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Item 7 of the provisional agenda

Compliance with protocol obligations

Recommendations from the Implementation Committee to the Executive Body concerning protocol obligations*

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* The present document is being issued without formal editing.

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Recommendations

In accordance with paragraph 9 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2), and based on its considerations in the review of progress towards compliance by certain Parties with their protocol obligations (ECE/EB.AIR/2012/16) carried out at the request of the Executive Body at its twenty-ninth session in 2011, the Committee recommends that the Executive Body adopt the draft decisions set out below.

A. Draft decision 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 (Executive Body decision 2006/2),

1. *Recalls* its decision 2010/9;

2. *Notes* the report of the Implementation Committee 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 Cyprus' compliance with its obligation under article 3.1 of the Protocol on Heavy Metals.

B. Draft decision concerning compliance by Spain with the Protocol on Volatile Organic Compounds¹ (ref. 6/02)

The Executive Body,

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

1. *Recalls* its decisions 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

¹ 1991 Protocol Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes

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.

C. Draft decision 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 (Executive Body 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. *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.

D. Draft decision 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 (Executive Body decision 2006/2),

1. *Recalls* decision 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 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 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. *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 light of the information provided in accordance with this decision and in light of the information obtained in response to decision 2011/13, and to report to it thereon at its thirty-second session in 2013.

E. Draft decision 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 (Executive Body decision 2006/2),

1. *Notes* the report provided by the Implementation Committee concerning the compliance of the Iceland with the requirements of article 3, paragraph 5 (a), of the 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 by the Iceland to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions of PAH 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 are 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.

F. Draft decision 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 (Executive Body 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 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 PAH and 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 PAH and dioxins/furans provided by 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.

G. Draft decision concerning compliance by Luxembourg with its reporting obligations

The Executive Body,

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

1. *Recalls* its decisions 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 EMEP (ECE/EB.AIR/2012/16, paras. 77-99 and tables 4-7 in informal document 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 (paras. 101-104 and table 8 in informal document 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 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 did not provide 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 is 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 United Nations Economic Commission for Europe 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 thereon at its thirty-second session in 2013.

H. Draft decision 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 (Executive Body decision 2006/2),

1. *Recalls 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 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 had 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 on 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 thirtieth thirty-second session in 2013.*

I. Draft decision concerning compliance by the former Yugoslav Republic of Macedonia, France, Hungary, Italy, Latvia, Republic of Moldova, Romania, Switzerland and United Kingdom with their obligations to report gridded emission data

The Executive Body,

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

1. *Recalls its decisions 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 EMEP (ECE/EB.AIR/2012/16, paras. 77-99 and tables 4–7 in informal document 3);*

3. *Reiterates its regret that the Republic of Moldova has still not reported its gridded data for 2005 under the 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 United Kingdom have not reported their gridded data for 2010 under the 1994 Protocol on Sulphur;*

5. *Notes with regret that France, Hungary, Italy, Latvia, the Republic of Moldova, Romania, Switzerland and 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 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 United Kingdom have not reported their gridded data for 2010 under the 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) *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) 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 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 United Kingdom with regard to their reporting obligations for gridded data, and to report to it thereon at its thirty-second session in 2013.

J. Draft decision concerning compliance by Albania, Belgium, Croatia, 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 (Executive Body 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, identified on the basis of information provided by EMEP (ECE/EB.AIR/2012/16, paras. 65-99 and tables 1–7 in informal document 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 Sulphur;

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 HCB and that the former Yugoslav Republic of Macedonia has not reported annual emission data for dioxins/furans, PAH and HCB under the 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) 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, Czech Republic and the former Yugoslav Republic of Macedonia with regard to their reporting obligations for annual data for the base year and 2010, and to report to it thereon at its thirty-second session in 2013.

K. Draft decision concerning the reporting of persistent organic pollutants

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body 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);
- 2. *Reiterates* its invitation to all Parties to the Protocol on POPs as articulated in paragraph 3 of decision 2011/13;
- 3. *Instructs* 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 EMEP's 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.

L. Draft decision 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,

Recalling its decision 2006/2 on the Implementation Committee, its structure and functions and procedures for review, 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,

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

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,

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,

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,

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,

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,

Decides that this decision amends and supersedes decision 2006/2 and decision 1997/2,

Further decides that the structure and functions of the Implementation Committee and the procedures for review of compliance shall be those set out in the Annex to this decision.

Annex

Implementation Committee, its structure and functions and procedures for review

Structure

1. The Committee shall consist of nine Parties to the Convention; each member of the Committee shall be Party to at least one [protocol – delete] of the Protocol on Heavy Metals, the Protocol on Persistent Organic Pollutants and the Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone. The Executive Body shall elect Parties for terms of two years with due regard to balanced and equitable geographical representation and a mixture of technical and legal expertise. Outgoing Parties 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 Committee from among the members [annually – delete] 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.

Meetings

2. The Committee shall, unless it decides otherwise, meet twice a year. [The secretariat shall arrange for and service the Committee's meetings. – delete]

Role of the secretariat

2bis. 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) and 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; and
 - (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.

Functions of the Committee

3. The Committee shall:
 - (a) Review periodically compliance by the Parties with the reporting requirements of the protocols;
 - (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; [and – delete]
 - (cbis) 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) [and – delete], (c) and (cbis) above, a report on compliance with or implementation of specified obligations in an individual protocol.

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; or
 - (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.

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 [may – delete] 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.

Identification of possible referrals by the Committee

5bis. Where the Committee, in its consideration of the information referred to in paragraph 2bis 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.

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; [and - delete]
- (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; and
- (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.

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.

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.

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 [five – delete] **four** members or less, the Committee shall forthwith refer the matter in question to the Executive Body.

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.

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.
