strategies and Policies. But Luxembourg has not yet submitted emission data for sulphur for the years 1987-1987 and 1991-1992 or for NO<sub>x</sub> for the years 1991-1992, both of which had been identified as missing in the fourth report of the Implementation Committee;

(e) **European Community.** On 21 January and 9 July 2002, the European Community (EC) submitted emission data for NO<sub>x</sub> for the years 1987 to 1989 and 1997 to 1999, and for sulphur for the years 1998 and 1999. It hence provided all the data that had been identified as missing in the fourth report of the Implementation Committee.

3. The Committee noted with satisfaction the progress that the Parties concerned had made since the Executive Body's nineteenth session. It welcomed the fact that Liechtenstein, the Russian Federation, Spain and the European Community had submitted all the information that had been identified by the Executive Body as deficient, and it welcomed the fact that Liechtenstein, the Russian Federation and Spain had respected the deadline set by the Executive Body in its decision 2001/4.

4. It also recognized that Luxembourg had made some efforts to remedy its situation. It remained concerned, however, that Luxembourg continued to be in non-compliance with its reporting obligations under the 1985 Sulphur Protocol and the 1988 NO<sub>x</sub> Protocol concerning data that should have been submitted several years back. The Committee recognized that the data might still be forthcoming before the twentieth session of the Executive Body, but decided that, if this did not happen, it would recommend that the Executive Body:

(a) Reiterate the relevant parts of decision 2001/4;

(b) Urge the head of delegation to the Executive Body from Luxembourg, together with an expert familiar with sulphur and NO<sub>x</sub> emission inventories, to visit the secretariat to discuss the matter; and

(c) Call on Luxembourg to draw up right away a precise timetable for achieving compliance with its reporting obligations.

## **B. Compliance with emission data reporting obligations**

5. As requested by the Executive Body in its work plan (ECE/EB.AIR/75, annex VI, item 1.2), the Implementation Committee evaluated compliance with the emission data reporting obligations by the Parties to the four Protocols that are in force. The evaluation covered both the completeness and the timeliness of reporting. It was based on the information presented in the report on the present state of emission data (EB.AIR/GE.1/2002/8), which covered emission data reported up to 31 March 2002. The deadline for reporting set in the reporting guidelines was 31 January 2002, but the present report takes account of submissions received up to 30 August 2002. Tables 1-4, updating the information previously presented by the Committee to the Executive Body (EB.AIR/2001/3), give an overview of emission data reported under each Protocol, showing the date of entry into force of the Protocol for each Party and whether the data were reported for the base year, if applicable, and successive years starting with the year of entry into force for that Party.

### **1. 1985 Sulphur Protocol: Compliance with article 4, reporting of annual emissions**

6. Table 1 below gives an overview of emission data reported by the Parties to the 1985 Sulphur Protocol. Twenty-one of the 22 Parties submitted emission data under the Protocol. Eight Parties (Austria, Bulgaria, Canada, Czech Republic, Norway, Russian Federation, Slovakia, Sweden) submitted full and complete data by 31 January 2002. Two Parties (Belgium, Netherlands) submitted only preliminary estimates. One Party (Italy) submitted no data for 2000. Ninety-seven per cent of the required annual total emission data have been reported as final and complete.

7. In its fourth report (EB.AIR/2001/3, para. 41 (c)(i)), the Committee cited the non-compliance of four Parties (Russian Federation, Liechtenstein, Luxembourg, Ukraine). Two of these (Russian Federation and Liechtenstein) have now complied with their emission reporting obligations. Luxembourg, however, still has not provided data for the years 1987-89 and 1991-92 and Ukraine has not submitted any data for 1998-1999.

8. The Committee concluded that, as of 30 August 2002, the following five Parties were not yet in compliance with their emission data reporting obligations under article 4 of the 1985 Sulphur Protocol: Belgium, Italy, Luxembourg, Netherlands and Ukraine.

### **2. 1988 Nitrogen Oxides Protocol: Compliance with article 8, concerning emission data reporting**

9. Table 2 below gives an overview of emission data reported by the Parties to the 1988 NO<sub>x</sub> Protocol. Twenty-four of the 28 Parties submitted emissions data under the Protocol. Ten Parties

(Austria, Bulgaria, Canada, Czech Republic, Norway, Russian Federation, Slovakia, Spain, Sweden, United Kingdom) submitted full and complete data by 31 January 2002. Belgium did not have to report data for 2000 as the Protocol entered into force for it only in 2001. Two Parties (Netherlands and European Community) submitted only preliminary estimates. One Party (Italy) has not yet submitted any data for 2000. Ninety-seven per cent of the required annual total emission data have been reported as final and complete.

10. In its fourth report (EB.AIR/2002/3, para. 41 (c) (ii)), the Committee had cited the non-compliance of six Parties (Liechtenstein, Luxembourg, Russian Federation, Spain, Ukraine, European Community). Four of these Parties (Liechtenstein, Russian Federation, Spain, European Community) have now complied with their emissions reporting obligations. Luxembourg has still not provided data for the years 1991-92 and Ukraine has not submitted data for 1998-1999.

11. The Committee concluded that, as of 30 August 2002, the following five Parties were not yet in compliance with their emission data reporting obligations under article 8 of the 1988 NO<sub>x</sub> Protocol: Italy, Luxembourg, Netherlands, Ukraine and European Community.

### **3. 1991 VOC Protocol: Compliance with article 8, paragraph 1, concerning emission data reporting**

12. Table 3 below gives an overview of emission data reported by the Parties to the 1991 VOC Protocol. Seventeen of the 21 Parties submitted emissions data under Protocol. Eight Parties (Austria, Bulgaria, Czech Republic, Norway, Slovakia, Spain, Sweden, United Kingdom) submitted full and complete data by 31 January 2002. Belgium and Monaco did not have to report data for 2000 as the Protocol entered into force for them only in 2001. One Party (Netherlands) submitted only preliminary estimates. One Party (Italy) has not yet submitted data for 2000. Ninety-eight per cent of the required annual total emission data have been reported as final and complete.

13. In its fourth report (EB.AIR/2002/3, para. 41 (c) (iii)), the Committee cited the non-compliance of two Parties (Liechtenstein and Spain). Both of these Parties have now complied with their emissions reporting obligations.

14. The Implementation Committee concluded that, as of 30 August 2002, two Parties were not yet in compliance with their emission data reporting obligations under the 1991 VOC Protocol: Italy and Netherlands.

### **4. 1994 Sulphur Protocol: Compliance with article 5, paragraph 1 (b) and 2, concerning emission data reporting**

15. Table 4 below gives an overview of emission data reporting by the Parties to the 1994 Sulphur Protocol. Eighteen of the 25 Parties submitted emissions data under the Protocol. Nine Parties (Austria, Canada, Czech Republic, Norway, Slovakia, Slovenia, Spain, Sweden, United Kingdom) submitted full and complete data by 31 January 2002. Belgium, Hungary and Monaco did not have to report data for 2000 as the Protocol entered into force for them only in 2001. Two Parties

(Netherlands and European Community) submitted only preliminary estimates for 2000. Two Parties to the Protocol (Croatia and Italy) have not yet submitted data for 2000. Eighty-eight per cent of the required annual total emission data have been reported.

16. In its fourth report (EB.AIR/2002/3, para. 41 (c) (iv)), the Committee cited the non-compliance of three Parties (Liechtenstein, Spain, European Community) for the years up to 1999. All three of these Parties have now complied with these emissions reporting obligations.

17. The Implementation Committee concluded that, by 30 August 2002, four Parties were not yet in compliance with their emission data reporting obligations under the 1994 Sulphur Protocol: Croatia, Italy, Netherlands and European Community.

### **5. Conclusion**

18. The Committee reached the following conclusions, which it draws to the attention of the Executive Body. In reaching its conclusions, the Committee took into account its previous conclusions regarding emission data (EB.AIR/1998/4, EB.AIR/1999/4, para. 28, EB.AIR/2000/2, para. 21, and EB.AIR/2001/3, para. 41):

(a) The Committee noted the continued improvement in the completeness of emission data reported by Parties to the 1988 NO<sub>x</sub>, the 1991 VOC and the 1994 Sulphur Protocols over the five years that it had examined compliance with emission data reporting obligations. Most Parties had made a great effort to come into full compliance. On the whole, the coverage of emission data reporting (expressed as the percentage of required emission data submitted in the table below) had improved since the Implementation Committee started examining the completeness of reported data:

	Final and complete emission data reported for:			
	1985 Sulphur Protocol (%)	1988 NO <sub>x</sub> Protocol (%)	1991 VOC Protocol (%)	1994 Sulphur Protocol (%)
First report (1998)	86	82	-	-
Second report (1999)	89	86	76	-
Third report (2000)	90	89	82	81
Fourth report (2001)	91	92	87	86
Fifth report (2002)	97	97	98	88

Nevertheless, while these improvements showed the average over all years for which emission data were due, for the most recent year (2000) a number of Parties had by 30 August 2002 submitted merely preliminary or incomplete data or no data at all;

(b) As in previous years, the Committee continued to stress the importance of reporting on time. In the most recent reporting round, compared to the previous year, timeliness of reporting had slightly improved. The Committee took this as an encouraging sign, given that many Parties had also made an effort to report data in a new reporting format. Nevertheless, the situation was not satisfactory and led to a significant waste of resources in the secretariat and the responsible EMEP

centre, the Meteorological Synthesizing Centre-West (MSC-W), in handling the submissions. It also made the Implementation Committee's work more difficult as data compilations often reached it too late to receive adequate attention and very late submissions made it necessary for the Committee to review its analysis a second time;

(c) The Committee remained concerned that two Parties were consistently in non-compliance with their emission data reporting obligations:

- (i) For the 1985 Sulphur Protocol, **Luxembourg** had still not provided any data for the years 1987-89 and 1991-92 and **Ukraine** had not submitted data for 1998-99;
- (ii) Also for the 1988 NO<sub>x</sub> Protocol, **Luxembourg** had still not provided any data for the years 1991-92 and **Ukraine** had not submitted data for 1998-99.

The Implementation Committee wished to remind Parties of the importance of complying fully with their reporting obligations and submitting their final data on time.

### **C. Compliance by Parties with their obligations to report on strategies and policies for air pollution abatement**

19. As requested by the Executive Body in its work plan (ECE/EB.AIR/75, annex VI, item 1.2), the Implementation Committee evaluated compliance with the reporting obligations by the Parties to the four Protocols in force. This evaluation was made on the basis of the original replies by Parties to the 2002 questionnaire on strategies and policies, which have been made available on the Internet (<http://www.unece.org/env/eb/2002questionnaire.htm>). Table 5 below provides an overview of reporting by Parties to the Protocols that are in force. No Party provided the information required under the Protocols in another manner outside the framework of the questionnaire.

#### **1. 1985 Sulphur Protocol: Compliance with article 6 concerning reporting on national programmes, policies and strategies**

20. Nineteen of the 22 Parties to the 1985 Sulphur Protocol replied to the section of the questionnaire related to the Protocol (question 1). Three Parties to the Protocol (Belgium, Luxembourg, Ukraine) have not replied to the questionnaire.

21. The Implementation Committee concluded that, as of 30 August 2002, the following three Parties were not yet in compliance with their reporting obligations under article 6 of the 1985 Sulphur Protocol: Belgium, Luxembourg and Ukraine.

#### **2. 1988 Nitrogen Oxides Protocol: Compliance with article 8, paragraph 1 (a)-(f), concerning information exchange and annual reporting**

22. Twenty-four of the 28 Parties to the 1988 Nitrogen Oxides Protocol replied to one or more of the questions in the section related to the Protocol (questions 2 to 8). Four Parties to the Protocol (Belgium, Luxembourg, Ukraine, European Community) did not reply to the questionnaire. Three

Parties submitted only partial replies: Estonia did not reply to questions 5 and 7; Hungary did not reply to question 7; United Kingdom did not reply to question 5.

23. The Implementation Committee concluded that, as of 30 August 2002, the following seven Parties were not yet in compliance with their reporting obligations under article 8 of the 1988 NOx Protocol: Belgium, Estonia, Hungary, Luxembourg, Ukraine, United Kingdom and European Community.

### **3. 1991 VOC Protocol: Compliance with article 8, paragraphs 1 and 2, concerning information exchange and annual reporting**

24. Nineteen of the 21 Parties to the VOC Protocol replied to one or more of the questions in the section concerning the Protocol (questions 9 to 17). Two Parties (Belgium, Luxembourg) did not reply to any part of the questionnaire. Four Parties submitted only partial replies: Estonia did not reply to questions 11-12 and 14-17; France did not reply to questions 15-17; Monaco did not reply to questions 13 and 15-17; Spain did not reply to questions 15-17.

25. The Implementation Committee concluded that, as of 30 August 2002, six Parties were not yet in compliance with their reporting obligations under the 1991 VOC Protocol: Belgium, Estonia, France, Luxembourg, Monaco and Spain.

### **4. 1994 Sulphur Protocol: Compliance with article 5, paragraph 1 (a) and (c), concerning reporting**

26. Twenty-one of the 25 Parties to the 1994 Sulphur Protocol replied to the questions in the section related to this Protocol (questions 18 to 27). Three Parties to the Protocol (Belgium, Luxembourg, European Community) did not reply to the questionnaire. Another Party (Croatia) did not reply to the questions in this section.

27. The Implementation Committee concluded that, as of 30 August 2002, four Parties were not yet in compliance with their reporting obligations under the 1994 Sulphur Protocol: Belgium, Croatia, Luxembourg and European Community.

28. Some Parties have not yet submitted sufficiently complete information to allow the Implementation Committee to assess compliance with their respective substantive obligations.

## **5. Conclusion**

29. The following 11 Parties were, as of 30 August 2002, not yet in compliance with their reporting obligations, based on an evaluation of their replies to the 2002 questionnaire on strategies and policies:

- 1985 Sulphur Protocol: Belgium, Luxembourg, Ukraine;
- 1988 NOx Protocol: Belgium, Estonia, Hungary, Luxembourg, Ukraine, United Kingdom,

European Community;

- 1991 VOCs Protocol: Belgium, Estonia, France, Luxembourg, Monaco, Spain;
- 1994 Sulphur Protocol: Belgium, Croatia, Luxembourg, European Community.

The Committee recommends that the Executive Body should remind Parties of the importance of reporting as required by the protocols and call upon those Parties that have not yet done so to report or to complete their reports as soon as possible.

#### **D. Recommendation to the Executive Body**

30. In view of the continuing non-compliance with reporting obligations by some Parties, the Implementation Committee recommends that the Executive Body adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Takes note of the report of the Implementation Committee with respect to follow-up to Executive Body decision 2001/4 regarding compliance by Parties with their reporting obligations (EB.AIR/2002/2/Add.1, paras. 1-4);

(b) Also takes note of the report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the Protocols (EB.AIR/2002/2/Add.1, paras. 5-18);

(c) Recalls its decisions 2000/2, in which it expressed concern over Luxembourg's continued non-compliance with its reporting obligations and urged it to provide the required data, and its decision 2001/4, in which it expressed serious concern that Luxembourg remained in non-compliance and strongly urged it to comply with its reporting obligations and provide all missing information by 31 January 2002 and, if it could not comply fully within that time frame, to draw up a precise timetable in agreement with the secretariat before 31 January 2002 for provision of the missing information;

(d) Also recalls that the Implementation Committee in its third (EB.AIR/2000/2, para 21) and fourth reports (EB.AIR/2001/3, para. 41) identified Luxembourg as not having fulfilled its emission data reporting obligations under the 1985 Sulphur and the 1988 NO<sub>x</sub> Protocols;

(e) Furthermore recalls that the Implementation Committee in its fourth report (EB.AIR/2001/3, para. 41) identified Ukraine as being consistently in non-compliance with its emission data reporting obligations under the 1985 Sulphur and the 1988 NO<sub>x</sub> Protocols;

(f) Expresses concern that Ukraine continues to be in non-compliance with these reporting obligations;

(g) Urges Ukraine to comply with its reporting obligations under the 1985 Sulphur Protocol and the 1988 NOx Protocol and in these contexts to provide, as soon as possible, but no later than 31 January 2003, all the missing information on its national emissions;

(h) Expresses dismay that Luxembourg still remains in non-compliance with its reporting obligations, did not meet the requests of the Executive Body in its decision 2000/2, nor did it fully meet the requests of the Executive Body in its decision 2001/4;

(i) Strongly urges Luxembourg to comply with its reporting obligations under the 1985 Sulphur Protocol and the 1988 NOx Protocol and in these contexts to provide, as soon as possible, but no later than 31 January 2003, all the missing information on its national emissions;

(j) Calls upon Luxembourg's head of delegation to the Executive Body, if Luxembourg does not comply fully within this time frame, to visit the secretariat together with an expert familiar with sulphur and NOx emission inventories to discuss the matter;

(k) Calls on Luxembourg to draw up a precise timetable that will achieve compliance with its reporting obligations;

(l) Requests the Implementation Committee to review the progress made by Luxembourg and Ukraine with regard to their reporting obligations and to report to it thereon at its twenty-first session.

### **III. IN-DEPTH REVIEW OF COMPLIANCE BY PARTIES WITH THEIR OBLIGATIONS UNDER THE 1994 SULPHUR PROTOCOL**

31. As requested by the Executive Body in its work plan (ECE/EB.AIR/75, annex VI, item 1.2), the Implementation Committee carried out an in-depth review of compliance by Parties with their obligation under the 1994 Oslo Protocol on Further Reduction of Sulphur Emissions, including their national emission obligations. It used as its basis the emission data reported by Parties to EMEP (EB.AIR/GE.1/2002/8) and any emission data submissions received by 30 August 2002 as well as the responses to the questionnaire for the 2002 Review on Strategies and Policies received as of the same date.

32. The Committee reviewed the Oslo Protocol by identifying the obligations that it could address. A full list of the obligations of individual Parties would cover: article 2, paragraphs 1-5; article 3, paragraphs 1 and 2; article 4, paragraphs 1 and 2; article 5, paragraphs 1 and 2; article 6; article 8, paragraph 2 (c). The Committee considered, however, that article 6 might not place obligations on individual Parties in the light of its content and its reference to "the Parties" as a whole. The Committee agreed that it would focus on the key obligations in the list, i.e. article 2, paragraphs 2, 3 and 5 (a) and (c), as well as the reporting obligations in article 5, paragraphs 1 and 2, which it could address in greater detail than usual. With such a focus, its work would have a stronger impetus than if it were part of a broader analysis that sought also to cover those obligations that did

not allow clear-cut conclusion about a Party's compliance. The other obligations and reporting thereon are, because of their nature, more usefully evaluated in overall terms as part of a general review of progress in the UNECE region. The Committee also agreed not to focus on paragraph 1 of article 2, given both the long-term character of its obligation and the recommendatory character of the annex to which it refers. The review presented in this chapter addresses just the key obligations specified in article 2, paragraphs 2, 3 and 5 (a) and (c). The reporting obligations in article 5, paragraphs 1 and 2, are dealt with in chapter II above.

### **1. Compliance with article 2, paragraphs 2 and 3**

33. Officially submitted emission data suggest that 19 of the 25 Parties to the 1994 Sulphur Protocol met their national emission reduction obligations in 2000. Table 6 presents the emission ceilings specified for each Party in annex II to the Protocol and their reported emission data for 2000. Article 2, paragraph 2, of the Protocol requires Parties to reduce and maintain their annual sulphur emissions in accordance with the timing and levels specified in annex II.

34. Two Parties (Croatia and Italy) have not yet complied with their reporting obligations under article 5, paragraph 1 (b) (see chapter II above), and did not submit data for 2000, and so evaluation of compliance with their obligations under article 2, paragraph 2, has not been possible. For three Parties (Belgium, Hungary and Monaco) the Protocol was not yet in force in 2000.

35. Article 2, paragraph 3, of the Protocol requires each Party whose territory includes an area listed as a SOMA in annex III to reduce and maintain its annual sulphur emissions in the area so listed in accordance with the timing and levels specified in annex II. Annex III specifies a SOMA in Canada. As Canada has not yet submitted any sulphur emission data for its SOMA for 2000 (see table 6), it has not been possible to evaluate whether Canada has complied with its obligation as specified in article 2, paragraph 3.

### **2. Compliance with article 2, paragraph 5 (a) and (c)**

36. The Committee only started its review of compliance by Parties with their obligations under article 2, paragraph 5 (a) and (c). It found that the information provided in the responses of several Parties did not suffice to allow it to conclude that they were in compliance. Some of the responses were rather vague or listed only emission limit values applied to some of the source categories covered by the obligation.

37. No conclusion was possible with regard to either of the following matters because of the limited information reported by the Parties concerned:

(a) Whether Belgium, Croatia, Finland, Germany, Luxembourg, Norway, Slovakia, Sweden, Switzerland and European Community were in compliance with their obligations to apply emission limit values (ELVs) at least as stringent as those specified in annex V to all new major stationary combustion sources, as required by article 2, paragraph 5 (a); and

(b) Whether Belgium, Croatia, Czech Republic, Denmark, France, Germany, Luxembourg, Monaco, Norway, Slovenia, Sweden, and European Community were in compliance with their obligations to apply national standards for the sulphur content of gas oil which are at least as stringent as those specified in annex V, as required by article 2, paragraph 5 (c).

38. The Committee agreed to draw this to the attention of the Executive Body, which may wish to suggest to the above-mentioned Parties that had not yet done so to complete their reports and provide all missing information to enable the Implementation Committee to complete its review of the 1994 Sulphur Protocol in 2003. Parties may, in particular, consider their responses to questions 20 and 23 of the questionnaire for the 2002 Review on Strategies and Policies. In this respect, the Committee would like to point out that every Party, including regional economic integration organizations, should, in principle, itself fulfil its reporting obligation and not rely on other Parties to provide the information that the Implementation Committee needs to do its work.

#### **IV. COOPERATION WITH OTHER BODIES**

39. A Task Force on Environmental Compliance and Enforcement, led by the Netherlands, under the Committee on Environmental Policy is developing guidelines for strengthening compliance with and implementation of multilateral environmental agreements in the UNECE region for adoption at the fifth Ministerial Conference "Environment for Europe" in Kiev in 2003. The Implementation Committee agreed that it would be useful if at least one of its members could participate in the meetings of the Task Force, as practical experience of the compliance regime under the Convention on Long-range Transboundary Air Pollution could be of value to the work. Mr. Kuokkanen has been asked to represent the Committee at two meetings of the Task Force during 2002.

40. The Committee praised the valuable elements of the work of the Task Force and the usefulness of many parts of the draft guidelines. However, at its tenth meeting, prior to the fourth meeting of the Task Force, it noted with some concern that some parts of the draft text were incoherent and did not correctly account for the autonomy of treaty bodies.

41. At its ninth meeting, the Committee reviewed the preliminary draft emission reporting guidelines that were under preparation by the Task Force on Emission Inventories and Projection. The Task Force, meeting at the same time as the Committee, was reviewing the technical contents of the draft and was expected to recommend the draft guidelines for adoption to the EMEP Steering Body. The Task Force was, however, not in a position to review the draft text from a legal perspective and was therefore looking to the Implementation Committee for assistance. The Implementation Committee reviewed the wording of the body of the guidelines in detail and proposed a number of amendments. Much discussion focused on the need for clarity as to the legal weight of the provisions of the guidelines. The editorial comments and legal editing points, which did not affect the technical content of the draft, were incorporated into the draft presented to the EMEP Steering Body. With respect to the legal status of the guidelines, the Committee highlighted a

number of points that the secretariat drew to the attention of the EMEP Steering Body (EB.AIR/GE.1/2002/13).

42. The EMEP Steering Body adopted the guidelines, recommended their approval to the Executive Body and adopted a decision on the legal status of the guidelines making use of its delegated authority under the 1994 Sulphur Protocol (EB.AIR/GE.1/2002/2, annex). In that decision, the Steering Body requested the secretariat, in consultation with the Implementation Committee, to prepare elements of a draft decision, for consideration by the Executive Body that would enable the Executive Body to make use of its delegated authorities.

43. The Implementation Committee took note of the secretariat's draft and offered a number of drafting suggestions. The secretariat indicated that it would revise the text in the light of the suggestions and present it to the Executive Body at its twentieth session together with the Committee's observations on the delegation of authority in the Convention and its protocols (EB.AIR/2002/3/Add 1). The Committee agreed that it was not appropriate for it to take any position on whether or not the Executive Body should implement any one or more of its delegated authorities under the Convention and its protocols, or, if the Executive Body decided to do so, whether it should do so in the particular manner suggested in the draft. It noted that there were several options for how to implement such delegated authorities, only some of which were reflected in the preliminary draft. Among other observations, the Committee considered the use of the word "should" in the third paragraph of the draft decision and concluded that it would not have the effect of making the deadlines specified legally binding.

## **V. ORGANIZATIONAL MATTERS**

44. The Executive Body had requested the Committee to consider the difference between its approach to Parties in non-compliance making a submission on this matter and those Parties in non-compliance not making such a submission, and to report back to it at its twentieth session (ECE/EB.AIR/75, para. 48 (f)).

45. The Committee noted that its mandate (Executive Body decision 1997/2, as amended at the nineteenth session, ECE/EB.AIR/75, annex V) foresaw three channels by which specific questions concerning the compliance of individual Parties could be brought before it, in essence: (i) if a Party concludes that, despite its best endeavours, it is or will be unable to comply fully with its obligations under a Protocol; (ii) if one or more Parties to a Protocol have reservations about another Party's compliance with its obligations under that instrument; and (iii) if the secretariat, in particular upon reviewing the reports submitted in accordance with a Protocol's reporting requirements, becomes aware of possible non-compliance by a Party with its obligations. The Implementation Committee would also become aware of instances of non-compliance by individual Parties as a result of its reviews under paragraph 3 (d). The Implementation Committee noted, however, that due process dictated that where a case of non-compliance by an individual Party was identified through such a review, the Executive Body should not take any measures unless and until the Implementation

Committee had properly and individually reviewed the case (including, for example, listening to any arguments that the Party in question might wish to make).

46. In particular, upon conducting its review of compliance with reporting obligations, the Committee recognized the need for good discipline and the importance of clearly identifying the sources of information relied upon. In this regard, the Committee agreed that it should be sure to treat all Parties equally. It should, for instance, not give those Parties represented on the Committee any undue advantages.

## **VI. FURTHER WORK**

47. The Implementation Committee reviewed its work-plan for 2003 and made suggestions to the secretariat for inclusion in the proposal to be presented to the Executive Body. The Committee agreed that it should continue the in-depth review of the 1994 Sulphur Protocol with a focus on the key obligations other than the emission reduction obligation. It considered that it could address in subsequent years the technology-related obligations in the 1988 NO<sub>x</sub> and the 1991 VOC Protocols.

48. The Committee was of the opinion that it would be useful to continue its cooperation with EMEP concerning the quality of emission data in the follow-up to the EMEP workshop on emission data validation and verification held in Gothenburg, Sweden, in October 2002. The Committee also recognized that it should, at an appropriate time, address obligations in the protocols that were not key requirements, such as the provisions dealing with research and monitoring.

49. It tentatively scheduled its eleventh meeting for 28-30 April 2003 and its twelfth meeting for 3-5 September 2003. Both meetings would be held in Geneva, unless the Committee received an invitation to hold its eleventh meeting at another location.

Table 1. National total annual emissions reported by Parties to the 1985 Sulphur Protocol (a)

	Entry into force	Base year, 1980	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	
Austria	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Belarus	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X	
Belgium	07/09/1989	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Bulgaria	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Canada	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Czech Republic	01/04/1993	X	n/a	n/a	n/a	n/a	n/a	n/a	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Denmark	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Estonia	05/06/2000	X	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	X	
Finland	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
France	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Germany	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X	
Hungary	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Italy	06/05/1990	X	n/a	n/a	n/a	X	X	X	X	X	X	X	X	X	X	-	
Liechtenstein	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Luxembourg	22/11/1987	X	-	-	-	X	-	-	X	X	X	X	X	X	X	X	
Netherlands	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Norway	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	
Russian Federation	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	
Slovakia	26/08/1993	X	n/a	n/a	n/a	n/a	n/a	n/a	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Sweden	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Switzerland	20/12/1987	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Ukraine	02/09/1987	X	X	X	X	X	X	X	X	X	X	X	X	-	-	X	
<b>Total:</b>	<b>22 Parties</b>	<b>100%</b>	<b>94%</b>	<b>94%</b>	<b>94%</b>	<b>100%</b>	<b>95%</b>	<b>95%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>95%</b>	<b>95%</b>	<b>86%</b>	<b>97%</b>

Notes:

Information based on EB.AIR/GE.1/2002/8, updated by subsequent submission from Germany.

X Final and complete data available for that year.

P Preliminary or partial data available for that year.

(a) Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent, adopted 8.7.1985 in Helsinki.

T Submission received by the deadline set in the guidelines.

- No emission data were reported for that year.

n/a Not applicable.

**Table 2. National total annual emissions reported by Parties to the 1988 NO<sub>x</sub> Protocol (a)**

	Entry into force	Emission data reported for:												
		Base year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000		
Austria	2/14/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>		
Belarus	2/14/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X		
Belgium	29/01/2001	X	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
Bulgaria	2/14/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>		
Canada	4/25/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>		
Czech Republic	4/1/93	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>		
Denmark	5/30/93	X	X	X	X	X	X	X	X	X	X	X		
Estonia	6/5/00	X	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	X		
Finland	2/14/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X		
France	2/14/91	X	X	X	X	X	X	X	X	X	X	X		
Germany	2/14/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X		
Greece	7/28/98	X	n/a	n/a	n/a	n/a	n/a	n/a	n/a	X	X	X		
Hungary	2/10/92	X	n/a	X	X	X	X	X	X	X	X	X		
Ireland	1/15/95	X	n/a	n/a	n/a	n/a	X	X	X	X	X	X		
Italy	8/17/92	X	X	X	X	X	X	X	X	X	X	-		
Liechtenstein	6/22/94	X	X	X	X	X	X	X	X	X	X	X		
Luxembourg	2/14/91	X	-	-	X	X	X	X	X	X	X	X		
Netherlands	2/14/91	X	X	X	X	X	X	X	X	X	X	P		
Norway	2/14/91	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>		
Russian Federation	2/14/91	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>		
Slovakia	8/26/93	X	n/a	n/a	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>		
Spain	3/4/91	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>		
Sweden	2/14/91	X	X	X	X	X	X	X	X	X	X <sup>T</sup>	X <sup>T</sup>		
Switzerland	2/14/91	X	X	X	X	X	X	X	X	X	X	X		
Ukraine	2/14/91	X	X	X	X	X	X	X	X	-	-	X		
United Kingdom	2/14/91	X	X	X	X	X	X	X	X	X	X	X <sup>T</sup>		
United States	2/14/91	X	X	X	X	X	X	X	X	X	X	X		
European Community	3/17/94	X	n/a	n/a	n/a	X	X	X	X	X	X	P		
<b>Total:</b>	<b>28 Parties</b>	<b>100%</b>	<b>95%</b>	<b>95%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>96%</b>	<b>96%</b>	<b>89%</b>	<b>97%</b>

Notes: Information based on data in EB.AIR/GE.1/2002/8, updated by subsequent submissions from Germany, Greece and the EC.

X Final and complete data available for that year.

P Preliminary or partial data available for that year.

T Submission received by the deadline set in the guidelines.

- No emission data available for that year.

n/a Not applicable.

(a) Protocol to the 1979 Convention on Long-range Transboundary Air Pollution concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes, adopted 31.10.1988 in Sofia.

Table 3. National total annual emissions reported by Parties to the 1991 VOC Protocol (a)

	Entry into force	Base year	Emission data reported for:					
			Base year	1997	1998	1999	2000	
Austria	9/29/97	1988	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Belgium	1/29/01	1988	X	n/a	n/a	n/a	n/a	
Bulgaria	5/28/98	1988	X	n/a	X	X <sup>T</sup>	X <sup>T</sup>	
Czech Republic	9/29/97	1990	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Denmark	9/29/97	1985	X	X	X	X	X	
Estonia	6/5/00	1988*	X	n/a	n/a	n/a	X	
Finland	9/29/97	1988	X	X	X	X <sup>T</sup>	X	
France	9/29/97	1988	X	X	X	X	X	
Germany	9/29/97	1988	X	X	X	X <sup>T</sup>	X	
Hungary	9/29/97	1988	X	X	X	X	X	
Italy	9/29/97	1990	X	X	X	X	-	
Liechtenstein	9/29/97	1984	X	X	X	X	X	
Luxembourg	9/29/97	1990	X	X	X	X	X	
Monaco	10/24/01	1990	X	n/a	n/a	n/a	n/a	
Netherlands	9/29/97	1988	X	X	X	X	P	
Norway	9/29/97	1988	X	X	X	X	X <sup>T</sup>	
Slovakia	3/14/00	1990	X	n/a	n/a	n/a	X <sup>T</sup>	
Spain	9/29/97	1988	X	X	X	X	X <sup>T</sup>	
Sweden	9/29/97	1988	X	X	X	X <sup>T</sup>	X <sup>T</sup>	
Switzerland	9/29/97	1984	X	X	X	X	X	
United Kingdom	9/29/97	1988	X	X	X	X	X <sup>T</sup>	
Total:	21 Parties		100%	100%	100%	100%	89%	<b>98%</b>

Notes: Information based on data in EB.AIR/GE.1/2002/8, updated with subsequent submissions from Belgium and Germany.

X Final and complete data available for that year.

P Preliminary or partial data available for that year.

T Submission received by the deadline set in the guidelines.

- No emission data available for that year.

n/a Not applicable.

\* To be confirmed.

(a) Protocol to the 1979 Convention on Long-range Transboundary Air Pollution concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, adopted 18.11.1991 in Geneva.

Table 4. Emission data reported by Parties to the 1994 Sulphur Protocol (a)

	Entry into force	Annual totals reported for:			Sectoral emissions reported for:			Gridded data for:	
		1998	1999	2000	1998	1999	2000	2000	
Austria	11/25/98	X	X <sup>T</sup>	X <sup>T</sup>	Y	Y <sup>T</sup>	Y <sup>T</sup>	-	
Belgium	1/29/01	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Canada	8/5/98	X	X <sup>T</sup>	X <sup>T</sup>	Y	Y <sup>T</sup>	Y <sup>T</sup>	n/a	
Croatia	7/26/99	n/a	X	-	n/a	Y	-	-	
Czech Republic	8/5/98	X	X <sup>T</sup>	X <sup>T</sup>	Y	Y <sup>T</sup>	Y <sup>T</sup>	X	
Denmark	8/5/98	X	X	X	Y	Y	Y	X	
Finland	9/6/98	X	X	X	Y	Y	Y	X	
France	8/5/98	X	X	X	Y	Y <sup>T</sup>	Y	-	
Germany	9/1/98	X	X <sup>T</sup>	X	Y	Y <sup>T</sup>	Y	-	
Greece	8/5/98	X	X	X	Y	Y	Y	-	
Hungary	9/6/02	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Ireland	12/3/98	X	X	X	Y	Y	Y	X	
Italy	12/13/98	X	X	-	Y	Y	-	-	
Liechtenstein	8/5/98	X	X	X	Y	Y	Y	-	
Luxembourg	8/5/98	X	X	X	Y	Y	Y	-	
Monaco	8/7/02	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Netherlands	8/5/98	X	X	P	Y	Y	P	P	
Norway	8/5/98	X	X	X <sup>T</sup>	Y	Y	Y <sup>T</sup>	X	
Slovakia	8/5/98	X	X <sup>T</sup>	X <sup>T</sup>	Y	Y <sup>T</sup>	Y <sup>T</sup>	X	
Slovenia	8/5/98	X	X <sup>T</sup>	X <sup>T</sup>	Y	Y <sup>T</sup>	Y <sup>T</sup>	X	
Spain	8/5/98	X	X	X	Y	Y	Y <sup>T</sup>	X	
Sweden	8/5/98	X	X <sup>T</sup>	X <sup>T</sup>	Y	Y <sup>T</sup>	Y <sup>T</sup>	X	
Switzerland	8/5/98	X	X	X	Y	Y	Y	X	
United Kingdom	8/5/98	X	X	X <sup>T</sup>	Y	Y	Y <sup>T</sup>	-	
European Community	8/5/98	X	X	P	Y	Y	P	-	
Total:	25 Parties	100%	100%	82%	100%	100%	82%	52%	88%

Notes: Information based on data in EB.AIR/GE.1/2002/8, updated by subsequent submissions from Germany and EC.

X Final and complete data available for that year.

Y Sectoral emission data reported for that year.

P Preliminary or partial data available for that year.

T Submission received by the deadline set in the guidelines.

- No emission data were reported for that year.

n/a Not applicable.

(a) Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions, adopted 14.6.1994 in Oslo.

**Table 5. 2002 Review on Strategies and Policies:  
Responses received by Parties to the Protocols in force**

<b>Party</b>	<b>1985 Sulphur Protocol</b>	<b>1988 Nitrogen Oxides Protocol</b>	<b>1991 VOC Protocol</b>	<b>1994 Sulphur Protocol</b>
<b>Austria</b>	A	A	A	A
<b>Belarus</b>	A	A	n/a	n/a
<b>Belgium</b>	none	none	none	none
<b>Bulgaria</b>	A	A	A	n/a
<b>Canada</b>	A	A	n/a	A
<b>Croatia</b>	n/a	n/a	n/a	none
<b>Czech Republic</b>	A	A	A	A
<b>Denmark</b>	B	B	B	B
<b>Estonia</b>	B	C (not Q.5 and 7)	C (not Q. 11-12, 14-17)	n/a
<b>Finland</b>	A	A	A	A
<b>France</b>	B	B	C (not Q. 15-17)	B
<b>Germany</b>	A	A	A	A
<b>Hungary</b>	A	C (not Q. 7)	A	A
<b>Greece</b>	n/a	A	n/a	A
<b>Ireland</b>	n/a	B	n/a	B
<b>Italy</b>	A	A	A	A
<b>Liechtenstein</b>	A	A	A	A
<b>Luxembourg</b>	none	none	none	none
<b>Netherlands</b>	A	A	A	A
<b>Monaco</b>	n/a	n/a	C. (not Q. 13, 15-17)	A
<b>Norway</b>	A	A	A	A
<b>Russian Federation</b>	B	B	n/a	n/a
<b>Slovakia</b>	B	B	B	B
<b>Slovenia</b>	n/a	n/a	n/a	A
<b>Spain</b>	n/a	A	C. (not Q. 15-17)	A
<b>Sweden</b>	A	A	A	A
<b>Switzerland</b>	A	A	A	A
<b>Ukraine</b>	none	none	n/a	n/a
<b>United Kingdom</b>	n/a	C. (not Q.5)	B	B
<b>United States</b>	n/a	A	n/a	n/a
<b>European Community</b>	n/a	none	n/a	none

A Response to all questions related to the Protocol received by 22 April 2002.

B Response to all questions related to the Protocol but not by 22 April 2002.

C (not Q.) Response to all questions related to the Protocol except those specified.

None No response to any question of the section.

n/a Not applicable (not Party to the Protocol).

**Table 6. Compliance with the emission reduction obligation of the 1994 Sulphur Protocol**

Party	Date of entry into force	Sulphur emission ceiling for 2000	Reported emissions for 2000	Ceiling met	Emission lower than ceiling by**
		(kt SO <sub>2</sub> per year)			
Austria	25/11/1998	78	40.75	YES	48%
Belgium	29/01/2001	248	n/a	n/a	
Canada national SOMA	05/08/1998	3200 1750	2534 -	YES ?	21%
Croatia	26/07/1999	133	-	?	
Czech Republic	05/08/1998	1128	264.7	YES	77%
Denmark	05/08/1998	90	27.5 <sup>a</sup>	YES	69%
Finland	06/09/1998	116	73.5	YES	37%
France	05/08/1998	868	659 <sup>a b</sup>	YES	24%
Germany	01/09/1998	1300	795	YES	39%
Greece	05/08/1998	595	482.6	YES	19%
Hungary	09/06/2002	898	485.3*	n/a	46%
Ireland	03/12/1998	155	131.5	YES	15%
Italy	13/12/1998	1330	-	?	
Liechtenstein	05/08/1998	0.1	0.0534	YES	47%
Luxembourg	05/08/1998	10	3.092	YES	69%
Monaco	08/07/2002	0.07	0.067	n/a	4%
Netherlands	05/08/1998	106	91.2*	YES	14%
Norway	05/08/1998	34	26.21	YES	23%
Slovakia	05/08/1998	337	120*	YES	64%
Slovenia	05/08/1998	130	96	YES	26%
Spain	05/08/1998	2143	1535 <sup>a</sup>	YES	28%
Sweden	05/08/1998	100	57.65	YES	42%
Switzerland	05/08/1998	60	19.26	YES	68%
United Kingdom	05/08/1998	2449	1165	YES	52%
European Community	05/08/1998	9598	5750	YES	40%

Notes

\* Preliminary data.

\*\* For information only.

<sup>a</sup> Data include those emissions located within the EMEP area only.

<sup>b</sup> National totals do not include international air traffic and international sea traffic.