

Decision 2008/4**Compliance by Spain with its obligations under the 1988 Protocol
Concerning the Control of Emissions of Nitrogen Oxides or Their
Transboundary Fluxes (ref. 4/02)**

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. *Recalls* its decisions 2002/8, 2003/7, 2004/9, 2005/6, 2006/6 and 2007/4;
2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2007/4 on compliance by Spain with its obligations under the 1988 Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes, based on the information provided by Spain in May 2008 (ECE/EB.AIR/2008/3, paragraphs 13 to 16), and in particular its conclusion that the information provided by Spain did not meet the requirements under paragraph 5 of decision 2005/6;
3. *Reiterates its increasing disappointment* at the continuing failure of Spain to fulfil its obligations to adopt and implement effective measures to control and/or reduce its national annual emissions so that these do not exceed its emissions in 1987 and at its continuing non-compliance with the emission reduction obligations under article 2.1 of the Protocol on Nitrogen Oxides since 1994;
4. *Notes with concern* that Spain has still not provided the Implementation Committee with information meeting the requirements of paragraph 5 of decision 2005/6 and as reiterated in paragraph 7 of decisions 2006/6 and 2007/4, namely to provide a report:
 - (a) Describing the progress it has made towards achieving compliance listing the specific measures taken and scheduled to fulfil its emission reduction obligations under the Protocol;
 - (b) Setting out a timetable containing annual steps for the achievement of these measures;
 - (c) Indicating the projected effects of each of these measures on its emissions per year up to and including the year of predicted compliance;
5. *Expresses its concern* that Spain does not seem to give sufficient attention to the matter of continuing and long-lasting non-compliance with its obligations under the Protocol;

6. *Urges* Spain once again to address the inconsistencies identified by the Implementation Committee on emission data and projections contained in the written and oral submissions of Spain;
7. *Once again strongly urges* Spain to fulfil its obligation under article 2.1 of the Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligation;
8. *Reiterates its requests* to Spain as articulated in paragraphs 5 and 7 of its decision 2005/6 and as reiterated in paragraph 7 of its decisions 2006/6 and 2007/4;
9. *Requests* the Executive Secretary of the Economic Commission for Europe to bring this serious matter of continuing and long-lasting non-compliance to the attention of the Minister of Foreign Affairs and Minister of Environment of Spain;
10. *Also requests* the Executive Secretary to present details of the non-compliance of Spain in its annual report to the Committee on Environmental Policy and to prepare an information note detailing non-compliance of Spain, to send copies of it to each of the Parties to the Protocol and to publish it on the home page of the Convention and in the newsletter of the Commission;
11. *Requests* Spain to invite the Implementation Committee in accordance with paragraph 6 (b) of decision 2006/2, and to conduct an in-depth review of the compliance of Spain on the basis of decisions 2005/6, 2006/6 and 2007/4;
12. *Decides* to caution Spain that stronger measures will be considered by the Executive Body at its twenty-seventh session unless, by the time of its twenty-fourth meeting, the Implementation Committee is satisfied that significant progress has been made towards bringing Spain into compliance;
13. *Requests* the Implementation Committee to review the progress and timetable of Spain, and to report to the Executive Body thereon at its twenty-seventh session.
