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## Economic Commission for Europe

### Executive Body for the Convention on Long-range Transboundary Air Pollution

#### Thirty-first session

Geneva, 11–13 December 2012

## Report of the Executive Body on its thirty-first session

### Addendum

### Decisions adopted at the thirty-first session

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## **Decision 2012/5**

### **Amendment of the text of and annexes other than III and VII to the 1998 Protocol on Heavy Metals**

#### **Article 1**

##### **Amendment**

*The Parties to the 1998 Protocol on Heavy Metals meeting within the thirty-first session of the Executive Body,*

*Decide* to amend the 1998 Protocol on Heavy Metals to the Convention on Long-range Transboundary Air Pollution as set out in the annex to this decision.

#### **Article 2**

##### **Relationship to the Protocol**

No State or regional economic integration organization may deposit an instrument of acceptance of this amendment unless it has previously, or simultaneously, deposited an instrument of ratification, acceptance or approval of or accession to the Protocol.

#### **Article 3**

##### **Entry into force**

In accordance with article 13, paragraph 3, of the Protocol, this amendment shall enter into force on the ninetieth day after the date on which two thirds of the Parties to the Protocol have deposited with the Depositary their instruments of acceptance thereof.

#### **Annex**

##### **Amendments to the 1998 Protocol on Heavy Metals**

##### **(a) Article 1**

1. In paragraph 10 the words “of: (i) this Protocol; or (ii) an amendment to annex I or II, where the stationary source becomes subject to the provisions of this Protocol only by virtue of that amendment” are replaced by the words “for a Party of the present Protocol. A Party may decide not to treat as a new stationary source any stationary source for which approval has already been given by the appropriate competent national authority at the time of entry into force of the Protocol for that Party and provided that the construction or substantial modification is commenced within five years of that date”.

2. A new paragraph 12 is added after paragraph 11 as follows:

12. The terms “this Protocol”, “the Protocol” and “the present Protocol” mean the 1998 Protocol on Heavy Metals, as amended from time to time.

##### **(b) Article 3**

3. In paragraph 2, the word “Each” is replaced by the words “Subject to paragraphs 2 bis and 2 ter, each”.

4. In paragraph 2 (a) the words “for which annex III identifies best available techniques” are replaced by the words “for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques”.
5. In paragraph 2 (c) the words “for which annex III identifies best available techniques” are replaced by the words “for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques”.
6. New paragraphs 2 bis and 2 ter are inserted after paragraph 2 as follows:
  - 2 bis. A Party that was already a Party to the present Protocol prior to the entry into force of an amendment that introduces new source categories may apply the limit values applicable to an “existing stationary source” to any source in such a new category the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.
  - 2 ter. A Party that was already a Party to the present Protocol prior to the entry into force of an amendment that introduces new limit values applicable to a “new stationary source” may continue to apply the previously applicable limit values to any source the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.
7. In paragraph 5:
  - (a) The words “, for those Parties within geographical scope of EMEP, using as a minimum the methodologies specified by the Steering Body of EMEP, and, for those Parties outside the geographical scope of EMEP, using as guidance the methodologies developed through the work plan of the Executive Body” are deleted and replaced by a full stop “.”.
  - (b) The following text is added after the first sentence:

Parties within the geographic scope of EMEP shall use the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographic scope of EMEP shall use as guidance the methodologies developed through the workplan of the Executive Body.
8. A new paragraph 8 is added at the end of article 3, as follows:
  8. Each Party should actively participate in programmes under the Convention on the effects of air pollution on human health and the environment and programmes on atmospheric monitoring and modelling.

(c) **Article 3 bis**

9. A new article 3 bis is added as follows:

**Article 3 bis**  
**Flexible transitional arrangements**

1. Notwithstanding article 3, paragraphs 2 (c) and 2 (d), a Party to the Convention that becomes a Party to the present Protocol between 1 January 2014 and 31 December 2019 may apply flexible transitional arrangements for the implementation of best available techniques and limit values to existing stationary sources in specific stationary source categories under the conditions specified in this article.

2. Any Party electing to apply the flexible transitional arrangements under this article shall indicate in its instrument of ratification, acceptance, approval or accession to the present Protocol the following:

(a) The specific stationary source categories listed in annex II for which the Party is electing to apply flexible transitional arrangements, provided that no more than four such categories may be listed;

(b) Stationary sources for which construction or the last substantial modification commenced prior to 1990 or an alternative year of the period 1985–1995 inclusive, specified by a Party upon ratification, acceptance, approval or accession, which are eligible for flexible transitional arrangements as set out in paragraph 5; and

(c) An implementation plan consistent with paragraphs 3 and 4 identifying a timetable for full implementation of the specified provisions.

3. A Party shall, as a minimum, apply best available techniques for existing stationary sources in categories 1, 2, 5 and 7 of annex II no later than eight years after the entry into force of the present Protocol for the Party, or 31 December 2022, whichever is sooner, except as provided in paragraph 5.

4. In no case may a Party's application of best available techniques or limit values for any existing stationary sources be postponed past 31 December 2030.

5. With respect to any source or sources indicated pursuant to paragraph 2 (b), a Party may decide, no later than eight years after entry into force of the present Protocol for the Party, or 31 December 2022, whichever is sooner, that such source or sources will be closed down. A list of such sources shall be provided as part of the Party's next report pursuant to paragraph 6. Requirements for application of best available techniques and limit values will not apply to any such source or sources, provided the source or sources are closed down no later than 31 December 2030. For any such source or sources not closed down as of that date, a Party must thereafter apply the best available techniques and limit values applicable to new sources in the applicable source category.

6. A Party electing to apply the flexible transitional arrangements under this article shall provide the Executive Secretary of the Commission with triennial reports of its progress towards implementation of best available techniques and limit

values to the stationary sources in the stationary source categories identified pursuant to this article. The Executive Secretary of the Commission will make such triennial reports available to the Executive Body.

**(d) Article 7**

10. In paragraph 1 (a):

(a) The semi-colon at the end of the paragraph “;” is replaced by “. Moreover.”; and

(b) New subparagraphs (i) and (ii) are inserted as follows:

(i) Where a Party applies different emission reduction strategies under article 3 paragraphs 2 (b), (c) or (d), it shall document the strategies applied and its compliance with the requirements of those paragraphs;

(ii) Where a Party judges the application of certain limit values, as specified in accordance with article 3, paragraph 2 (d), not to be technically and economically feasible, it shall report and justify this;

11. For paragraph 1 (b) there is substituted the following:

(b) Each Party within the geographical scope of EMEP shall report to EMEP, through the Executive Secretary of the Commission, information on the levels of emissions of heavy metals listed in annex I, using the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographical scope of EMEP shall report available information on levels of emissions of the heavy metals listed in annex I. Each Party shall also provide information on the levels of emissions of the substances listed in annex I for the reference year specified in that annex;

12. New paragraphs are added after paragraph 1 (b) as follows:

(c) Each Party within the geographical scope of EMEP should report available information to the Executive Body, through the Executive Secretary of the Commission, on its air pollution effects programmes on human health and the environment and atmospheric monitoring and modelling programmes under the Convention using guidelines adopted by the Executive Body;

(d) Parties in areas outside the geographical scope of EMEP should make available information similar to that specified in subparagraph (c), if requested to do so by the Executive Body.

13. In paragraph 3:

(a) The words “In good time before each annual session of” are replaced by “Upon the request of and in accordance with timescales decided by”;

(b) The words “and other subsidiary bodies” are inserted after the word “EMEP”;

(c) The word “relevant” is inserted after the word “provide”.

(e) **Article 8**

14. The words “EMEP shall, using appropriate models and measurements and in good time before each annual session of the Executive Body” are replaced by “Upon the request of and in accordance with timescales decided by the Executive Body, EMEP and its technical bodies and centres shall, using appropriate models and measurements,”.

(f) **Article 10**

15. In paragraph 4:

- (a) The word “consider” is inserted after the word “shall”;
- (b) The word “develop” is replaced by the word “developing”;
- (c) The words “to reduce emissions into the atmosphere of the heavy metals listed in annex I” are deleted.

(g) **Article 13**

16. In paragraph 3:

- (a) The words “and to annexes I, II, IV, V and VI” are replaced by the words “other than to annexes III and VII”;
- (b) The words “on which two thirds of the Parties” are replaced by the words “on which two thirds of those that were Parties at the time of their adoption”

17. In paragraph 4 the word “ninety” is replaced by the figure “180”.

18. In paragraph 5 the word “ninety” is replaced by the figure “180”.

19. New paragraphs 5 bis and 5 ter are inserted after paragraph 5 as follows:

5 bis. For those Parties having accepted it, the procedure set out in paragraph 5 ter supersedes the procedure set out in paragraph 3 in respect of amendments to annexes II, IV, V and VI.

5 ter. Amendments to annexes II, IV, V and VI shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of one year from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to any such annex shall become effective for those Parties which have not submitted to the Depositary a notification in accordance with the provisions of subparagraph (a):

(a) Any Party that is unable to approve an amendment to annexes II, IV, V and VI shall so notify the Depositary in writing within one year from the date of the communication of its adoption. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the amendment to such an annex shall become effective for that Party;

(b) Any amendment to annexes II, IV, V and VI shall not enter into force if an aggregate number of 16 or more Parties have either:

- (i) Submitted a notification in accordance with the provisions of subparagraph (a); or

(ii) Not accepted the procedure set out in this paragraph and not yet deposited an instrument of acceptance in accordance with the provisions of paragraph 3.

**(h) Article 15**

20. A new paragraph 3 is added after paragraph 2 as follows:

3. A State or regional economic integration organization shall declare in its instrument of ratification, acceptance, approval or accession if it does not intend to be bound by the procedures set out in article 13, paragraph 5 ter, as regards the amendment of annexes II, IV, V and VI.

**(i) Annex II**

21. In the table under subheading II, the words “lead and zinc” in the first line under the description of category 5 are replaced with the words “lead, zinc and silico- and ferro-manganese alloys”.

**(j) Annex IV**

22. The number “1.” is added in front of the first paragraph.

23. In subparagraph (a), the words “for a Party” are inserted after the word “Protocol”.

24. In subparagraph (b):

(a) In the first sentence the word “eight” is replaced by the word “two”.

(b) At the end of the first sentence, the words “for a Party or 31 December 2020, whichever is the later” are inserted after the word “Protocol”.

(c) The last sentence is deleted.

25. At the end of the annex new paragraphs 2 and 3 are inserted as follows:

2. Notwithstanding paragraph 1, but subject to paragraph 3, a Party to the Convention that becomes a Party to the present Protocol between 1 January 2014, and 31 December 2019, may declare upon ratification, acceptance, approval of, or accession to, the present Protocol that it will extend the timescales for application of the limit values referred to in article 3, paragraph 2 (d) up to 15 years after the date of entry into force of the present Protocol for the Party in question.

3. A Party that has made an election pursuant to article 3 bis of the present Protocol with respect to a particular stationary source category may not also make a declaration pursuant to paragraph 2 applicable to the same source category.

**(k) Annex V**

26. For Annex V the following text is substituted:

**Annex V  
Limit values for controlling emissions from major  
stationary sources**

1. Two types of limit value are important for heavy metal emission control:
  - (a) Values for specific heavy metals or groups of heavy metals; and
  - (b) Values for emissions of particulate matter in general.
2. In principle, limit values for particulate matter cannot replace specific limit values for cadmium, lead and mercury because the quantity of metals associated with particulate emissions differs from one process to another. However, compliance with these limits contributes significantly to reducing heavy metal emissions in general. Moreover, monitoring particulate emissions is generally less expensive than monitoring individual species and continuous monitoring of individual heavy metals is in general not feasible. Therefore, particulate matter limit values are of great practical importance and are also laid down in this annex in most cases to complement specific limit values for cadmium or lead or mercury.
3. Section A applies to Parties other than the United States of America. Section B applies to the United States of America.

**A. Parties other than the United States of America**

4. In this section only, “dust” means the mass of particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions.
5. For the purpose of this section, “emission limit value” (ELV) or “limit value” means the quantity of dust and specific heavy metals under this Protocol contained in the waste gases from an installation that is not to be exceeded. Unless otherwise specified, it shall be calculated in terms of mass of pollutant per volume of the waste gases (expressed as mg/m<sup>3</sup>), assuming standard conditions for temperature and pressure for dry gas (volume at 273.15 K, 101.3 kPa). With regard to the oxygen content of the waste gas, the values given for selected major stationary source categories shall apply. Dilution for the purpose of lowering concentrations of pollutants in waste gases is not permitted. Start-up, shutdown and maintenance of equipment are excluded.
6. Emissions shall be monitored in all cases via measurements or through calculations achieving at least the same accuracy. Compliance with limit values shall be verified through continuous or discontinuous measurements, or any other technically sound method including verified calculation methods. Measurements of relevant heavy metals shall be made at least once every three years for each

industrial source. Guidance documents on the methods for undertaking measurements and calculations adopted by the Parties at the session of the Executive Body shall be taken into account. In case of continuous measurements, compliance with the limit value is achieved if the validated monthly emission average does not exceed the ELV. In case of discontinuous measurements or other appropriate determination or calculation procedures, compliance with the ELVs is achieved if the mean value based on an appropriate number of measurements under representative conditions does not exceed the value of the emission standard. The inaccuracy of the measurement methods may be taken into account for verification purposes. Indirect monitoring of substances is also possible via sum parameters/cumulative parameters (e.g., dust as a sum parameter for heavy metals). In some cases using a certain technique to treat emissions can assure a value/limit value is maintained or met.

7. Monitoring of relevant polluting substances and measurements of process parameters, as well as the quality assurance of automated measuring systems and the reference measurements to calibrate those systems, shall be carried out in accordance with CEN standards. If CEN standards are not available, ISO standards, national standards or international standards which will ensure the provisions of data of an equivalent scientific quality shall apply.

**Combustion plants (boilers and process heaters) with a rated thermal input exceeding 50 MWth<sup>1</sup> (annex II, category 1)**

8. Limit values for dust emissions for combustion of solid and liquid fuels, other than biomass and peat:<sup>2</sup>

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<sup>1</sup> The rated thermal input of the combustion plant is calculated as the sum of the input of all units connected to a common stack. Individual units below 15 MWth shall not be considered when calculating the total rated thermal input.

<sup>2</sup> In particular, the ELVs shall not apply to:

- Plants using biomass and peat as their only fuel source
- Plants in which the products of combustion are used for direct heating, drying, or any other treatment of objects or materials;
- Post-combustion plants designed to purify the waste gases by combustion which are not operated as independent combustion plants;
- Facilities for the regeneration of catalytic cracking catalysts;
- Facilities for the conversion of hydrogen sulphide into sulphur;
- Reactors used in the chemical industry;
- Coke battery furnaces;
- Cowpers;
- Recovery boilers within installations for the production of pulp;
- Waste incinerators; and
- Plants powered by diesel, petrol or gas engines or by combustion turbines, irrespective of the fuel used.

Table 1

<i>Fuel type</i>	<i>Thermal input (MWth)</i>	<i>ELV for dust (mg/m<sup>3</sup>)<sup>a</sup></i>
Solid fuels	50–100	New plants: 20 (coal, lignite and other solid fuels)
		Existing plants: 30 (coal, lignite and other solid fuels)
	100–300	New plants: 20 (coal, lignite and other solid fuels)
		Existing plants: 25 (coal, lignite and other solid fuels)
	>300	New plants: 10 (coal, lignite and other solid fuels)
		Existing plants: 20 (coal, lignite and other solid fuels)
Liquid fuels	50–100	New plants: 20
		Existing plants: 30 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants
Liquid fuels	100–300	New plants: 20
		Existing plants: 25 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants
	>300	New plants: 10
		Existing plants: 20 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants

<sup>a</sup> Limit values refer to an oxygen content of 6% for solid fuels and 3% for liquid fuels.

9. Special provisions for combustion plants referred to in paragraph 8:
- (a) A Party may derogate from the obligation to comply with the ELVs provided for in paragraph 8 in the following cases:
- (i) For combustion plants normally using gaseous fuel which have to resort exceptionally to the use of other fuels because of a sudden interruption in the supply of gas and for this reason would need to be equipped with a waste gas purification facility;
- (ii) For existing combustion plants not operated more than 17,500 operating hours, starting from 1 January 2016 and ending no later than 31 December 2023;
- (b) Where a combustion plant is extended by at least 50 MWth, the ELV specified in paragraph 8 for new installations shall apply to the extensional part affected by the change. The ELV is calculated as an average weighted by the actual thermal input for both the existing and the new part of the plant;
- (c) Parties shall ensure that provisions are made for procedures relating to malfunction or breakdown of the abatement equipment;
- (d) In the case of a multi-fuel firing combustion plant involving the simultaneous use of two or more fuels, the ELV shall be determined as the weighted average of the ELVs for the individual fuels, on the basis of the thermal input delivered by each fuel.

**Primary and secondary iron and steel industry (annex II, category 2 and 3)**

10. Limit values for dust emissions:

Table 2

<i>Activity</i>	<i>ELV for dust (mg/m<sup>3</sup>)</i>
Sinter plant	50
Pelletization plant	20 for crushing, grinding and drying 15 for all other process steps
Blast furnace: hot stoves	10
Basic oxygen steelmaking and casting	30
Electric steelmaking and casting	15 (existing) 5 (new)

**Iron foundries (annex II, category 4)**

11. Limit values for dust emissions for iron foundries:

Table 3

<i>Activity</i>	<i>ELV for dust (mg/m<sup>3</sup>)</i>
Iron foundries: all furnaces (cupola, induction, rotary); all mouldings (lost, permanent)	20
Hot rolling	20 50 where a bag filter cannot be applied due to the presence of wet fumes

**Production and processing of copper, zinc and silico- and ferro- manganese alloys, including Imperial Smelting furnaces (annex II, categories 5 and 6)**

12. Limit value for dust emissions for copper, zinc and silico- and ferro-manganese alloys production and processing:

Table 4

	<i>ELV for dust (mg/m<sup>3</sup>)</i>
Non-ferrous metal production and processing	20

**Production and processing of lead (annex II, categories 5 and 6)**

13. Limit value for dust emissions for lead production and processing:

Table 5

	<i>ELV for dust (mg/m<sup>3</sup>)</i>
Lead production and processing	5

**Cement industry (annex II, category 7)**

14. Limit values for dust emissions for cement production:

Table 6

	<i>ELV for dust (mg/m<sup>3</sup>)<sup>a</sup></i>
Cement installations, kilns, mills and clinker coolers	20
Cement installations, kilns, mills and clinker coolers using co-incineration of waste	20

<sup>a</sup> Limit values refer to an oxygen content of 10%.

**Glass industry (annex II, category 8)**

15. Limit values for dust emissions for glass manufacturing:

Table 7

	<i>ELV for dust (mg/m<sup>3</sup>)<sup>a</sup></i>
New installations	20
Existing installations	30

<sup>a</sup> Limit values refer to an oxygen content of 8% for continuous melting and 13% for discontinuous melting.

16. Limit value for lead emissions for glass manufacturing: 5 mg/m<sup>3</sup>.

**Chlor-alkali industry (annex II, category 9)**

17. Existing chlor-alkali plants using the mercury cell process shall convert to use of mercury free technology or close by 31 December 2020; during the period up until conversion the levels of mercury released by a plant into the air of 1 g per Mg<sup>3</sup> chlorine production capacity apply.

18. New chlor-alkali plants are to be operated mercury free.

<sup>3</sup> 1 Mg = 1 tonne.

**Waste incineration (annex II, categories 10 and 11)**

19. Limit value for dust emissions for waste incineration:

Table 8

<i>ELV for dust (mg/m<sup>3</sup>)<sup>a</sup></i>	
Municipal, non-hazardous, hazardous and medical waste incineration	10

<sup>a</sup> Limit value refers to an oxygen content of 11%.

20. Limit value for mercury emissions for waste incineration: 0.05 mg/m<sup>3</sup>.

21. Limit value for mercury emissions for co-incineration of waste in source categories 1 and 7: 0.05 mg/m<sup>3</sup>.

**B. United States of America**

22. Limit values for controlling emissions of particulate matter and/or specific heavy metals from stationary sources in the following stationary source categories, and the sources to which they apply, are specified in the following documents:

(a) Steel Plants: Electric Arc Furnaces — 40 C.F.R. Part 60, Subpart AA and Subpart AAa;

(b) Small Municipal Waste Combustors — 40 C.F.R. Part 60, Subpart AAAA;

(c) Glass Manufacturing — 40 C.F.R. Part 60, Subpart CC;

(d) Electric Utility Steam Generating Units — 40 C.F.R. Part 60, Subpart D and Subpart Da;

(e) Industrial-Commercial-Institutional Steam Generating Units — 40 C.F.R. Part 60, Subpart Db and Subpart Dc;

(f) Municipal Waste Incinerators — 40 C.F.R. Part 60, Subpart E, Subpart Ea and Subpart Eb;

(g) Hospital/Medical/Infectious Waste Incinerators — 40 C.F.R. Part 60, Subpart Ec;

(h) Portland Cement — 40 C.F.R. Part 60, Subpart F;

(i) Secondary Lead Smelters — 40 C.F.R. Part 60, Subpart L;

(j) Basic Oxygen Process Furnaces — 40 C.F.R. Part 60, Subpart N;

(k) Basic Process Steelmaking Facilities (after 20 January 1983) — 40 C.F.R. Part 60, Subpart Na;

(l) Primary Copper Smelters — 40 C.F.R. Part 60, Subpart P;

(m) Primary Zinc Smelters — 40 C.F.R. Part 60, Subpart Q;

- (n) Primary Lead Smelters — 40 C.F.R. Part 60, Subpart R;
  - (o) Ferroalloy Production Facilities — 40 C.F.R. Part 60, Subpart Z;
  - (p) Other Solid Waste Incineration Units (after 9 December 2004) — 40 C.F.R. Part 60, Subpart EEEE;
  - (q) Secondary lead smelters — 40 C.F.R. Part 63, Subpart X;
  - (r) Hazardous waste combustors — 40 C.F.R. Part 63, Subpart EEE;
  - (s) Portland cement manufacturing — 40 C.F.R. Part 63, Subpart LLL;
  - (t) Primary copper — 40 C.F.R. Part 63, Subpart QQQ;
  - (u) Primary lead smelting — 40 C.F.R. Part 63, Subpart TTT;
  - (v) Iron and steel foundries — 40 C.F.R. Part 63, Subpart EEEEE;
  - (w) Integrated iron and steel manufacturing — 40 C.F.R. Part 63, Subpart FFFFF;
  - (x) Electric Arc Furnace Steelmaking Facilities — 40 C.F.R. Part 63, Subpart YYYYY;
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  - (cc) Glass manufacturing (area sources) — 40 C.F.R. Part 63, Subpart SSSSS;
  - (dd) Secondary Nonferrous Metal Smelter (Area Sources) — 40 C.F.R. Part 63, Subpart TTTTT;
  - (ee) Ferroalloys Production (Area Sources) — 40 C.F.R. Part 63, Subpart YYYYY;
  - (ff) Aluminum, Copper, and Nonferrous Foundries (Area Sources) — 40 C.F.R. Part 63, Subpart ZZZZ;
  - (gg) Standards of Performance for Coal Preparation and Processing Plants — 40 C.F.R. Part 60, Subpart Y;
  - (hh) Industrial, Commercial, Institutional and Process Heaters — 40 C.F.R. Part 63, Subpart DDDDD;
  - (ii) Industrial, Commercial and Institutional Boilers (Area Sources) — 40 C.F.R. Part 63, Subpart JJJJJ;
  - (jj) Mercury Cell Chlor-Alkali Plants — 40 C.F.R. Part 63, Subpart IIII;
- and

(kk) Standards of Performance Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999, or for which Modification or Reconstruction is Commenced on or after 1 June 2001 — 40 C.F.R. Part 60, Subpart CCCC.

**(l) Annex VI**

27. In paragraph 1:

(a) The words “Except as otherwise provided in this annex, no” are deleted and replaced by “No”;

(b) The words “six months after” are deleted;

(c) The words “for a Party” are added after the word “Protocol”.

28. Paragraph 3 is deleted.

29. In paragraph 4, the word “A” is replaced by the words “Notwithstanding paragraph 1, a”.

30. In paragraph 5, the following text is substituted for the chapeau prior to subparagraph (a):

Each Party shall, no later than the date of entry into force of this Protocol for that Party, achieve concentration levels which do not exceed:

**Decision 2012/6  
Amendment of annex III to the 1998 Protocol on  
Heavy Metals**

*The Parties to the 1998 Protocol on Heavy Metals meeting within the thirty-first session of the Executive Body,*

*Decide to amend annex III to the 1998 Protocol on Heavy Metals to the Convention on Long-range Transboundary Air Pollution as follows:*

**Article 1  
Amendment**

For annex III the following text is substituted:

**Annex III  
Best available techniques for controlling emissions of  
heavy metals and their compounds from the source  
categories listed in annex II**

1. This annex aims to provide Parties with guidance on identifying best available techniques for stationary sources to enable them to meet the obligations of the Protocol. Further description of and guidance on such best available techniques are provided in a guidance document adopted by the Parties at a session of the

Executive Body and may be updated as necessary by a consensus of the Parties meeting within the Executive Body.

2. The expression “best available techniques” (BAT) means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing the basis for emission limit values (and other permit conditions) designed to prevent and, where that is not practicable, to reduce emissions and their impact on the environment as a whole:

(a) “Techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(b) “Available” techniques means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the territory of the Party in question, as long as they are reasonably accessible to the operator;

(c) “Best” means most effective in achieving a high general level of protection of the environment as a whole.

3. Criteria for determining BAT are as follows:

(a) The use of low-waste technology;

(b) The use of less hazardous substances;

(c) The furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate;

(d) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;

(e) Technological advances and changes in scientific knowledge and understanding;

(f) The nature, effects and volume of the emissions concerned;

(g) The commissioning dates for new or existing installations;

(h) The length of time needed to introduce the best available technique;

(i) The consumption and nature of raw materials (including water) used in the process and energy efficiency;

(j) The need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;

(k) The need to prevent accidents and to minimize their consequences for the environment;

(l) Information published by national and international organizations.

The concept of BAT is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions.

4. Experience with new products and new plants incorporating low-emission techniques, as well as with the retrofitting of existing plants, is growing continuously; the guidance document referred to in paragraph 1 may, therefore, need updating.

## **Article 2**

### **Entry into Force**

In accordance with article 13, paragraph 4, of the Protocol, this amendment shall become effective for those Parties which have not submitted a notification to the Depositary in accordance with article 13, paragraph 5, of the Protocol on the expiry of 90 days from the date of its communication to all Parties by the Executive Secretary of the Commission, provided that at least 16 Parties have not submitted such a notification.

## **Decision 2012/7**

### **Adoption of guidance document on best available techniques for controlling emissions of heavy metals and their compounds from the source categories listed in annex II**

*The Parties to the 1998 Protocol on Heavy Metals meeting within the thirty-first session of the Executive Body in 2012,*

*Decide:*

(a) To adopt the guidance document contained in document ECE/EB.AIR/116 and entitled “guidance document on best available techniques for controlling emissions of heavy metals and their compounds from the source categories listed in annex II”;

(b) That the guidance document shall be the guidance document referred to in articles 3, paragraph 2 (a) and (c), of the Protocol on Heavy Metals, as amended, as well as in paragraphs 1 and 4 of annex III to the Protocol, as amended.

## **Decision 2012/8**

### **Adoption of guidance document on control techniques for emissions of sulphur, nitrogen oxides, volatile organic compounds and particulate matter (including PM<sub>10</sub>, PM<sub>2.5</sub> and black carbon) from stationary sources**

*The Parties to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone (Gothenburg Protocol) meeting within the thirty-first session of the Executive Body in 2012,*

*Decide:*

(a) To adopt the guidance document contained in document ECE/EB.AIR/117 and entitled “guidance document on control techniques for emissions of sulphur, nitrogen oxides, volatile organic compounds and particulate matter (including PM<sub>10</sub>, PM<sub>2.5</sub> and black carbon) from stationary sources”;

(b) That the guidance document shall be the guidance document referred to in article 3, paragraph 6, and article 6, paragraph 1 (f), of the Gothenburg Protocol, as amended.

**Decision 2012/9**  
**Adoption of guidance document on economic instruments to reduce emissions of regional air pollutants to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone**

*The Parties to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone (Gothenburg Protocol) meeting within the thirty-first session of the Executive Body in 2012,*

*Decide:*

(a) To adopt the guidance document contained in document ECE/EB.AIR/118 and entitled “guidance document on economic instruments to reduce emissions of regional air pollutants”;

(b) That the guidance document shall be the guidance document referred to in article 6, paragraph 1 (g), of the Gothenburg Protocol, as amended.

**Decision 2012/10**  
**Adoption of guidance document on national nitrogen budgets**

*The Parties to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone (Gothenburg Protocol) meeting within the thirty-first session of the Executive Body in 2012,*

*Decide:*

(a) To adopt the guidance document contained in document ECE/EB.AIR/119 and entitled “guidance document on national nitrogen budgets”;

(b) That the guidance document shall be the guidance document referred to in article 7, paragraph 3 (d), of the Gothenburg Protocol, as amended.

**Decision 2012/11**  
**Adoption of guidance document on preventing and abating ammonia emissions from agricultural sources**

*The Parties to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone (Gothenburg Protocol) meeting within the thirty-first session of the Executive Body in 2012,*

*Decide:*

(a) To adopt the guidance document contained in document ECE/EB.AIR/120 and entitled “guidance document on preventing and abating ammonia emissions from agricultural sources”;

(b) That the guidance document shall be the guidance document referred to in article 3, paragraph 8 (b), of the Gothenburg Protocol, as amended, and paragraph 6 of annex IX to the Gothenburg Protocol, as amended.

## **Decision 2012/12**

### **Guidance for adjustments under the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone to emission reduction commitments or to inventories for the purposes of comparing total national emissions with them**

*The Executive Body,*

1. *Recalling* that Parties to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol) shall implement the necessary policies and measures to fully comply with their emission reduction commitments listed in annex II, as well as the other obligations in the Protocol;

2. *Underlining* the need for Parties to continuously improve their emission inventories based on the best available science and data quality criteria as defined in the Guidelines for reporting emission data under the Convention on Long-range Transboundary Air Pollution (ECE/EB.AIR/97) (Reporting Guidelines) and the *EMEP/EEA<sup>4</sup> air pollutant emission inventory guidebook*;

3. *Recalling* the provisions of the Gothenburg Protocol, as amended by its decision 2012/2, in particular article 3, paragraph 11 quinquies, and article 13, paragraph 2;

4. *Recalling also* its decision 2012/3 on adjustments under the Gothenburg Protocol to emission reduction commitments or to inventories for the purposes of comparing total national emissions with them, which, inter alia, requested the Steering Body to the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) to provide draft guidance to be considered at its thirty-first session;

5. *Recalling further* its decision 2012/4 on provisional application of amendments to the Protocol, pending their entry into force;

6. *Aware* of the need to provide timely, specific and practical guidance to Parties with a view to facilitating the use of an adjustment procedure in accordance with the Protocol as amended;

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<sup>4</sup> Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) and the European Environment Agency (EEA).

7. *Conscious* of the need to develop additional guidance for the adjustment to inventories and to emission reduction commitments listed in annex II of the Protocol as amended;
8. *Noting* the work of the Task Force on Emission Inventories and Projections;
9. *Decides* to adopt guidance for adjustments to emission inventories and to emission reduction commitments, as set out in the annex to this decision.

#### **Annex**

#### **Guidance for the application of adjustments to emission inventories and to emission reduction commitments**

#### **Part I**

#### **General procedures**

1. Any Party applying a new adjustment to its emission inventory shall notify the Convention secretariat through the Executive Secretary by 15 February at the latest, when submitting its full national inventory using best available science. The Convention secretariat shall inform the Steering Body to the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) and all Parties of the notification. The secretariat shall also inform the Implementation Committee, in case referrals or submissions have been made to the Committee related to that Party's reduction commitments. All supportive information requested in this decision shall be provided as part of the Informative Inventory Report, or in a separate report, by 15 March of the same year that it is being submitted for review by the EMEP Steering Body.

1 bis. Any Party proposing an adjustment to any of its emission reduction commitments shall submit its proposal to the Executive Secretary of the Commission, including the supporting documentation as requested in this guidance. The Executive Secretary of the Commission shall forward the proposal to the EMEP Steering Body and all Parties. All supportive information requested in this guidance shall be provided as part of the Informative Inventory Report, or in a separate report for review by the EMEP Steering Body. The review of a proposed adjustment to emission reduction commitments shall take place prior to the proposal being discussed by the Parties at a session of the Executive Body.

2. A Party's supporting documentation for an adjustment to its emission inventory or emission reduction commitments shall include:

- (a) Evidence that the Party exceeds its emission reduction commitments listed in annex II of the Protocol, in accordance with paragraph 1 of decision 2012/3;
- (b) Evidence of to what extent the adjustment to the emission inventory reduces the exceedance and possibly brings the Party in compliance;
- (c) An estimation of whether and when the reduction commitment is expected to be met based on emission projections without the adjustment, thereby using best available science;
- (d) A full demonstration that the adjustment is consistent with one or more of the three circumstances listed in paragraph 6 of decision 2012/3, with supporting evidence

provided as follows. Reference can be made, as appropriate, to relevant previous adjustments:

- (i) For new emission source categories:
  - a. Evidence that the new emission source category is acknowledged in scientific literature and/or the *EMEP/EEA air pollutant emission inventory guidebook*;
  - b. Evidence that this source category was not included in the relevant historic national emission inventory at the time when the emission reduction commitment was set; and
  - c. Evidence that emissions from a new source category contribute to a Party being unable to meet its reduction commitments, supported by a detailed description of the methodology, data and emission factors used to arrive at this conclusion;
- (ii) For significantly different emission factors used for determining emissions from specific source categories:
  - a. A description of the original emission factors, including a detailed description of the scientific basis upon which the emission factor was derived;
  - b. Evidence that the original emission factors were used for determining the emission reductions at the time when they were set;
  - c. A description of the updated emission factors, including detailed information on the scientific basis upon which the emission factor was derived;
  - d. A comparison of emission estimates made using the original and the updated emission factors, demonstrating that the change in emission factors contributes to a Party being unable to meet its reduction commitments; and
  - e. The rationale for deciding whether the changes in emission factors are significant;
- (iii) For significantly different methodologies used for determining emissions from specific source categories:
  - a. A description of the original methodology used, including detailed information on the scientific basis upon which the emission factor was derived;
  - b. Evidence that the original methodology was used for determining the emission reductions at the time when they were set;
  - c. A description of the updated methodology used, including a detailed description of the scientific basis or reference upon which it has been derived;
  - d. A comparison of emission estimates made using the original and updated methodologies demonstrating that the change in methodology contributes to a Party being unable to meet its reduction commitment; and
  - e. The rationale for deciding whether the change in methodology is significant;
- (e) For a proposal to adjust an emission reduction commitment, an explanation of how the emission inventory changes are converted into the proposed adjustment.

3. Parties may submit the same supporting information for adjustment procedures based on similar preconditions, provided that each Party submits the required individual country-specific information as described in paragraph 2.

4. The EMEP Steering Body, in conjunction with other technical bodies under EMEP, shall review and evaluate any submitted adjustment, to assess whether the adjustment:

(a) Fulfils the criteria in decision 2012/3 as further elaborated in paragraph 2 of this decision;

(b) Will require additional information for full assessment; or

(c) Does not fulfil the criteria.

Concerning adjustments of the emissions inventory, adjustments which do not fulfil the criteria shall be referred to the Implementation Committee, in accordance with paragraph 5 of decision 2012/3. Concerning proposed adjustments to the emission reduction commitments, the EMEP Steering Body shall make a recommendation to the Executive Body on the basis of its review. In its review, the Steering Body shall further consider whether there is a need to establish a possible limited time period of validity for the adjustment, or for any additional information requested in accordance with subparagraph 2 (d) (ii) above.

5. The Convention secretariat shall make the review available to the Parties, who have the option of making a submission to the Implementation Committee, in accordance with decision 2006/2 as amended.

6. The EMEP Steering Body shall also consider the need for additional guidance, and if needed develop additional guidance for consideration by the Executive Body at its future sessions. Such guidance should take into account reviewed adjustments, inter alia, to facilitate streamlining and ensure consistency between similar adjustments, and should in particular consider the need for further guidance on how to evaluate significant changes in relation to the continuous improvements of emission inventories.

7. The EMEP Steering Body shall develop templates for the adjustment procedure compatible with the Nomenclature for Reporting (NFR) and the Informative Inventory Report and report back to the Executive Body at its thirty-second session.

## **Part II**

### **Guidelines for accounting for adjustments to annually reported emission inventories**

8. Parties shall continue to report emission inventories in accordance with the Gothenburg Protocol requirements, the Guidelines for reporting emission data under the Convention on Long-range Transboundary Air Pollution (Reporting Guidelines) (ECE/EB.AIR/97) (including any amendments) and the methodologies of the latest *EMEP/EEA air pollutant emission inventory guidebook*. Reporting of adjusted inventory data shall be in addition to the reporting of best science emission estimates.

9. Parties shall report adjusted emissions data for all inventory years for which an emission reduction commitment exists, as long as the unadjusted national total actual or projected emission estimate is higher than the emission reduction commitment.

10. For each individual emission source category for which an adjustment procedure is relevant, Parties shall report the adjusted emission estimate using the template developed by EMEP in accordance with paragraph 7. Each Party shall prepare and report the “adjusted” national total emission estimate in the main worksheet of the NFR reporting template.

11. In a separate “Adjustments” chapter of their Informative Inventory Report, or in a separate report, Parties that report adjusted emission estimates shall detail the methodology, data and emission factors for each year used in preparing the adjusted emission estimate. The adjusted emission estimates documented in the Informative Inventory Report shall be identical to those reported in the template developed by EMEP in accordance with paragraph 7.

12. For each NFR source category to which an adjustment has been applied, Parties shall use the same methodology and emission factors in preparing their adjusted estimates as were contained in their original submission. Any further change to the adjustment methodology and emission factors requires a new submission.

13. Adjusted emission estimates will only be considered if an Informative Inventory Report, or a separate report, with the necessary descriptions of the methodology, data and emission factors used in preparing the adjusted emission estimate, is submitted within the deadline referred to in paragraph 1.

## **Decision 2012/13**

### **Changing of the EMEP grid projection, spatial resolution and domain**

*The Executive Body,*

*Recognizing* the scientific rationale supporting the proposal for changing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) grid projection, spatial resolution and domain, as proposed by the EMEP Steering Body and elaborated by the Meteorological Synthesizing Centre-West (MSC-W) in collaboration with the Task Force on Measurements and Modelling and the Task Force on Emission Inventories and Projections,

*Noting* the various benefits the proposed change will bring for the work of Parties, the EMEP Steering Body, the Working Group on Effects, various task forces, expert groups and centres,

*Acknowledging* the importance of the flexibility introduced by this change into modelling work by allowing for better representation of regional and urban processes relevant for transboundary fluxes, transport of pollutants and source-receptor relationships,

*Welcoming* the support for the proposal expressed by Working Group on Effects recognizing the positive impact of improved spatial resolution on its effects-oriented work,

1. *Decides* to:

(a) Change the EMEP grid polar stereographic grid projection to latitude-longitude projection;

(b) Increase the grid spatial grid resolution from approximately 50 x 50 km<sup>2</sup> to latitude-longitude 0.1° x 0.1°;

(c) Adjust the EMEP grid domain accordingly, as proposed by MSC-W as a consequence of the change of the grid projection.

2. *Requests* the EMEP Steering Body to develop the necessary adjustments to the Guidelines for reporting emission data under the Convention on Long-range Transboundary Air Pollution (Reporting Guidelines) (ECE/EB.AIR/97) and the adjustments to the *EMEP/EEA air pollutant emission inventory guidebook*, and to present the outcome to the Executive Body at its thirty-second session;

3. *Invites* Parties that have already developed fine scale spatial emission data inventories for their national purposes, to report them to the Centre on Emission Inventories and Projections as soon as possible, but not later than specified in the Reporting Guidelines.

### **Decision 2012/14 Concerning compliance by Cyprus with the Protocol on Heavy Metals (ref. 8/10)**

*The Executive Body*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decision 2010/9;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2010/9 on compliance by Cyprus with the Protocol on Heavy Metals (ECE/EB.AIR/2012/16, paras. 11 and 12) that the submitted emission data for mercury in 2012 for the year 2010 show that Cyprus was in 2010 in compliance with its emission reduction obligation of the Protocol on Heavy Metals;

3. *Welcomes* the achievement by Cyprus of compliance with its emission reduction obligation for mercury;

4. *Decides* that there is currently no reason for the Implementation Committee to continue to review compliance by Cyprus with its obligation under article 3, paragraph 1, of the Protocol on Heavy Metals.

### **Decision 2012/15 Concerning compliance by Spain with the Protocol on Volatile Organic Compounds (ref. 6/02)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decisions 2003/8, 2004/10, 2005/7, 2006/7, 2007/5, 2008/5, 2009/8, 2010/5 and 2011/4;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2011/4 on compliance by Spain with its obligations under the Protocol on Volatile Organic Compounds, based on the information provided by Spain in March and

July 2012 (ECE/EB.AIR/2012/16, paras. 17–22), and in particular the Committee's conclusion regarding the failure of Spain to comply with the emission-reduction obligation of the Protocol;

3. *Reiterates* its increasing disappointment at the continuing failure of Spain to fulfil its obligation to adopt and implement effective measures to reduce its national annual emissions by at least 30 per cent by the year 1999, using 1988 as its base year, and its continuing non-compliance with the emission-reduction obligations under article 2, paragraph 2 (a), of the Protocol since 1999;

4. *Once again strongly urges* Spain to fulfil its obligation under article 2, paragraph 2 (a), of the Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligation;

5. *Reiterates* its requests to Spain, as articulated in paragraphs 6 and 8 of decision 2006/7, to continue to report annually on its progress towards achieving compliance, and in addition reiterates its requests to Spain to complement the progress report with information as articulated in paragraph 5 of decision 2009/8;

6. *Calls* on Spain to make a presentation to the next annual session of the Executive Body specifically concerning the additional information requested in paragraph 5, and in particular to present its progress on the revision of the Spanish national emission inventory and its work on identifying activities or sectors where there is still potential to further reduce emissions;

7. *Decides* to caution Spain that stronger measures will be considered again by the Executive Body at its thirty-second session if the Implementation Committee is not satisfied that further sufficient progress has been made by the time of the Committee's thirty-second session or should Spain fail to provide adequate information to enable the Committee to assess whether the measures proposed by Spain are sufficient;

8. *Requests* the Implementation Committee to review the progress and timetable of Spain, and to report to the Executive Body thereon at its thirty-second session in 2013.

## **Decision 2012/16 Concerning compliance by Denmark with the Protocol on Persistent Organic Pollutants (ref. 1/06)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decisions 2006/8, 2007/6, 2008/6, 2009/9, 2010/6 and 2011/5;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2011/5 on Denmark's compliance with its obligation under article 3, paragraph 5 (a), of the Protocol on Persistent Organic Pollutants (Protocol on POPs), based on the information provided by Denmark in March 2012 (ECE/EB.AIR/2012/16, paras. 23–30), and in particular its conclusion that in the continued absence of the quantified effects of adopted and further measures Denmark has indicated it will take, that Denmark was not able to specify the year by which it would be in compliance with its

obligations under the Protocol on POPs and that the situation of non-compliance has not improved in the past few years;

3. *Remains very concerned* that, in spite of the efforts made, Denmark still fails to fulfil its obligation to reduce the emissions of polycyclic aromatic hydrocarbons (PAHs) listed in annex III of the Protocol from their level in 1990 by taking effective measures, as required by article 3, paragraph 5 (a), of the Protocol;

4. *Urges* Denmark once again to speed up the implementation of envisaged measures, and to consider whether there are any further additional measures that could be taken in order to shorten the period of expected non-compliance with its obligation under the Protocol;

5. *Requests* Denmark again to provide the Implementation Committee, through the secretariat, by 31 March 2013, with a report describing the progress towards compliance, by:

(a) Setting out a revised timetable that also specifies the year by which Denmark expects to be in compliance;

(b) Listing specific measures to fulfil its emission reduction obligations under the Protocol; and

(c) Indicating the quantitative and projected effects of further and more effective measures to reduce its PAH emissions up to and including the year of predicted compliance;

6. *Decides* to invite Denmark to participate in one of the Committee's meetings in 2013 to elaborate on the information provided pursuant to paragraph 5 above;

7. *Also decides* to caution Denmark that stronger measures will be considered by the Executive Body at its thirty-second session if Denmark should fail to provide the information requested in paragraph 5;

8. *Requests* the Implementation Committee to review the progress and timetable of Denmark, and to report to the Executive Body thereon at its thirty-second session in 2013.

## **Decision 2012/17 Concerning compliance by Estonia, Germany, Italy and Latvia with the Protocol on Persistent Organic Pollutants (refs. 2/10, 5/10, 10/10, 3/10 and 11/10)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decisions 2010/10 and 2011/6;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2011/6 concerning the compliance of Estonia, Germany, Italy and Latvia with the requirements of article 3, paragraph 5 (a), of the Protocol on Persistent Organic Pollutants (Protocol on POPs) (ECE/EB.AIR/2012/16, paras. 31–48), following the

referrals by the secretariat pursuant to paragraph 5 of the structure and functions of the Implementation Committee, and in particular the Committee's finding that on the basis of the officially reported emission data, Estonia and Italy still appear to be in non-compliance with their obligations under article 3, paragraph 5 (a), of the Protocol on POPs;

3. *Notes* the Committee's conclusion that Germany's emissions of polycyclic aromatic hydrocarbons (PAHs) no longer appear to exceed emissions from the reference year and its conclusion that Germany therefore appears to be in compliance with its obligations under article 3, paragraph 5 (a), of the Protocol on POPs;

4. *Notes* that Italy now appears to be in compliance with regard to hexachlorobenzene (HCB) emissions, but that the most recent emission data on PAH show emissions that are still above the base year emissions level;

5. *Notes with regret* that Latvia had again failed to provide any of the information as requested in decision 2010/10 and to provide the requested information within the timescale specified in decision 2011/6;

6. *Further notes with regret* that Latvia is in non-compliance with its obligations under article 3, paragraph 5 (a), of the Protocol on POPs, and requests the Executive Secretary to bring this matter to the attention of the Minister of Foreign Affairs of Latvia;

7. *Reiterates its concern* at the uncertainty regarding emissions factors appropriate for reporting of emissions of POPs, especially, but not exclusively, in the sector of residential combustion;

8. *Requests* the Task Force on Emission Inventories and Projections of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), in accordance with paragraph 3 (c) of decision 2006/2, to support the Implementation Committee as necessary in its further consideration of these cases, including by reviewing the emissions data provided by Estonia, Italy and Latvia in order to ensure the quality and accuracy of that data;

9. *Also requests* the Task Force on Emissions Inventories and Projections to report its findings on the reviews carried out in accordance to paragraph 8 above to the Committee by 1 August 2013;

10. *Welcomes and encourages* the plans of Estonia and Italy to continue to review and improve their emission inventories for POPs, and urges Latvia to respond fully to the requests of the Committee for additional information and to speed up the review and revision of its emission inventories for POPs;

11. *Urges* Estonia, Italy and Latvia to consider the implementation of additional measures to reduce emissions despite the uncertainty of emission data;

12. *Requests* Estonia, Italy and Latvia to provide to the Implementation Committee, through the secretariat, by 1 August 2013, information concerning the status and details of their work to improve their emission inventories for the POPs in question and any recalculated emissions data;

13. *Requests* the Implementation Committee to continue to review these cases in the light of the information provided in accordance with this decision and in the light of the information obtained in response to decision 2011/13, and to report to it thereon at its thirty-second session in 2013.

## **Decision 2012/18 Concerning compliance by Iceland with the Protocol on Persistent Organic Pollutants (ref. 6/10)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Notes* the report provided by the Implementation Committee concerning the compliance of Iceland with the requirements of article 3, paragraph 5 (a), of the Protocol on Persistent Organic Pollutants (Protocol on POPs) (ECE/EB.AIR/2012/16, paras. 49–56), following the referral by the secretariat pursuant to paragraph 5 of the structure and functions of the Implementation Committee, and in particular the Committee's conclusion regarding the failure of Iceland to demonstrate that it continues to benefit from the exemption under article 3, paragraph 7, of the Protocol granted by virtue of its decision 2006/9, and its failure to fulfil its obligations under article 3, paragraph 5 (a), as demonstrated by the emission data for 2007, 2008 and 2009;

2. *Expresses its concern* at the failure of Iceland to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions of polycyclic aromatic hydrocarbons (PAHs) so that these do not exceed emissions in 1990, as required by article 3, paragraph 5 (a), of the Protocol or to demonstrate that the exemption granted under article 3, paragraph 7, is still valid;

3. *Urges* Iceland to fulfil its obligation under the Protocol as soon as possible;

4. *Requests* Iceland to provide to the Implementation Committee, through the secretariat, by 31 March 2013, information on:

(a) The observed PAH emission levels that are achieved for the aluminium production plant and the ferrosilicon plant, including comparisons with emission levels that can be achieved through the implementation of best available techniques (BAT) measures for those plants, taking into consideration the guidance adopted pursuant to decision 2009/4 or other relevant guidance documents on BAT;

(b) The measures set out in regulation 788/1999 and other effective measures to control PAH emissions from mobile sources;

(c) The methodology used to scale the emission estimates on accidental fires; whether there any plans to improve the accuracy of this estimate; and the expected quantified effect of the legislation on fire controls in buildings and fire brigades.

5. *Requests* the Implementation Committee to review the progress and timetable of Iceland, and to report to it thereon at its thirty-second session in 2013.

## **Decision 2012/19 Concerning compliance by the Republic of Moldova with the Protocol on Persistent Organic Pollutants (ref. 14/10)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Notes* the report provided by the Implementation Committee concerning the compliance of the Republic of Moldova with the requirements of article 3, paragraph 5 (a), of the Protocol on Persistent Organic Pollutants (Protocol on POPs) (ECE/EB.AIR/2012/16, paras. 57–62), following the referral by the secretariat pursuant to paragraph 5 of the structure and functions of the Implementation Committee;

2. *Welcomes* the efforts of the Republic of Moldova to improve the accuracy of the reported emission data, which suggests the achievement of compliance with the obligations under article 3, paragraph 5 (a), of the Protocol;

3. *Requests* the Republic of Moldova to provide to the Implementation Committee, through the secretariat, by 31 March 2013, additional information on the details of the recalculation of the emission data for dioxins/furans and polycyclic aromatic hydrocarbons (PAHs) and on the question whether recalculations have also been extended to the respective base year;

4. *Requests* the Task Force on Emission Inventories and Projections, in accordance with paragraph 3 (c) of decision 2006/2, to specifically review the emissions data for PAHs and dioxins/furans provided by the Republic of Moldova in order to ensure the quality and accuracy of that data;

5. *Requests* the Task Force on Emissions Inventories and Projections to report its findings on the review carried out in accordance to paragraph 4 above to the Committee by 1 August 2013;

6. *Requests* the Implementation Committee to continue to review the case of the Republic of Moldova, and to report to it thereon at its thirty-first session in 2013.

## **Decision 2012/20 Concerning compliance by Luxembourg with its reporting obligations**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decisions 2008/9, 2008/12, 2009/13, 2010/16 and 2011/9;

2. *Takes note* of the fifteenth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the Convention's Protocols, identified on the basis of information provided by the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air

Pollutants in Europe (EMEP) (ECE/EB.AIR/2012/16, paras. 77–99 and tables 4–7 in informal document No. 3);

3. *Also takes note* of the fifteenth report of the Implementation Committee with respect to compliance by Parties with their obligations to report on strategies and policies (ECE/EB.AIR/2012/16, paras. 101–104, and table 8 in informal document No. 3);

4. *Reiterates its strong regret* that Luxembourg has not reported its missing gridded data for 2000, 2005 and 2010 under the 1994 Protocol on Further Reduction of Sulphur Emissions, and its missing gridded data for 2005 and 2010 under the Protocol on Persistent Organic Pollutants (Protocol on POPs), the Protocol on Heavy Metals and the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol);

5. *Regrets* that Luxembourg has also not reported annual emission data for 2008, 2009 and 2010 under the Protocol on Heavy Metals;

6. *Reiterates its strong concern* that Luxembourg still has not provided responses to the 2010 questionnaire on strategies and policies and is thus in non-compliance with its obligation to report on strategies and policies for the fourth consecutive reporting round;

7. *Strongly urges* Luxembourg to provide, as a matter of urgency, its missing gridded data for 2000, 2005 and 2010 under the 1994 Protocol on Sulphur, its missing gridded data for 2005 and 2010 under the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol; and its missing annual data for 2008, 2009 and 2010 under the Protocol on Heavy Metals;

8. *Also strongly urges* Luxembourg to provide complete responses to the 2010 questionnaire on strategies and policies in a timely manner;

9. *Requests* the Executive Secretary of the Commission to bring this serious matter of long-lasting non-compliance with its obligation to report on strategies and policies again to the attention of the Minister of Foreign Affairs and the Minister of Environment of Luxembourg;

10. *Reminds* Luxembourg once more of the importance of not only complying fully with its reporting obligations under the Protocols, but also of submitting its final and complete data and reports on time;

11. *Requests* the Implementation Committee to review the progress made by Luxembourg with regard to its reporting obligations, and to report to it thereon at its thirty-second session in 2013.

## **Decision 2012/21 Concerning compliance by France, Latvia, the Russian Federation and the European Union with their obligations to report on strategies and policies**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decisions 2010/11, 2010/12, and 2010/13 and 2011/10;
2. *Takes note* of the fifteenth report of the Implementation Committee with respect to compliance by Parties with their obligations to report on strategies and policies for air pollution abatement (ECE/EB.AIR/2012/16, paras. 101–104 and table 8 in informal document No. 3);
3. *Notes* that the Russian Federation replied to the 2010 questionnaire on strategies and policies with regard to the Protocols to which it is a Party, but that, as the reply to one question related to the Protocol on Nitrogen Oxides is still missing, it did not fully comply with its obligations to report on strategies and policies for 2010;
4. *Notes* that France replied to the 2010 questionnaire on strategies and policies with regard to the Protocols to which it is a Party, but that, as the reply to one question related to the Gothenburg Protocol is still missing, it did not fully comply with its obligations to report on strategies and policies for 2010;
5. *Notes with regret* that Latvia and the European Union still have not replied to the 2010 questionnaire and thus are in non-compliance with their strategies and policies reporting obligations for 2010;
6. *Reiterates again its concern* that Latvia failed in three consecutive reporting rounds to provide responses to the strategies and policies questionnaire, and has thus remained in non-compliance with its obligations to report on strategies and policies for six years;
7. *Calls* on Latvia to make a presentation at the thirty-second session of the Executive Body on the reasons for its failure to comply with its reporting obligations;
8. *Strongly urges* France, Latvia, the Russian Federation and the European Union to provide complete responses to the 2010 questionnaire on strategies and policies in a timely manner;
9. *Reminds* all Parties of the importance not only of complying fully with their obligations to report on their strategies and policies, as required under the Protocols, but also of submitting their reports on time;
10. *Requests* the Implementation Committee to review the progress made by the above-mentioned Parties with regard to their reporting on strategies and policies and to report to it thereon at its thirty-second session in 2013.

## **Decision 2012/22**

### **Concerning compliance by the former Yugoslav Republic of Macedonia, France, Hungary, Italy, Latvia, the Republic of Moldova, Romania, Switzerland and the United Kingdom of Great Britain and Northern Ireland with their obligations to report gridded emission data**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decisions 2008/11, 2009/12, 2010/14 and 2011/12;
2. *Takes note* of the fifteenth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the Protocols, identified on the basis of information provided by the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) (ECE/EB.AIR/2012/16, paras. 77–99 and tables 4–7 in informal document No. 3);
3. *Reiterates its regret* that the Republic of Moldova has still not reported its gridded data for 2005 under the Protocol on Persistent Organic Pollutants (Protocol on POPs) and the Protocol on Heavy Metals;
4. *Notes with regret* that the former Yugoslav Republic of Macedonia, France, Hungary, Italy, Switzerland and the United Kingdom of Great Britain and Northern Ireland have not reported their gridded data for 2010 under the 1994 Protocol on Further Reduction of Sulphur Emissions;
5. *Notes with regret* that France, Hungary, Italy, Latvia, the Republic of Moldova, Romania, Switzerland and the United Kingdom have not reported their gridded data for 2010 under the Protocol on POPs;
6. *Notes with regret* that France, Hungary, Latvia, the Republic of Moldova, Romania, Switzerland and the United Kingdom have not reported their gridded data for 2010 under the Protocol on Heavy Metals.
7. *Notes with regret* that France, Hungary, Latvia, Romania, Switzerland and the United Kingdom have not reported their gridded data for 2010 under the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol);
8. *Urges* again the Republic of Moldova to provide its missing gridded data for 2005 under the Protocol on POPs and the Protocol on Heavy Metals without delay;
9. *Urges*:
  - (a) The former Yugoslav Republic of Macedonia to provide its missing gridded data for 2010 under the 1994 Protocol on Sulphur;
  - (b) France to provide its missing gridded data for 2010 under the 1994 Protocol on Sulphur, the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;
  - (c) Hungary to provide its missing gridded data for 2010 under the 1994 Protocol on Sulphur, the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;
  - (d) Italy to provide its missing gridded data for 2010 under the 1994 Protocol on Sulphur and the Protocol on POPs;
  - (e) Latvia to provide its missing gridded data for 2010 under the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;
  - (f) The Republic of Moldova to provide its missing gridded data for 2010 under the Protocol on POPs and the Protocol on Heavy Metals;
  - (g) Romania to provide its missing gridded data for 2010 under the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;

(h) Switzerland to provide its missing gridded data for 2010 under the 1994 Protocol on Sulphur, the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;

(i) The United Kingdom to provide its missing gridded data for 2010 under the 1994 Protocol on Sulphur, the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;

10. *Reminds* the former Yugoslav of Macedonia, France, Hungary, Italy, Latvia, the Republic of Moldova, Romania, Switzerland and the United Kingdom of the importance of reporting gridded data and to submit such data on time;

11. *Requests* the Implementation Committee to review the progress made by the former Yugoslav of Macedonia, France, Hungary, Italy, Latvia, the Republic of Moldova, Romania, Switzerland and the United Kingdom with regard to their reporting obligations for gridded data, and to report to it thereon at its thirty-second session in 2013.

### **Decision 2012/23 Concerning compliance by Albania, Belgium, Croatia, the Czech Republic and the former Yugoslav Republic of Macedonia with their obligations to report annual emission data**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Recalls* its decision 2011/11;

2. *Takes note* of the fifteenth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the protocols to the Convention, identified on the basis of information provided by Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) (ECE/EB.AIR/2012/16, paras. 65–99 and tables 1–7 in informal document No. 3);

3. *Notes with regret* that Albania and the former Yugoslav Republic of Macedonia have not reported annual emission data for the base year under the 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent;

4. *Notes with regret* that Albania, Croatia and the former Yugoslav Republic of Macedonia have not reported annual emission data for the base year under the Protocol on Nitrogen Oxides;

5. *Notes with regret* that Belgium, Croatia and the former Yugoslav Republic of Macedonia have not reported annual emission data for the base year under the Protocol on Volatile Organic Compounds;

6. *Notes with regret* that the Czech Republic has not reported annual emission data for the base year for hexachlorobenzene (HCB) and that the former Yugoslav Republic of Macedonia has not reported annual emission data for dioxins/furans, polycyclic aromatic

hydrocarbons (PAHs) and HCB under the Protocol on Persistent Organic Pollutants (Protocol on POPs);

7. *Notes with regret* that Albania has not reported annual emission data for 2010 under the 1985 Protocol on Sulphur and the Protocol on Nitrogen Oxides and that the former Yugoslav Republic of Macedonia has reported annual emission data for 2010 under the Protocol on POPs;

8. *Urges*:

(a) Albania to provide its missing annual emission data for 2010 and the base year under the 1985 Protocol on Sulphur and the Protocol on Nitrogen Oxides;

(b) Belgium to provide its missing annual emission data for the base year under the Protocol on Volatile Organic Compounds;

(c) Croatia to provide its missing annual emission data for the base year under the Protocol on Nitrogen Oxides and the Protocol on Volatile Organic Compounds;

(d) The Czech Republic to provide its missing annual emission data for the base year for HCB under the Protocol on POPs;

(e) The former Yugoslav Republic of Macedonia to provide its missing annual emission data for the base year under the 1985 Protocol on Sulphur, the Protocol on Nitrogen Oxides, the Protocol on Volatile Organic Compounds and the Protocol on POPs, and its missing annual data for 2010 under the Protocol on POPs;

9. *Reminds* Albania, Belgium, Croatia, Czech Republic and the former Yugoslav Republic of Macedonia of the importance of not only complying fully with their emission reporting obligations under the Protocols, but also of submitting the final and complete data on time;

10. *Requests* the Implementation Committee to review the progress made by Albania, Belgium, Croatia, the Czech Republic and the former Yugoslav Republic of Macedonia with regard to their reporting obligations for annual data for the base year and for 2010, and to report to it thereon at its thirty-second session in 2013.

## **Decision 2012/24 Concerning the reporting of persistent organic pollutants**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (ECE/EB.AIR/89/Add.1, decision 2006/2),

1. *Notes* the findings of the Implementation Committee regarding its review of the reporting under the Protocol on Persistent Organic Pollutants (Protocol on POPs) (ECE/EB.AIR/2012/16, paras. 107–110);

2. *Reiterates* its invitation to all Parties to the Protocol on POPs, as articulated in paragraph 3 of decision 2011/13;

3. *Instructs* the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) to continue to raise the

priority of POP reporting and in particular requests that the stage 3 in-depth reviews give more priority to the POP inventories;

4. *Instructs* EMEP to provide a progress report on this work to the thirty-second session of the Executive Body;

5. *Invites* all Parties to support the EMEP in-depth reviews and to nominate additional review experts to enable more focus on POP review;

6. *Requests* the Implementation Committee to continue to review the issue and to report to it thereon at its thirty-second session in 2013.

## **Decision 2012/25**

### **On improving the functioning of the Implementation Committee**

*The Executive Body,*

*Determined* to promote and improve compliance with the existing protocols to the 1979 Convention on Long-range Transboundary Air Pollution,

1. *Recalling* its decision 2006/2 on the Implementation Committee, its structure and functions and procedures for review, its decision 1997/2 establishing the Implementation Committee for the review of compliance by the Parties with their obligations under the protocols to the Convention and its decision 1998/3 on procedures for amending decisions pertaining to the Implementation Committee;

2. *Recalling* its request to the Implementation Committee in its decision 2011/4 to identify and evaluate systemic and other barriers to achieving compliance;

3. *Requests* the Implementation Committee to develop an information paper on compliance to inform technical bodies under the Convention about the importance of compliance/implementation to the good functioning of the Convention, in accordance with the Long-term Strategy;

4. *Further requests* the Chair of the Implementation Committee to disseminate the information paper to the chairs of other bodies under the Convention to ensure that they are each aware of the role they play in terms of compliance/implementation;

5. *Decides* that the work programme of each technical body should always include an item to ensure that the Committee can receive support from these bodies where needed;

6. *Further decides* that the Chair of the Implementation Committee should be consulted on the development of capacity-building workshops to ensure that cross-cutting issues of importance to a number of Parties can be covered in a way that enhances compliance;

7. *Requests* the secretariat to create within the “members area” of the Implementation Committee website a space to store reference documents related to the work of the Committee;

8. *Decides* that this decision supersedes decision 2006/2, and that the structure and functions of the Implementation Committee and the procedures for review of

compliance referred to in decision 1997/2 shall be those set out in the annex to this decision;

9. *Further decides* that the rule that all members of the Committee shall be Party to at least one of the following protocols to the Convention — the Protocol on Heavy Metals, the Protocol on Persistent Organic Pollutants or the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone — shall become effective on 1 January 2017.

## **Annex**

### **Implementation Committee, its structure and functions and procedures for review**

#### **I. Structure**

1. The Implementation Committee shall consist of nine Parties to the Convention. Each member of the Committee shall be Party to at least one of the following protocols to the Convention: the Protocol on Heavy Metals; the Protocol on Persistent Organic Pollutants; or the Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone. The Executive Body shall elect members for terms of two years, with due regard to balanced and equitable geographical representation and a mixture of technical and legal expertise. Outgoing members may be re-elected for one consecutive term, unless in a given case the Executive Body decides otherwise. The Executive Body shall elect a Chair of the Implementation Committee from among the members for a term of two years, renewable once, unless the Executive Body decides otherwise. Election as Chair shall, where necessary, extend the normal term of that member by one year.

#### **II. Meetings**

2. The Committee shall, unless it decides otherwise, meet twice a year.

#### **III. Role of the secretariat**

2 bis. The secretariat shall arrange for and service the Committee's meetings. This shall include:

(a) Preparation of a draft agenda for each meeting in conjunction with the Chair of the Committee and circulation of that draft agenda to the members of the Committee at least four weeks before each meeting;

(b) Preparation of the documentation for the meeting, including:

(i) An overview report to the Committee on reporting obligations, along with explanatory notes for the Committee's consideration;

(ii) A compilation of emission data for all Parties to the Convention and its Protocols from the base year to the most recent reporting year;

(iii) Compilation of all communication with and information received from Parties whose compliance is under consideration or to be considered by the Committee;

- (iv) Distribution by electronic means of that documentation to the members of the Committee at least two weeks before each meeting;
- (c) Assisting the Committee to draft its reports and draft letters to Parties whose compliance has been considered by the Committee, submitting the report to the members of the Committee within two weeks of each Committee meeting for approval and promptly transmitting the letters to the Parties concerned and copying them to the Committee for information;
- (d) Ensuring the Committee has access to all relevant information for its work, including:
  - (i) Facilitating electronic access to reported data on emissions and strategies and policies;
  - (ii) Placing all information relevant to the Committee's work on the Committee members' area of the United Nations Economic Commission for Europe website when distributed to the members;
- (e) Such other functions as may be necessary to facilitate the Committee's meetings and work.

#### **IV. Functions of the Committee**

- 3. The Committee shall:
  - (a) Review periodically compliance by the Parties with the reporting requirements of the protocols to the Convention;
  - (b) Consider any submission or referral made in accordance with paragraphs 4 and 5 below with a view to securing a constructive solution;
  - (c) Where it deems it necessary, be satisfied, before it adopts a report or recommendation on such a submission or referral, that the quality of data reported by a Party has been evaluated by a relevant technical body under the Executive Body and/or, where appropriate, by an expert nominated by the Bureau of the Executive Body;
  - (c bis) Consider, as necessary, systemic issues relating to compliance that have been identified in the course of its work under sub-paragraphs (a) and (b) above and make recommendations to the Executive Body accordingly; and
  - (d) Prepare, at the request of the Executive Body, and based on any relevant experience acquired in the performance of its functions under subparagraphs (a), (b), (c) and (c bis) above, a report on compliance with or implementation of specified obligations in an individual protocol.

#### **V. Submissions by Parties**

- 4. A submission may be brought before the Committee by:
  - (a) One or more Parties to a protocol that have reservations about another Party's compliance with its obligations under that instrument. Such a submission shall be addressed in writing to the secretariat and supported by corroborating information. The secretariat shall, within two weeks of receiving a submission, send a copy of it to the Party whose

compliance is at issue. Any reply and information in support thereof shall be submitted to the secretariat and to the Parties involved within three months or such longer period as the circumstances of a particular case may require. The secretariat shall transmit the submission and the reply, as well as all corroborating and supporting information, to the Committee, which shall consider the matter as soon as practicable;

(b) A Party that concludes that, despite its best endeavours, it is or will be unable to comply fully with its obligations under a protocol. Such a submission shall be addressed in writing to the secretariat and explain, in particular, the specific circumstances that the Party considers to be the cause of its non-compliance. The secretariat shall transmit the submission to the Committee, which shall consider it as soon as practicable.

## **VI. Referrals by the secretariat**

5. Where the secretariat, in particular upon reviewing the reports submitted in accordance with a protocol's reporting requirements or on receipt of information from a technical body or centre under the Convention, becomes aware of possible non-compliance by a Party with any of its obligations, it shall promptly request the Party concerned to furnish necessary information about the matter. If there is no response or the matter is not resolved within three months or such longer period as the circumstances of the matter may require, the secretariat shall bring the matter to the attention of the Committee.

## **VII. Identification of possible referrals by the Committee**

5 bis. Where the Committee, in its consideration of the information referred to in paragraph 2 bis above, becomes aware of possible non-compliance by a Party with any of its obligations that has not been identified by the secretariat, it may inform the secretariat. The secretariat shall forthwith, on the basis of that information, initiate contact with the Party concerned following the process referred to in paragraph 5 above.

## **VIII. Information gathering**

6. To assist the performance of its functions under paragraph 3 above, the Committee may:

(a) Request, through the secretariat, further information on matters under its consideration;

(b) Undertake, at the invitation of the Party concerned, information gathering in the territory of that Party;

(c) Consider any information forwarded by the secretariat concerning compliance with the protocols;

(d) Consider any other relevant information available under the Convention and from technical or other bodies under the Convention;

(e) Liaise with any technical body under the Convention to seek assistance or information.

7. The Committee shall ensure the confidentiality of any information that has been provided to it in confidence.

#### **IX. Entitlement to participate**

8. A Party in respect of which a submission or referral is made shall be entitled to participate in the consideration by the Committee of that submission or referral, but shall not take part in the preparation and adoption of any report or recommendations of the Committee in accordance with paragraph 9 below.

#### **X. Committee report to the Executive Body**

9. The Committee shall report at least once a year on its activities to the Executive Body and make such recommendations as it considers appropriate, taking into account the circumstances of the matter, regarding compliance with the protocols. Each report shall be finalized by the Committee no later than 10 weeks in advance of the session of the Executive Body at which it is to be considered.

#### **XI. Competence of Committee Members**

10. Only those Committee members that are Parties to the protocol in respect of which compliance procedures in accordance with paragraphs 3, 6, 7 and 9 above are being undertaken may participate in those procedures. If as a result of the operation of this paragraph the size of the Committee is reduced to four members or less, the Committee shall forthwith refer the matter in question to the Executive Body.

#### **XII. Consideration by the Executive Body**

11. The Parties to the protocol concerned, meeting within the Executive Body, may, upon consideration of a report and any recommendations of the Committee, decide upon measures of a non-discriminatory nature to bring about full compliance with the protocol in question, including measures to assist a Party's compliance. Any such decision shall be taken by consensus.

#### **XIII. Relationship to settlement of disputes**

12. Application of the present compliance procedures shall be without prejudice to the settlement of disputes provisions of the protocols.

**Decision 2012/26**  
**High-level Meeting on Actions to Promote Improved Air Quality in the United Nations Economic Commission for Europe countries of Eastern Europe, the Caucasus and Central Asia**

*The Executive Body,*

*Recalling* that the Long-term Strategy for the Convention sets a high priority to the increased ratification of the Protocol on Heavy Metals, the Protocol on Persistent Organic Pollutants and the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol), particularly by countries of the region of Eastern Europe, the Caucasus and Central Asia,

*Considering* the provisions of the Revised Action Plan for Eastern Europe, Caucasus and Central Asia (ECE/EB.AIR/WG.5/2007/17) on raising the political profile of Convention activities in the region, and enabling ratification of the above-mentioned Protocols,

*Recalling* Executive Body decision 2010/17 on establishment of a coordinating group on the promotion of actions towards implementation of the Convention in the region of Eastern Europe, the Caucasus and Central Asia (Coordinating Group), and proposed activities to implement the Revised Action Plan for Eastern Europe, Caucasus and Central Asia in 2012–2014,

1. *Decides* to establish an organizing committee, comprising a representative of the Coordinating Group and the Executive Body Bureau, working in close cooperation with the secretariat and the Coordinating Group, whose aim is to organize a high-level meeting on actions to promote improved air quality in the countries of Eastern Europe, the Caucasus and Central Asia;

2. *Requests* the organizing committee to oversee preparations, including the possibility for interpretation service, for the meeting, which could be held during or back to back with the meeting of the Executive Body in December 2013 at the United Nations Office in Geneva, on the basis of a concept note prepared by the Coordinating Group, which outlines the objectives and expected outcomes of the meeting;

3. *Decides* to entrust the Executive Body Bureau to finalize the preparations for the meeting;

4. *Noting with appreciation* the intention of the European Commission and the Russian Federation to provide financial support for arranging and convening the meeting, subject to finalizing the necessary organizational provisions;

5. *Invites* Parties and other United Nations Economic Commission for Europe (ECE) member countries to cooperate with the organizing committee, and encourages them to ensure participation of higher officials from countries that are Parties to the Convention as well other ECE member countries, particularly those from Eastern Europe, the Caucasus and Central Asia in the event.

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