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

Twenty-third session
(Geneva, 12–15 December 2005)
Item 7 of the provisional agenda

THE EIGHTH REPORT OF THE IMPLEMENTATION COMMITTEE

Introduction

1. At its twenty-first and twenty-second sessions, the Executive Body elected the following members to the Implementation Committee: Ms. Sue BINIAZ (United States); Mr. Volkert KEIZER (Netherlands); Mr. Tuomas KUOKKANEN (Finland); Ms. Melanija LEŠNJAK (Slovenia); Mr. Lars LINDAU (Sweden); Mr. Christian LINDEMANN (Germany); Mr. Stephan MICHEL (Switzerland); Mr. Patrick SZÉLL (United Kingdom) and Ms. Sonja VIDIC (Croatia). Mr. Széll was elected Chairman of the Committee (ECE/EB.AIR/79, para. 27, and ECE/EB.AIR/83, para. 78 (c-e)).

2. The Implementation Committee held two meetings in 2005. Its fifteenth meeting took place in Berlin, on 13-15 April, and its sixteenth meeting in Geneva, on 25-27 July. Ms. Lešnjak did not participate in the first meeting. Mr. Keith Bull participated on behalf of the secretariat in both meetings. Ms. Kimber Scavo participated on behalf of the secretariat in the second meeting.

3. This document contains chapter I of the report. Chapter II is contained in EB.AIR/2005/3/Add.1 and chapters III to VII are contained in EB.AIR/2005/3/Add.2.

Documents prepared under the auspices or at the request of the Executive Body for the Convention on Long-range Transboundary Air Pollution for GENERAL circulation should be considered provisional unless APPROVED by the Executive Body.

I. SUBMISSIONS AND REFERRALS CONCERNING COMPLIANCE BY PARTIES WITH THEIR PROTOCOL OBLIGATIONS

A. Follow-up to Executive Body decisions 2004/5, 2004/6, 2003/3, 2004/7, 8, 9 and 10

4. Based on recommendations made by the Implementation Committee in its seventh report (EB.AIR/2004/6 and Add.1), the Executive Body at its twenty-second session adopted decisions concerning compliance by Greece, Ireland, Norway, Slovenia and Spain. In addition, on the recommendation of the Implementation Committee, the Executive Body closed the referral regarding Luxembourg and the Implementation Committee made a progress report on the submission by Italy. As requested by the Executive Body, the secretariat sent letters to the Ministers of Foreign Affairs of the Parties concerned informing them about the decisions.

1. Follow-up to decision 2004/5 on compliance by Slovenia with the 1994 Sulphur Protocol (ref. 1/00)

Background

5. In its decision 2004/5, the Executive Body requested Slovenia to inform the Committee of its progress towards achieving compliance with article 2, para. 5 (b), of the 1994 Sulphur Protocol, if possible before the Committee's sixteenth meeting and, in any event, in time for its seventeenth meeting in spring 2006. The Committee received a letter dated 24 June 2005 from Slovenia's Minister of the Environment and Spatial Planning concerning the progress it had made. Slovenia stated that it was not yet in compliance with article 2, para. 5 (b), but indicated that completion of all work at the Trbovlje Thermal Power Plant as well as technical examination of the installation was foreseen for October 2005 and from that date the plant would operate in accordance with the obligation in article 2, para. 5 (b).

Consideration

6. The Committee was grateful to Slovenia for its letter and the information contained therein and invited the secretariat to request Slovenia to inform the Committee further of its progress towards achieving compliance with article 2, para.5 (b), in time for its seventeenth meeting.

2. Follow-up to decision 2004/6 on compliance by Norway with the 1991 VOC Protocol (ref. 1/01)

Background

7. In its decision 2004/6, the Executive Body requested the Committee to review Norway's

progress and timetable for compliance with article 2, para.2 (b), of the VOC Protocol. The secretariat informed the Committee that it had sent a letter on 27 January 2005 to the Norwegian Minister of Foreign Affairs drawing his attention to the decision. It had received a written submission from Norway on 6 April 2005 in response to the decision. The response had been circulated to the Committee. In addition, three experts from Norway (Ms. Eli Marie Åsen, Ms. Hanne Marie Øren and Mr. Egil Tveit) made an oral presentation to, and answered questions from, the Committee at its fifteenth meeting.

Consideration

8. The Committee was grateful to Norway for its written submission and presentation and carefully considered the further information – written and oral - provided. It noted the latest emission data and emission projections submitted by Norway and the progress reported with regard to the installation of emission reduction units in the offshore oil sector. It also noted that these steps had reduced Norway's emissions of VOC by 23% and its TOMA emissions by 15% from 2001 to 2003; preliminary data indicated further reductions in subsequent years and Norway confirmed its earlier expectation that it would achieve compliance with its obligations in relation to the national total from 2005 and for the TOMA from 2006.

9. The Committee observed that, in spite of the downward trend of its emissions, Norway had failed to comply with its emission reduction obligations in 2004 (its total emissions were still 14,000 tonnes higher, and the TOMA emissions 32,000 tonnes higher, than the target levels). Under its current timetable, Norway will have been in non-compliance with its national emissions target for 6 years, and for 7 years in the case of its TOMA. With regard to its offshore sector, Norway explained that, having decided not to seek to reduce its emissions through regulation of oil production as such, it relied on technical measures only. Its efforts focused on the need to develop, test and install efficient emission control technology relating to offshore loading and the storage of crude oil. While the Implementation Committee welcomed the significant national measures taken by Norway, it nevertheless continued to regret that Norway had been unable to accelerate its earlier timetable to implement the measures necessary to achieve compliance.

10. The Committee noted the steady decline in Norway's emissions and recognized the considerable efforts being made to arrive at compliance in the near future. However, the fact that compliance had not yet been achieved merited continued action by the Committee and the need for further encouragement to Norway to complete its implementation measures.

Recommendation to the Executive Body

11. On the basis of the above consideration, 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) Recalls its decisions 2001/1, 2002/2, 2003/1 and 2004/6;
- (b) Notes the report provided by the Implementation Committee on the progress made by Norway, based on the information provided by Norway on 6 and 12 April 2005 (EB.AIR/2005/3 paras. 6 to 9) and, in particular, its conclusion that Norway remained in non-compliance with the emission reduction obligation of the 1991 Protocol on the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes;
- (c) Welcomes the significant national measures that have been taken by Norway to reduce its VOC emissions;
- (d) Welcomes also the fact that Norway's final data for 2002 and 2003 and the preliminary data for 2004 confirm a downward trend in its total national emissions and its tropospheric ozone management area (TOMA) emissions;
- (e) Remains concerned, however, by the continuing failure of Norway to fulfil its obligations to take effective measures to reduce its annual emissions within the TOMA specified under annex I by at least 30%, using 1989 as its base year, and to ensure that its total national annual emissions do not exceed its 1988 levels, as required by article 2, paragraph 2 (b), of the VOC Protocol;
- (f) Expresses its disappointment in Norway's inability, notwithstanding Executive Body decision 2004/6, to shorten the seven years it anticipated it will remain in non-compliance;
- (g) Strongly urges Norway to ensure that it lives up to its expectation, expressed both in writing and orally, to achieve compliance with its obligation to reduce its total national annual emissions as from 2005, and with its obligation to reduce its annual emissions within the TOMA as from 2006;
- (h) Calls on Norway to provide the Implementation Committee, through the secretariat, by 31 March 2006, with information on the progress that it has made towards achieving compliance with these two obligations; and
- (i) Requests the Implementation Committee to review Norway's progress and

timetable, and report to it thereon at its twenty-fourth session.

3. Follow-up to decision 2003/3 on compliance by Italy with the 1991 VOC Protocol (ref. 3/01)

Background

12. In its decision 2003/3, the Executive Body requested the Committee to review Italy's progress and timetable for compliance with article 2, para. 2 (a), of the VOC Protocol. At its fourteenth meeting, the Committee did not finalize its work on this submission, although the emission data suggested that Italy had achieved compliance with its emission reduction obligation in 2002. This was due to unresolved questions concerning the consistency of the methodology that Italy had used for calculating its base year emission data and the rest of its emission series, as well as the way in which the recalculation was conducted in relation to different source categories. The Committee also wanted Italy to provide more information about the most recent scientific knowledge it had relied on as the basis for the recalculation of its emission data. The secretariat informed the Committee that it had written to Italy on 5 February 2005, asking it to provide the above-mentioned information by 31 March. It had received a reply from Italy on 7 April 2005, which had been circulated to the Committee.

Consideration

13. The Committee was grateful to Italy for its letter of 7 April 2005. At its fifteenth meeting the Committee carefully considered its contents and concluded that the information provided about the recalculation of Italy's VOC emissions in 2004 demonstrated the consistency and comparability of the time series and that, as a result, there was no need for the Committee to continue to review compliance by Italy with its obligation under article 2, para. 2 (a), of the VOC Protocol.

Recommendation to the Executive Body

14. On the basis of the above consideration, 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) Recalls its decisions 2001/3, 2002/4 and 2003/3, in which it had urged Italy to

fulfil its obligations under the VOC Protocol as soon as possible;

(b) Notes the report provided by the Implementation Committee (EB.AIR/2005/3 paras. 11 to 12) concerning Italy's compliance with article 2, paragraph 2 (a), of the 1991 VOC Protocol and in particular the Committee's conclusion that it was apparent from the updated data provided by Italy that it had achieved compliance in 2002 with its obligation under article 2, paragraph 2 (a), of the Protocol;

(c) Decides that there is no reason for the Implementation Committee to continue to review Italy's compliance with its obligation under article 2, paragraph 2 (a), of the VOC Protocol as initiated by Italy's self-submission in 2001.

4. Follow-up to decision 2004/7 on compliance by Greece with the 1988 NO_x Protocol (ref. 2/02)

Background

15. In its decision 2004/7, the Executive Body requested the Committee to review Greece's progress and timetable for compliance with article 2, para. 1, of the NO_x Protocol. The secretariat informed the Committee that on 27 January 2005 it had sent a letter to Greek Minister of Foreign Affairs, drawing his attention to the decision. It had received a written response from Greece dated 6 April 2005, which had been circulated to the Committee. In addition, an expert from Greece (Mr. D. Hadjidakis) made an oral presentation to, and answered questions from, the Committee at its sixteenth meeting (26 July 2005).

16. The Committee noted the recognition by Greece that it was still in non-compliance with article 2, para. 1, of the NO_x Protocol for the time being, but that Greece was confident that compliance could be achieved by the year 2010. An overview of Greece's NO_x emissions between the years 1990 and 2002 in the main source categories was given. It showed the trends in the emission sectors and indicated the potential for decreasing emissions in each, and in particular in the transport and energy sectors. The average age of the national vehicle fleet in Greece is high and the practice of purchasing old second-hand vehicles, especially goods vehicles and buses, from abroad meant that the benefits of Euro vehicle standards were slow to be realized. Improvement would be achieved through the retirement of old goods, vehicles and buses and introduction of new ones between 2005 and 2010. Moreover, several public sector coal-fired and oil-fired power stations were due to be phased out before 2010 and replaced by gas-fired stations. A number of private sector gas-fired power stations were also being planned. However, the use of small generating units on Greece's many islands would continue to create particular difficulties in reducing emissions from this sector.

Consideration

17. The Committee was grateful to Greece for its written submission and oral presentation. It carefully considered the further information provided and noted the measures identified for emission reductions, in particular in the energy and transport sectors. The Committee noted the problem that Greece had with its old vehicle fleet and that its renewal could provide additional potential for significant emission reductions in the near future.

18. It was further noted that in 2005 Greece had revised its emission data for the years 1990 to 2002, but that it had not revised the emission data for the base year due to the lack of energy balance information for the years before 1990. The Committee discussed Greece's emission data calculations and noted that recalculation of its base year could provide a better understanding of the degree and timeframe of its non-compliance.

19. The Committee remained concerned however that, according to the emission data and projections and the measures identified in its written submission and oral presentation, Greece would achieve compliance with its emission reduction obligation no earlier than in 2010. It believed there were compelling reasons for Greece to consider taking additional measures and to implement earlier the measures it had already planned.

Recommendation to the Executive Body

20. On the basis of the above consideration, 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) Recalls its decisions 2002/6, 2003/5 and 2004/7;

(b) Notes the report of the Implementation Committee on the progress made by Greece, based on the information provided by Greece on 7 April 2005 and 26 July 2005 (EB.AIR/2005/3 paras. 14 to 18), in particular its conclusion that Greece has remained in non-compliance with the emission reduction obligation under article 2, para. 1, of the 1988 NO_x Protocol since 1998;

(c) Is seriously concerned at the continuing failure of Greece to fulfil its obligation to take effective measures to control and/or reduce its annual emissions so that these do not exceed its emissions in 1987;

(d) Expresses its disappointment in Greece's inability to achieve compliance with article 2, paragraph 1, of the NO_x Protocol before the year 2010;

(e) Strongly urges Greece to consider taking additional measures and to implement earlier the measures it has already planned in order to fulfil its obligation under article 2, paragraph 1, of the NO_x Protocol as soon as possible, and to reduce significantly the period of 12 years that it has anticipated it will remain in non-compliance;

(f) Requests Greece to provide the Implementation Committee, through the secretariat, by 31 March 2006, and by 31 March of each subsequent year until compliance is achieved, with a report describing the progress it has made towards achieving compliance and listing the specific measures taken and scheduled, including the measures referred to in paragraph (e), to fulfil its emission reduction obligations under the NO_x Protocol, setting out a timetable containing annual steps for the achievement of these measures and indicating the projected effects of each of these measures on its NO_x emissions per year up to and including the year of predicted compliance;

(g) Invites Greece, when deciding on the measures indicated above, to consider areas with high potential for achieving reductions of NO_x emissions, for instance the renewal of its vehicle fleet and in particular its heavy duty lorries and buses;

(h) Calls upon Greece, until such time as it achieves compliance, to make a presentation containing the information referred to in paragraph (f) to the next annual session of the Executive Body, in any year in which it fails to provide that information to the Implementation Committee in time for its second meeting of the year;

(i) Requests the Implementation Committee to review Greece's progress and report to it thereon, with recommendations as necessary, at its twenty-fourth session and subsequent annual sessions until Greece has reached compliance.

5. Follow-up to decision 2004/8 on compliance by Ireland with the 1988 NO_x Protocol (ref. 3/02)

Background

21. In its decision 2004/8, the Executive Body requested the Committee to review Ireland's progress and timetable for compliance with article 2, para. 1, of the NO_x Protocol and, to that end, repeated its request to Ireland to provide the Committee, not later than 31 March 2005, with a report describing, among other things, its progress towards compliance. The secretariat informed the Committee that it had sent a letter on 27 January 2005 to the Irish Minister of Foreign Affairs, drawing his attention to the decision. It had received a letter from Ireland on 7

April 2005 in response to the decision. The response had been circulated to the Committee.

Consideration

22. The Committee was grateful to Ireland for its letter. It considered its content carefully and, in particular, the latest emission data for the years 1987 and 1990 to 2003, both unadjusted and adjusted for fuel tourism, as well as the methodology used for the adjustment. It was apparent from the revised emission data, as adjusted for fuel tourism, that Ireland had achieved compliance with its emission reduction obligation in 2003. In reaching this conclusion, the Committee recalled that Ireland was free to report its fuel-related emissions according to a methodology appropriate to its national circumstances though it was important in this context that the data for its base year and its commitment years, that is to say for 1987 and for 1995 onwards, were consistent. The Committee agreed that, in view of this conclusion, there was no need for it to continue to review compliance by Ireland with its obligation under article 2, paragraph 1, of the NO_x Protocol.

Recommendation to the Executive Body

23. On the basis of the above consideration, 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) Recalls its decisions 2002/7, 2003/6 and 2004/8 in which it had urged Ireland to fulfil its obligations under the 1988 NO_x Protocol as soon as possible;

(b) Notes the report provided by the Implementation Committee (EB.AIR/2005/3, paras. 20 to 21) concerning Ireland's compliance with article 2, paragraph 1, of the 1988 NO_x Protocol, and in particular the Committee's conclusion that it was apparent from the updated data provided by Ireland that it had achieved compliance with its obligation in 2003;

(c) Decides that there is no reason for the Implementation Committee to continue to review Ireland's compliance with its obligation under article 2, paragraph 1, of the NO_x Protocol as initiated by the secretariat's referral in 2002.

6. Follow-up to decision 2004/9 on compliance by Spain with the 1988 NO_x Protocol (ref. 4/02)

Background

24. In its decision 2004/9, the Executive Body requested the Committee to review at its fifteenth meeting the information contained in the oral presentation made by Spain at the twenty-second session of the Executive Body in the context of assessing Spain's progress and timetable for achieving compliance with article 2, para. 1, of the NO_x Protocol. The secretariat informed the Committee that on 7 April 2005 it had received from Spain additional written information to complement the presentation made at the twenty-second session of the Executive Body. Both the presentation to the twenty-second session of the Executive Body and the additional written information had been circulated to the Committee.

Consideration

25. The Committee was grateful to Spain for its presentation to the Executive Body and for its further written communication. At its fifteenth meeting it carefully considered the information received. It was concerned that it did not provide clear indications of how and by when Spain's obligation under article 2, para. 1, of the Protocol would be met. Moreover, while Spain had drawn attention to two possible scenarios for achieving compliance, there was no indication as to what measures would be taken to achieve this end or, indeed, if there was any intention to take such steps. The Committee thus decided to question an expert from Spain in order to get a clearer understanding of the situation. So, at the request of the Committee, the secretariat invited Spain to attend its sixteenth meeting for this purpose. Two experts from Spain (Ms. Marta Muñoz and Ms. Montserrat Fernandez) made an oral presentation to and answered questions from the Committee.

26. The Committee was grateful to Spain for its oral presentation and for the additional written material it provided. It especially appreciated the prospect of establishing a productive dialogue with Spain. The Committee carefully considered the additional information provided by Spain and took note of its description of the plans, strategies and measures adopted, some of which were supported by force of law. The Committee noted the recognition by Spain that it was still in non-compliance with its obligation under the NO_x Protocol, and its claim that it tentatively expected to achieve compliance with its emission reduction obligation in 2007, if all official plans, strategies and measures enacted and in force were implemented successfully and on time. It also noted that Spain had experienced considerable economic growth in the period 1992-2002, that its GDP had increased by 31.9% and its final energy consumption had increased by 47% during that decade. With regard to this economic growth, the Committee emphasized that it did not in any way affect the Party's legal obligation and it noted that Spain had not suggested the contrary.

27. The Committee noted that Spain had in recent years installed significant capacity for renewable energy, hydropower and, in particular, wind-power and that it was progressively extending that capacity. It also noted Spain's statement regarding the negative effect of the extended period of dry weather on its hydropower capacity.

28. The Committee inquired whether Spain intended to take additional measures to meet its obligation under the NO_x Protocol, noting that its NO_x obligation under the Gothenburg Protocol (which Spain has ratified) will, as of 2010, be even more stringent than those under the NO_x Protocol. It noted that Spain was revising its emission projections based on its National Allocation Plan for the Kyoto Protocol and its plans for large combustion plants and energy efficiency. It also noted that Spain believed these measures would lead to significant emission reductions. The Committee welcomed the offer by Spain to provide the secretariat with updated emission projections, when they are available for distribution to the Committee.

29. The Committee was however concerned that, according to the figures provided by Spain, it had been moving further away from compliance, not nearer, in recent years and that the amount of emission reductions necessary to meet its NO_x Protocol obligation in 2007 was very ambitious. It was of the opinion that additional information was needed from Spain to demonstrate in a clear and precise manner how the measures it was taking would achieve compliance and how the annual tonnage of its emissions would go down year by year. In addition, the Committee considered that, since Spain had revised its time series of historical data (from 1990 to 2003), it should also make consistent adjustments to its base year data (1987).

Recommendation to the Executive Body

30. On the basis of the above consideration, 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) Recalls its decisions 2002/8, 2003/7 and 2004/9;
- (b) Notes the report provided by the Implementation Committee on the progress made by Spain, based on the information provided by Spain in December 2004, March 2005 and July 2005 (EB.AIR/2005/3, paras. 23 to 28), and in particular its conclusion regarding the failure of Spain to comply with the emission reduction obligation under article 2, para. 1, of the Protocol;

(c) Continues to be strongly concerned by the failure of Spain to fulfil its obligation to take and implement effective measures to control and/or reduce its national annual emissions so that these do not exceed its emissions in 1987;

(d) Continues to urge Spain to fulfil its obligation under article 2, paragraph 1, of the NO_x Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligation;

(e) Requests Spain to provide the Implementation Committee, through the secretariat, by 31 March 2006, and by 31 March of each subsequent year until compliance is achieved, with a report describing the progress it has made towards achieving compliance. This report should contain a timetable that specifies the year by which it expects to be in compliance, a list of the specific measures taken or scheduled to fulfil its emission reduction obligation under the NO_x Protocol and a description of the projected effects of each of these measures on its NO_x emissions up to and including the year of predicted compliance;

(f) Requests Spain, when revising its historical data, also to revise its base year data in a consistent way;

(g) Calls on Spain, until such time as it achieves compliance, to make a presentation containing the information referred to in paragraph (e) to the next annual session of the Executive Body, in any year in which it fails to provide that information to the Implementation Committee in time for its second meeting of the year;

(h) Requests the Implementation Committee to review Spain's progress and report to it thereon, with recommendations as necessary, at its twenty-fourth session and subsequent annual sessions until Spain has reached compliance.

7. Follow-up to Executive Body decision 2004/10 on compliance by Spain with the 1991 VOC Protocol (ref. 6/02)

Background

31. In its decision 2004/10, the Executive Body requested the Committee to review Spain's progress and timetable for compliance with article 2, para. 2 (a), of the VOC Protocol. The secretariat informed the Committee that it had sent a letter on 27 January 2005 to the Spanish Minister of Foreign Affairs, informing him about the decision. It had, in response, received a submission from Spain on 7 April 2005. The response had been circulated to the Committee.

Consideration

32. The Committee was grateful to Spain for its written communication and oral presentation to the Executive Body, and carefully considered the information received. In addition, it thanked the two experts from Spain who had made an oral presentation to the Committee with respect to

Spain's compliance with the NO_x Protocol (see paras. 25-28 above) and who had answered questions from the Committee at its sixteenth session. The Committee noted the measures indicated by Spain as a means of controlling its VOC emissions in different sectors. While Spain had drawn attention to two possible scenarios for achieving compliance, there was no indication as to the actual measures that would be taken to achieve this end or, indeed, if there was any intention to take such steps. In particular, the Committee noted the claim by Spain that it hoped to achieve compliance with its emission reduction obligation in 2010, if all official plans, strategies and measures enacted and in force were implemented successfully and on time.

33. The Committee carefully considered the additional information provided by Spain and took note of its description of the plans, strategies and measures adopted, some of which were supported by force of law. The Committee noted the recognition by Spain that it was still in non-compliance with its obligation under the VOC Protocol. It also noted Spain's explanation that it had experienced considerable economic growth in the period 1992-2002, that its GDP had increased by 31.9% and its final energy consumption had increased by 47% during that decade. With regard to this economic growth, the Committee emphasized that it did not in any way affect the Party's legal obligation and it noted that Spain had not suggested the contrary. The Committee took note of Spain's plans to reduce emissions in its solvent sector and was of the view that it appeared to be a promising area in which to achieve reductions.

34. The Committee inquired whether Spain intended to take additional measures to meet its obligation under the VOC Protocol, noting that its VOC obligation under the Gothenburg Protocol (which Spain has ratified) will, as of 2010, be even more stringent than those under the VOC Protocol. It noted that Spain was revising its emission projections based on its National Allocation Plan for the Kyoto Protocol and its plans for large combustion plants and energy efficiency. It also noted that Spain believed these measures would lead to significant emission reductions. The Committee welcomed the offer by Spain to provide the secretariat with updated emission projections, when they are available, for distribution to the Committee.

35. It appeared from the graph supplied by Spain that its estimate of 2010 as the date by which it will be in compliance with its VOC Protocol obligation may have been premised on the emission target contained in the Gothenburg Protocol (669 kt), rather than the less stringent target contained in the VOC Protocol (1057 kt). The Committee considered that, if this was so, Spain could be in a position to comply with its VOC Protocol obligation earlier than 2010. At the same time, the Committee noted that, while Spain's emission levels for the commitment years had been recalculated, its base year emissions had not, and that assessment of the year by which compliance could be expected would depend also upon Spain's base year data being recalculated and officially submitted to the Committee backed by adequate supporting documentation. The Spanish officials who appeared before the Committee said they would check the graph/data and its base year (1988) emissions and get back to the secretariat, recognizing that the Committee

would not be in a position to review any revised information until its seventeenth meeting, i.e. after the twenty-third session of the Executive Body.

Recommendation to the Executive Body

36. On the basis of the above consideration, 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) Recalls its decisions 2003/8 and 2004/10;
- (b) Notes the report of the Implementation Committee on the progress made by Spain, based on the information provided by Spain in December 2004, March 2005 and July 2005 (EB.AIR/2005/3, paras. 30 to 34), and in particular its conclusion that Spain had remained in non-compliance with the emission reduction obligation under article 2, paragraph 2 (a), of the 1991 VOC Protocol;
- (c) Continues to be concerned by the failure of Spain to fulfil its obligation to take effective measures to reduce its national annual emissions by at least 30% using 1988 as its base year;
- (d) Continues to urge Spain to fulfil its obligation under article 2, paragraph 2 (a), of the VOC Protocol as soon as possible;
- (e) Calls on to Spain to provide the Implementation Committee, through the secretariat, by 31 March 2006 with a report describing the progress it has made towards achieving compliance. The report should set out a timetable that specifies the year by which Spain expects to be in compliance, set forth its base year emission data in a manner that corresponds to its recalculated emission levels in its commitment years, list the specific measures taken or scheduled to fulfil its emission reduction obligation under the VOC Protocol and set out the projected effects of each of these measures on its VOC emissions up to and including the year of predicted compliance;
- (f) Requests the Implementation Committee to review Spain's progress and timetable, and report to it thereon at its twenty-fourth session.