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#### Compliance with protocol obligations

### Sixteenth report of the Implementation Committee – Compliance by Parties with emission reduction obligations\*<sup>1</sup>

#### *Summary*

The present document contains information regarding compliance by Parties with their emission reduction obligations and the respective considerations by the Implementation Committee in follow-up to previous recommendations by the Executive Body and referrals made by the secretariat to the Committee in 2013.

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\* The present document is being submitted without formal editing.

<sup>1</sup> In accordance with Executive Body decision 2012/25 (ECE/EB.AIR/113/Add.1).

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## I. Introduction

1. This document presents supplementary information to the main report of the Implementation Committee (ECE/EB.AIR/2013/3). It contains background information on compliance by Parties with their emission reduction obligations under the respective protocols including the follow-up of previous Executive Body decisions as well as the referrals by the secretariat concerning the compliance by Parties with their Protocol obligations which resulted in a recommendation of the Committee to the Executive Body or which continue to be under review. Background information on the correspondence with Parties in non-compliance is presented in informal document 2.

## II. Follow-up to Executive Body decisions 2010/7, 2010/8, 2010/9, 2011/2, 2012/15, 2012/16, 2012/17, 2012/18 and 2012/19

### A. Obligations under the Protocol on Nitrogen Oxides

#### 1. Follow-up to Decision 2010/7 on compliance by Cyprus with the Protocol on Nitrogen Oxides (ref. 1/08)<sup>2</sup>

##### *Background*

2. In decision 2010/7 the Committee was requested to review the progress and timetable of Cyprus for achieving compliance with article 2, paragraph 1, of the Protocol on NO<sub>x</sub>. In 2011, the Committee decided to postpone consideration of the case until 2012, and requested the secretariat to invite Cyprus to provide additional information no later than 31 March 2012. The response included an update of information that Cyprus had provided in 2011. At its thirtieth meeting in 2012, the Committee requested the secretariat to thank Cyprus for the information provided and to ask Cyprus to keep the Committee updated regularly, and no later than 31 March 2013, on the restoration schedule for its power plant station and its plans to reach compliance with respect to NO<sub>x</sub>, including, as appropriate, answers to the additional questions sent on 7 July 2011. The secretariat reminded Cyprus of this invitation in June 2013. No response had been provided by Cyprus.

##### *Consideration*

3. The Committee regretted that Cyprus had failed to reply to the questions raised in ECE/EB.AIR/2011/2 (para 26, 27) and in ECE/EB.AIR/2012/16 (para 10). In addition, the Committee noted that Cyprus' NO<sub>x</sub> emissions in 2011 were 20.8 kilotons, which was above the emission level of 16 kilotons in the base year.

4. Therefore, the Committee concluded that Cyprus was still in non-compliance with the Protocol on NO<sub>x</sub> and requested the secretariat to send a letter to request Cyprus to provide the information requested in ECE/EB.AIR/2011/2 (para 27) and in ECE/EB.AIR/2012/16 (para 10).

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<sup>2</sup> Ref. stands for reference number. Referrals (or submissions) are referenced by the secretariat in parentheses by a set of figures and the type of emissions concerned. The second number indicates the year in which the referral was initiated (or the submission received), and the first the order in which the referral was made that year (i.e., ref. 1/13 (NO<sub>x</sub>) indicates that this was the first referral made by the secretariat to the Implementation Committee in 2013 (or the first submission received) and that the subject is NO<sub>x</sub> emissions).

**2. Follow-up to Decision 2011/2 on compliance by Greece with the Protocol on Nitrogen Oxides (ref. 2/02)***Background*

5. In decision 2011/2 the Committee was requested to review Greece's timetable and progress towards achieving compliance with article 2.1 of the Protocol on NO<sub>x</sub>. The secretariat communicated the decision to Greece in 2012 and received a progress report in response to its letter. In 2013, the secretariat reminded Greece to formally report the revision of the revised base year emissions for NO<sub>x</sub> by 15 August 2013. Greece provided the requested data as part of its 2013 resubmission.

*Consideration*

6. The Committee carefully considered Greece's progress report and latest submitted data on NO<sub>x</sub>. It noted that the reported NO<sub>x</sub> emissions for 2010 and 2011 show that Greece has finally achieved compliance with regard to its obligations under the Protocol. Compliance was mainly achieved due to further methodological improvements to the emission inventory, in particular by recalculation of emissions for the base year of the road transport sector.

7. In light of this information, the Committee concluded that there was no reason for it to continue to review Greece's compliance with the Protocol on NO<sub>x</sub>. However, as compliance had mainly been achieved due to further methodological improvements to the emission inventory, the Committee decided to recommend to the Executive Body to request EMEP, as part of its stage 3 in-depth review for Greece scheduled for 2014, to pay specific attention to the methodological improvements to the NO<sub>x</sub> emission inventory which have brought Greece into compliance with its emission reduction obligation under the Protocol on NO<sub>x</sub>.

**B. Obligations under the Protocol on Heavy Metals****Follow-up to Decision 2010/8 on compliance by Cyprus with the Protocol on Heavy Metals (ref. 1/10 (Cd))***Background*

8. In decision 2010/8 the Committee was requested to review Cyprus's progress and timetable for achieving compliance with article 3, paragraph 1, of the Protocol on Heavy Metals. In 2011, the Committee decided to postpone consideration of the case until 2012, and requested the secretariat to invite Cyprus to provide additional information no later than 31 March 2012. The response included an update of information that Cyprus provided in 2011. At its thirtieth meeting in 2012, the Committee requested the secretariat to thank Cyprus for the information provided and to ask Cyprus to keep the Committee updated regularly, and no later than 31 March 2013, on the restoration schedule for its power plant station and its plans to reach compliance with respect to cadmium, including, as appropriate, answers to the additional questions sent on 7 July 2011. The secretariat had reminded Cyprus of this invitation in June 2013. No response had been provided by Cyprus.

*Consideration*

9. The Committee regretted that Cyprus had failed to reply to the questions raised in the fourteenth (ECE/EB.AIR/2011/2, para 26, 27) and fifteenth report by the Implementation Committee (ECE/EB.AIR/2012/16, para 10). In addition, the Committee

noted that Cyprus' cadmium emissions were 0.074 tons, which were above the emission level of 0.051 tons in the base year. Therefore, the Committee concluded that Cyprus was still in non-compliance with the Protocol on Heavy Metals and requested the secretariat to send a letter to request Cyprus to provide the information previously requested.

## **C. Obligations under the Protocol on Volatile Organic Compounds**

### **1. Follow-up to Decision 2012/15 concerning compliance by Spain with the Protocol on Volatile Organic Compounds (Protocol on VOCs) (ref. 6/02)**

#### *Background*

10. In decision 2012/15, the Committee was requested to review Spain's progress and timetable for achieving compliance with article 2, paragraph 2(a), of the Protocol on VOCs. The secretariat informed the Committee that it had communicated the decision to Spain and had received a progress report in response to its letter.

#### *Consideration*

11. The Committee carefully considered Spain's progress report and latest submitted data on volatile organic compounds (VOCs). It noted that the latest reported emission data for the time series 1988-2011 showed that Spain had finally achieved compliance with regard to its VOC target under the Protocol on VOCs. The annual VOC emission total for 2011 was 615.3 kilotons, which was 37.3% below the revised annual VOC emission total for the base year 1988 (982 kilotons) and hence achieves the VOC target of 30% reduction from the 1988 level.

12. Compliance was mainly achieved by further methodological improvements to the VOC emission inventory, in particular for the Nomenclature for Reporting (NFR) categories 3A2 and 3A3 (coating application activities) and 3D3 (other product use). The improvements reflect the decreased VOC content in the products and the increased penetration of emission reduction techniques in the product application over time. Constant emission factors were replaced by time dependent emission factors. The emission inventory improvements also resulted in compliance for the years 2009 and 2010: revised figures for these years are respectively 641.3 and 638.9 kilotons, which are also below the VOC Protocol target of 649.6 kilotons (0.7 x 982 kilotons).

13. In light of this information, the Committee decided that there was no reason for it to continue to review Spain's compliance with the Protocol on VOCs. However, as compliance had mainly been achieved due to further methodological improvements, the Committee decided to recommend to the Executive Body to request the Co-operative Programme for monitoring and evaluation of long-range transmission of air pollutants in Europe (EMEP), as part of its stage 3 in-depth review for Spain scheduled for 2014, to pay specific attention to the methodological improvements to the VOC emission inventory which have brought Spain into compliance with its emission reduction obligation under the Protocol on VOCs.

### **2. Follow-up to Decision 2012/16 concerning compliance by Denmark with the Protocol on Persistent Organic Pollutants (Protocol on POPs) (ref. 1/06 (PAH))**

#### *Background*

14. In decision 2012/16 the Committee was requested to review Denmark's progress and timetable for achieving compliance with article 3.5 (a) of the Protocol on POPs.

15. The secretariat informed the Committee that it had communicated the decision to Denmark and had received a response to its letter indicating that Denmark had missed the deadline to report to the Committee. The secretariat informed Denmark that the report might still be considered if submitted in late April/early May, but no report was received. At the request of the Committee, the secretariat sent a letter to Denmark reminding it of the invitation from the Executive Body and inviting it to participate in the Committee's thirty-second meeting. Denmark provided information to the Committee and agreed to attend the Committee's thirty-second meeting.

#### *Consideration*

16. The Committee noted that the latest officially submitted data showed that polycyclic aromatic hydrocarbon (PAH) emissions in Denmark in 2011 were 14.4 tons, which was almost double the 1990 target level of 7.5 tons, but a 12 % decrease from the level estimated in 2010.

17. The Committee noted the information provided by Denmark on its efforts to comply with its obligation to reduce PAH emissions, but also noted that the situation of non-compliance had not improved and that Denmark still had not provided the information requested in decision 2011/5. The Committee further noted that Denmark had been in non-compliance with its obligations in respect of PAHs since it ratified the Protocol on POPs in 2003 and that Denmark predicted that it would take a further 15 years before it would be in compliance with its obligations. Very little information was provided by Denmark on which the Committee could make an assessment. From the information provided, it appeared that Denmark's return to compliance was largely predicted to be due to the natural replacement of old stoves and boilers with newer models rather than being due to specific measures to reduce emissions and no additional action was planned by Denmark to accelerate compliance.

18. In its discussions with the Committee, Denmark raised the issue of the application of the exemption set out in Article 3, paragraph 7 of the Protocol on POPs. The Committee had considered this matter in its Thirteenth and Fourteenth reports and had concluded that, on the basis of the information provided by Denmark, and in the continued absence of an action plan or further measures, that Denmark remained in non-compliance with its obligations under the Protocol on POPs and that article 3, paragraph 7, of the Protocol was not applicable.

19. The Committee explained to the representative of Denmark that, in order to determine whether Denmark qualifies for application of the exemption, it would need to consider whether Denmark had fulfilled the criteria set out in Article 3.5(b). In the absence of any quantified or technical information on the measures it intended to take or of the timescale for application of such measures, the Committee was unable to conduct any such assessment. The Committee further noted that, despite providing additional information both in writing and orally, and despite repeated requests, Denmark still had not provided:

(a) A revised timetable specifying the year by which Denmark expects to be in compliance;

(b) A list of the specific measures Denmark intends to take to fulfil its emission reduction obligations under the Protocol; and

(c) 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.

20. The Committee noted with concern that, despite several Executive Body decisions and reports to the Committee, Denmark remained in non-compliance with its obligations under the Protocol on POPs. The Committee also noted that engaging Denmark on this

issue was becoming increasingly difficult and recommended that the Executive Body consider taking stronger measures in respect of the issue of Denmark's compliance with the Protocol on POPs.

**3. Follow-up to Decision 2012/17 concerning compliance by Estonia (ref. 2/10 (HCB), Italy (ref. 10/10 (PAH) and Latvia (refs. 3/10 (PAH, HCB) and 11/10 (diox./furan)) with the Protocol on POPs**

*Background*

21. In decision 2012/17, the Committee was requested to continue to review these cases in the light of the information provided in accordance with decision 2012/17 and information obtained in response to decision 2011/13, and to report to it thereon at its thirty-second session in 2013. The secretariat informed the Committee that responses had been received by Estonia, Italy and Latvia.

*Consideration*

22. The Committee considered the non-compliance of Latvia, Estonia and Italy together with the broader issues concerning the reporting of persistent organic pollutants (POPs). The Committee noted that none of the three countries had reported completing their work on revising emission factors for POPs, and requested the secretariat to send a letter to the Parties encouraging them to review and, if appropriate, make use of the revised POPs emission factors included in the revised EMEP/EEA inventory guidebook (EEA Technical Report No 12/2013). It decided to keep the compliance by these Parties under review, requesting the secretariat to include in its letter a request for those Parties to provide to the Committee further information on the update of their national emission factors. The Committee discussed with the Task Force on Emission Inventories and Projections the follow up to paragraph 8 of Decision 2012/17.

**4. Follow-up to Decision 2012/18 on compliance by Iceland with the 1998 Protocol on POPs (ref. 6/10 (PAH))**

*Background*

23. In decision 2012/18, the Committee was requested to review the progress and timetable of Iceland, and to report to it thereon at its thirty-second session in 2013. The secretariat informed the Committee that Iceland had provided further information.

*Consideration*

24. Iceland reported that the application of best available techniques (BAT) was required in the aluminium and ferrosilicon industries, with reference to the Reference document on Best Available Techniques in the Non Ferrous Metals Industries and the Paris Commission for the Prevention of Marine Pollution from Land- Based Sources (PARCOM) Recommendations and that the reason for the increase in emissions from the non-ferrous metal industry in Iceland was greatly increased production capacity. Iceland noted that the emission factors were based on measurements from 2002 and 2011. It reported that the emission factors achieved in Iceland were significantly lower than those given in the Best Available Techniques Reference (BREF) document. On the basis of this information, Iceland considers that it has fulfilled its obligations under Article 3, paragraph 5(b) and that it should therefore continue to benefit from the exemption set out in Article 3, paragraph 7 of the Protocol on POPs.

25. Iceland also reported on measures that may have a positive effect on PAH emission reductions from mobile sources, including Icelandic regulation 788/1999 on the prevention

of air pollution from mobile sources and subsequent measures to control particulate matter emissions, and bills on taxation on fuels and on excise tax on vehicles. Emissions of PAH4 from road vehicles in Iceland were reported to have decreased by 7% since 2008, although there was recognition that the emission estimates of PAH4 were not very accurate. As regards the methodology used to scale emission estimates on accidental fires, Iceland indicated that the possibility of obtaining better data was being explored and that the number of small incidents had decreased by 38.5% since the introduction of a new Act on fire control.

26. The Committee was grateful to Iceland for its response and decided that, on the basis of the information provided, Iceland could benefit from the exemption set out in Article 3, paragraph 7 of the Protocol on POPs. The Committee noted, however, that it would be important to keep the exemption under review to ensure that the conditions for its application continued to be met.

**5. Follow-up to Decision 2012/19 concerning compliance by the Republic of Moldova with the Protocol on POPs (ref. 14/10 (PAH; diox./furan))**

*Background*

27. In decision 2012/19 the Republic of Moldova was requested to provide to the Committee, by 31 March 2013, additional information on the details of the recalculation of the emission data for dioxins/furans and PAHs and on the question whether recalculations have been extended to the respective base year. Upon request by the Committee, the secretariat reiterated this request with a deadline for submission by 1 August 2013.

28. The Republic of Moldova responded and announced the implementation of a pilot project on the improvement of the national inventory in the near future. No additional information on the recent recalculation of the emission data for dioxins/furans and PAHs was received. The Committee noted that the letter of 29 July 2013 did not make reference to the content of decision 2012/19.

29. In its decision 2012/19, the Executive Body had also requested the Task Force on Emission Inventories and Projections to specifically review the emissions data for PAHs and dioxins/furans provided by the Republic of Moldova in order to ensure its quality and accuracy and to report to the Committee by 1 August 2013. The Committee had not received such a report.

*Consideration*

30. The latest officially reported emission data still seemed to show compliance for both emissions of dioxins/furans and PAH due to the previous recalculation of the emission data, which led to a significant decrease in the emissions of these pollutants compared to previous reported data. To be able to close the case, the Committee still felt that it would need the requested details on the recalculation of the emission data including on the extension of the recalculations to the base year.

31. The Committee requested the secretariat to request the Republic of Moldova to provide the information contained in paragraph 3 of Decision 2012/19 by 31 March 2014. The Committee discussed with the Task Force on Emission Inventories and Projections the follow up to paragraph 4 of Decision 2012/19, reiterating its request to the Task Force 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. The Committee therefore decided to keep the compliance by the Republic of Moldova with the Protocol on POPs under review.

### **III. Referrals by the secretariat regarding the compliance by Parties with their emission reduction obligations**

32. Acting under paragraph 5 of the structure and functions of the Implementation Committee (Decision 2012/25), the secretariat made 26 new referrals regarding compliance by Parties with their emission reduction obligations to the Committee in 2013. The referrals included in this report refer to referrals by the secretariat for which the Committee concluded its considerations and made a recommendation to the Executive Body and referrals made by the secretariat to the thirty-first meeting of the Committee that are under further consideration by the Committee.

#### **A. Referrals by the secretariat resulting in a draft recommendation to the Executive Body**

##### **1. Obligations under the Protocol on the control of emissions of nitrogen oxides or their transboundary fluxes (Protocol on NO<sub>x</sub>)**

###### **Referral by the secretariat concerning compliance by Luxembourg with the Protocol on NO<sub>x</sub> (ref. 12/13)**

###### *Background*

33. The Committee considered the secretariat's referral concerning Luxembourg's compliance with the Protocol on NO<sub>x</sub>. According to the latest emission data, NO<sub>x</sub> emissions based on "fuel sold" were 45.8 kilotons in 2010, which was more than double the emissions of 19.8 kilotons in 1987, the base year for Luxembourg. Reported emissions for 2011 were 47.9 kilotons, still 141.7% above the base year emissions. This information suggested that Luxembourg was in non-compliance with its obligation under article 2, paragraph 1 of the Protocol on NO<sub>x</sub>.

34. The secretariat had informed Luxembourg about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Luxembourg had done. In a subsequent letter, the secretariat had informed Luxembourg about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Luxembourg provided further information in response to the follow-up questions.

###### *Consideration*

35. Luxembourg indicated in its correspondence that its compliance should be evaluated on the "fuel used" data. However, at the thirty-first meeting of the Committee, compliance in relation to "fuel used" could not be assessed, as base year emission data in relation to "fuel used" had not been reported by Luxembourg. In response to a letter from the secretariat in follow-up to the thirty-first meeting of the Committee, Luxembourg reported base year emissions based on "fuel used" of 21.5 kilotons NO<sub>x</sub> in 1987.

36. At the Committee's thirty-second meeting, Luxembourg presented further details for its estimation of 1987 emissions: The methodology was to a large extent based on extrapolations of the sector data in 1990 and supplemented by available activity reports of that time. Emission factors were mainly based on the EMEP/EEA guidebook and on trend extrapolations of implied emission factors for the transport sector.

37. The Committee considered the information and concluded that Luxembourg would be in compliance with its obligations under the Protocol on NO<sub>x</sub>, once the base year data

had been officially reported. The Committee therefore requested the secretariat to invite Luxembourg to provide, with its next inventory submission, the base year inventory data based on “fuel used” in the Nomenclature For Reporting (NFR) together with the corresponding documentation on the methodology used in its Informative Inventory Report (IIR).

## 2. Obligations under the Protocol on POPs

### **Referral by the secretariat concerning compliance by Luxembourg with the Protocol on POPs (ref. 14/13 (HCB))**

#### *Background*

38. The Committee considered the secretariat’s referral concerning compliance by Luxembourg with the Protocol on POPs. According to the latest emission data, there was an exceedance of the base year emission level by 160%: in 1990, the base year for Luxembourg, the emissions of hexachlorobenzene (HCB) were 0.20 kilograms, while in 2010 the emissions reached 0.52 kilograms. Luxembourg had not yet reported its POPs emissions for 2011.

39. The secretariat had informed Luxembourg about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Luxembourg had done. In a subsequent letter, the secretariat had informed Luxembourg about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Luxembourg provided further information in response to the follow-up questions.

#### *Consideration*

40. In response to a letter from the secretariat and in its presentation to the thirty-second session of the Committee in September 2013, Luxembourg indicated that in recent years many major revisions of the inventory have taken place. It stressed the high uncertainty of these estimates, in particular with respect to emissions from installations that were decommissioned in the early 1990’s and for which no emission measurements exist.

41. In its presentation to the Committee, Luxembourg also presented first estimates for 2011 of 0.49 kilograms of HCB and indicated that it intended to further investigate production related sectors and had plans to improve the time series consistency for its next inventory submission in 2014. It stressed that HCB emissions had increased between 1990 and 1998, but that they had been steadily declining since 1999; well before the entry into force of the Protocol on POPs.

42. On measures to reduce POPs, Luxembourg referred to its national plan for the implementation of the Stockholm Convention on Persistent Organic Pollutants from 2008. This plan was currently under revision and aimed among other things at reducing POP emissions to the air. Luxembourg intended to define additional reduction measures for HCB under the Protocol on POPs in the context of this revision.

43. The Committee acknowledged the high uncertainty related to estimates of HCB and Luxembourg’s intention to define additional measures for reducing HCB emissions. It took note of the information provided and the efforts to comply with the Protocol on POPs, but it also noted that the situation of non-compliance has not significantly improved and that Luxembourg still had not provide the information requested by the secretariat. The Committee felt that this issue deserved consideration by the Executive Body.

**Referral by the secretariat concerning compliance by the Netherlands with the Protocol on POPs (ref. 16/13 (HCB))***Background*

44. The Committee considered the secretariat's referral concerning the Netherlands' compliance with the Protocol on POPs. According to the emission data submitted in 2013, there was an exceedance of the base year emission level by 186%. Emissions of HCB in the base year 1990 were reported as 0.56 kilograms, while in 2011 emissions were 1.59 kilograms. This information suggested that the Netherlands was in non-compliance with its obligations under article 3, paragraph 5(a) of the Protocol on POPs.

45. The secretariat had informed the Netherlands about the intention to refer the issue to the Committee and of the opportunity to provide a response, which the Netherlands had done. In a subsequent letter, the secretariat had informed the Netherlands about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Additional questions were sent to the Netherlands following the thirty-first meeting of the Committee, to which the Netherlands had responded, inter alia by indicating that it intended to invoke article 3, paragraph 7 of the Protocol on POPs to claim exemption from its obligation to reduce emissions of HCB below 1990 emission levels.

*Consideration*

46. The Committee considered the written information provided by the Netherlands in response to the referral by the secretariat and the subsequent request to the Netherlands to provide additional information on how the conditions set out in Article 3.5(b) of the POPs Protocol have been met, including in particular:

(a) The observed / estimated HCB emission levels for waste incineration plants, including a comparison with the emission levels that can be achieved through the implementation of best available techniques (BAT) measures for these plants, taking into consideration the guidance adopted pursuant to decision 2009/4 or other relevant guidance documents on BAT; and

(b) Where relevant, emission estimates for sectors other than waste incineration. If these sectors proved to be major source categories according to Annex VII of the Protocol on POPs, the Netherlands was requested to demonstrate that it had also applied BAT to those sectors, inter alia by comparing observed / estimated emission levels with the BAT associated emission levels.

47. The Netherlands responded by providing a report that describes the BAT used at the sixteen waste incineration plants. This report states that all waste incineration plants in the Netherlands are equipped with an activated carbon filter to absorb dioxin and mercury from flue gas. It further states that the activated carbon filter also removes HCB and that the incineration temperature and residence time follow BAT recommendations in the BREF "waste incineration".

48. On the question of establishing emission estimates on sectors other than waste incineration, the Netherlands replied, that these "do not contribute to the reported national total" and did therefore not report them.

49. The Committee took note of the information provided by the Netherlands. It acknowledged the efforts by the Netherlands to demonstrate the use of BAT at waste incineration plants in the Netherlands. However, it noted that BAT in the waste incineration sector encompasses more than just technology measures, but also incorporates secondary measures on which the Netherlands provided no information. On the basis of the information provided to it, the Committee was not convinced that the Netherlands had

sufficiently demonstrated that it has complied with its obligation to reduce total annual HCB emissions in accordance with article 3.5(a) or that it has properly applied BAT, emission limit values (ELVs) and effective measures, as appropriate, in accordance with article 3.5(b). The Committee thus concluded that the Netherlands had not yet demonstrated that it had met the criteria for the application of Article 3.7 of the Protocol on POPs.

50. The Committee was particularly concerned with the missing emission estimates for all source categories for which methodologies and emission factors are supplied by the EMEP/EEA air pollutant emission inventory guidebook and for which other Parties estimate emissions on HCB. It therefore requested the secretariat to send a letter to the Netherlands to provide additional information on:

(a) Where relevant, emission estimates for sectors other than waste incineration, in particular for all source categories for which methodologies and default emission factors are available in the EMEP/EEA air pollutant emission inventory guidebook;

(b) The Netherlands' application of BAT for those sectors, including the ones described in annex V of the Protocol on POPs. The Committee felt that this issue deserved consideration by the Executive Body.

### **3. Obligations under the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol)**

#### **Referral by the secretariat concerning compliance by Denmark with the Gothenburg Protocol (ref. 3/13 (NH<sub>3</sub>))**

##### *Background*

51. The Committee considered the secretariat's referral concerning Denmark's compliance with the Gothenburg Protocol. According to the 2012 submission of emission data, emissions of ammonia (NH<sub>3</sub>) in 2010 were 74.58 kilotons, which was above Denmark's emission ceiling of 69 kilotons, an exceedance of 8%. Reported emissions for 2011 were 74.2 kilotons, still 7.5% above the ceiling. Denmark therefore appeared to be in non-compliance with its obligation under article 3, paragraph 1 of the Gothenburg Protocol.

52. The secretariat had informed Denmark about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Denmark had done. In a subsequent letter, the secretariat had informed Denmark about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Denmark provided further information in advance of the Committee's thirty-second meeting which it also attended.

##### *Consideration*

53. In its response to a letter from the secretariat, Denmark indicated that the exceedance was attributable to a number of factors, including the conservation of straw for feeding for which the emission factors were uncertain. While ammonia treated straw had been prohibited in Denmark since 2006, an exemption was made in 2010 due to extremely wet weather conditions. Denmark also indicated that the emissions from crops and conservation of straw were new sources that were identified after the 1999 Gothenburg Protocol was adopted and therefore these should be considered as unknown sources. Furthermore, Denmark indicated that few countries included ammonia emissions from growing crops in their national emission inventories; and that if ammonia emissions from growing crops and conservation of straw were disregarded, Denmark would comply from 2011 onwards with its emission reduction obligations. When including these emissions, Denmark projected to be in compliance with the 2010 ceiling by 2015.

54. At the request of the Committee, the secretariat wrote a letter to Denmark requesting it to provide a list of specific measures taken or scheduled and the projected effects of each of these measures; and a timetable for implementation of any such measures that includes the year by which Denmark expects to be in compliance. By the time of the meeting in September the Committee had not received any additional information. A representative of Denmark attended the meeting in September and stated that, due to the regulations in place and a strongly declining trend in ammonia emissions as well as depending on the circumstances, Denmark would be in compliance with the Gothenburg Protocol in approximately 2013. He also noted that Denmark was not yet sure whether to invoke the inventory adjustment procedure.

55. The Committee considered the information presented by Denmark but was not convinced by the rationale that was given. In particular, the Committee noted that straw was a tiny fraction (less than 1%) of Denmark's inventory. It also noted that the extreme conditions identified by Denmark affected most of Northern Europe, not just Denmark, and that emissions in 2010 were not significantly different to 2011. The Committee also believed it was not appropriate for it to disregard reported sources of emissions.

56. In the absence of the requested additional information from Denmark, the Committee had to base its findings on the information available. It concluded that Denmark was in non-compliance with its obligation under article 3, paragraph 1 of the Gothenburg Protocol with respect to ammonia emissions.

#### **Referral by the secretariat concerning compliance by the European Union (EU) with the Gothenburg Protocol (ref. 5/13 (NO<sub>x</sub>))**

##### *Background*

57. The Committee considered the secretariat's referral concerning the EU's compliance with the Gothenburg Protocol. According to emission data reported in 2012, emissions of NO<sub>x</sub> from the first 15 EU member states in 2010 amounted to 7,219 kilotons, well in excess of the ceiling of 6,671 kilotons. Emissions of NO<sub>x</sub> for 2011 were 6,771 kilotons, still approximately 2% above the ceiling. This information suggested that the EU was in non-compliance with its obligations under Article 3, paragraph 1, of the Gothenburg Protocol.

58. The secretariat had informed the EU about the intention to refer the issue to the Committee and of the opportunity to provide a response, which the EU had done. In a subsequent letter, the secretariat had informed the EU about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Following the meeting, the secretariat wrote to the EU with additional questions.

59. In advance of the Committee's thirty-second meeting the EU submitted updated data for the total of its first 15 member states (EU-15). According to this data the emissions of NO<sub>x</sub> from those states amounted to 7,209.4 kilotons in 2010 and 6,940.8 kilotons in 2011.

##### *Consideration*

60. In its response to a letter from the secretariat, the EU acknowledged that the data showed emissions above its ceiling, although it indicated that the excess might be slightly smaller than originally reported. It also suggested that further adjustments to Member State inventories were taking place and consequential recalculations might lead to a finding that the excess was further reduced for 2010 and 2011. Finally, the EU asserted that its commitment under the Protocol would be fully complied with in 2012, although it did not explain a basis for that assertion beyond reference to general trends.

61. The Committee took note that this was the first referral under the Convention for the EU. As a result, the Committee began with a discussion of whether the EU, as a Regional

Economic Integration Organization, should be treated any differently than any other Party to the Convention. In particular, questions were raised about the competence of the EU as compared with that of its Member States. The Committee concluded, in the absence of any explicit statement of the extent of the EU's competence, that the EU had voluntarily taken on an obligation to reduce emissions below a fixed ceiling and that the Committee should presume the EU has the ability to meet that obligation.

62. Similarly, questions were raised about the assertion by the EU that the emission reduction obligations in Annex II of the Protocol should only apply to the territory of the first 15 EU Member States (i.e., those that were Member States at the time the EU signed the Protocol). Although the Committee could find no text in the Protocol that supported this assertion, it recognized that the emission reduction obligations are generally the type of obligations that would be considered to relate to specific territory. Nevertheless, as noted below, the Committee did not have to resolve this question at this time.

63. With respect to the specifics of the referral, the Committee noted the explanations of the EU but was concerned that those explanations did not justify emissions in excess of a ceiling. The fact that individual Member States might adjust their inventories in the future, for example, was not a basis to suspend consideration of the EU's case; the EU ceiling is absolute and not dependent upon the individual ceilings of its Member States. Nor does the identification of a past downward trend in emissions guarantee that emissions will further decrease below the ceiling in subsequent years without application of further measures. The Committee also noted the clarification from the EU that in the EU inventory, emissions from road transport were based on "fuel sold" except for Belgium, Luxemburg, the Netherlands and the UK. In this respect the Committee believes that in line with paragraphs 15 and 16 of the CLRTAP emission reporting guidelines (ECE/EB.AIR/97) compliance checking for the EU (be it EU27, EU28 or EU15) should be based on reporting on the basis of "fuels sold" for all the relevant Member States involved. In its consideration of the EU's case, the Committee also pointed out that the NO<sub>x</sub> totals for the EU should, with regard to Spain's NO<sub>x</sub> emissions, only include the NO<sub>x</sub> emissions for the European part within the EMEP area. This would reduce the reported figure by about 90 kilotons, but would still be over the EU's ceiling.

64. At the request of the Committee, the secretariat wrote to the EU to invite it to provide the following additional information:

- (a) Any statements the EU might have made regarding the asserted extent of its competence with respect to the obligations in the Gothenburg Protocol;
- (b) An explanation of the basis for its assertion that the emission ceilings in Annex II of the Protocol should apply only to the territory of the first 15 member States of the EU, including an explanation of how this assertion is consistent with its view of the extent of its other rights and obligations under the Protocol;
- (c) An explanation of why the EU inventory includes reporting of road transport emissions based on "fuel used" in certain countries, rather than "fuel sold" in all countries, and how that could be consistent with the Guidelines for reporting emission data under the Convention on Long-range Transboundary Air Pollution (ECE/EB.AIR/97);
- (d) Clarification of whether emissions from Spain included in the EU totals include emissions from outside the EMEP area;
- (e) A list of specific measures taken or scheduled and the projected effects of each of these measures; and
- (f) A timetable for implementation of any such measures that includes the year by which the EU expects to be in compliance.

The EU did not provide any of the requested information.

65. In the absence of any information from the EU, the Committee had to base its findings on the information available. That information indicated that the EU is in non-compliance with its obligation under article 3, paragraph 1, of the Gothenburg Protocol with respect to nitrogen oxides. This would be true whether the emission totals considered for the EU would be those for the EU15, as reported by the EU, or for the entire territory within the EU at the time of the report, as that territory is larger than the EU15 and would account for emissions even further above the EU ceiling.

#### **Referral by the secretariat concerning compliance by Finland with the Gothenburg Protocol (ref. 6/13 (NH<sub>3</sub>))**

##### *Background*

66. The Committee considered the secretariat's referral concerning Finland's compliance with the Gothenburg Protocol. According to emission data reported in 2012, emissions of ammonia in 2010 were 37.14 kilotons, which was above Finland's ceiling of 31 kilotons. Reported emissions for 2011 were 37.1 kilotons, still 19.5% above the ceiling. This information suggested that Finland was in non-compliance with its obligation under article 3, paragraph 1 of the Gothenburg Protocol.

67. The secretariat had informed Finland about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Finland had done at the thirty-first meeting of the Committee. The secretariat had informed Finland about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Following the meeting, the secretariat wrote to Finland with additional questions to which Finland provided a response.

##### *Consideration*

68. A representative of Finland attended the thirty-first meeting of the Committee in response to the secretariat's letter informing Finland of the referral and requesting it to provide further information. Finland indicated that major changes in its inventory were one of the reasons why it faced problems in reaching compliance. Ammonia emission factors had been revised, leading to higher reported emissions, even though activity data had decreased in the meantime. Finland also indicated that the transport sector showed an increasing share in ammonia emissions. Therefore, in 2009, Finland recalculated its time series for the 1990-2010 time period, showing that ammonia emissions had remained steady for that time period. In addition, Finland presented several measures that have been developed in the agricultural sector. Between 2000 and 2012, Finland had proposed financial incentives to help farmers implement measures on manure storage and on animal buildings in pig production.

69. The Committee was grateful to Finland for its presentation. The Committee noted that ammonia emissions have remained steady between 1990 and 2010. It therefore was not convinced that measures that Finland has undertaken so far will lead to the needed ammonia emission reductions in the short term. The Committee asked the secretariat to write to Finland thanking it for the information provided and inviting it to provide, before 1 August 2013:

(a) A list of specific measures taken or scheduled and the projected effects of each of these measures; and

(b) A timetable for implementation of any such measures including the year by which Finland expects to be in compliance.

The secretariat was also requested to include in the letter language

(a) Indicating that the Committee noted that Finland had mentioned the inventory adjustment procedure set out in Decisions 2012/3 and 2012/12 and 2012/4; and

(b) Indicating that the Committee will suspend action on referrals from the secretariat related to a Party's compliance with its emission reduction commitments and would not consider any additional information only where a Party has provided notification of its intent to apply an adjustment.

70. In response, Finland indicated that it was currently preparing its Rural Development Programme for 2014-2020. The programme would include measures such as: well-balanced use of nutrients, manure spreading during the growing season, slurry injection into the soil, manure storage covers and for cooling manure pipelines. Furthermore, Finland referred to the current revision process for its Nitrate Decree (931/2000) which implements the EU Nitrates Directive. The revised Decree will include measures such as the requirement to cover new manure storages, stricter limits for manure spreading periods and incorporation of manure when applied to the field. Both instruments are still under development.

71. The Committee took note of the array of measures envisaged by Finland and was of the view that these may help it meet its ammonia ceiling obligations. However, the Committee regretted that Finland was able to provide neither the effect of each of these measures, nor a timetable for their implementation. In addition, the Committee regretted the fact that Finland was not able to provide the year by which it expects to be in compliance. The available information did not therefore indicate that Finland would soon be in compliance with its obligation under article 3, paragraph 1, of the Gothenburg Protocol. The Committee was of the view that this matter deserved the attention by the Executive Body.

#### **Referral by the secretariat concerning compliance by Luxembourg with the Gothenburg Protocol (ref. 13/13 (NO<sub>x</sub>))**

##### *Background*

72. The Committee considered the secretariat's referral concerning compliance by Luxembourg with the Gothenburg Protocol. According to the data received in 2012, there was an exceedance of the NO<sub>x</sub> ceiling of 11 kilotons by approximately 320% as the reported emissions for 2010 were 45.8 kilotons. Reported emissions for 2011 were 47.9 kilotons, still 335.1% above the ceiling. This information seemed to suggest that Luxembourg was in non-compliance with its obligation under article 3, paragraph 1 of the Gothenburg Protocol.

73. The secretariat had informed Luxembourg about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Luxembourg had done. The secretariat had informed Luxembourg about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Following the meeting, the secretariat requested Luxembourg to provide responses to additional questions by the Committee which it had done. Luxembourg participated in the thirty-second session of the Committee.

##### *Consideration*

74. In response to the first letter from the secretariat, Luxembourg indicated that in recent years many major revisions of the inventory have taken place in order to streamline the data reported under different mechanisms and in order to comply with the latest reporting guidelines and the latest version of the EMEP/EEA air pollutant emission inventory guidebook. Based on the latest inventory, NO<sub>x</sub> emissions ("fuel used"

assessment) decreased from 21.02 kilotons in 1990 to 17.60 kilotons in 2010 which was about 62% above the emission ceiling of 11 kilotons. The largest decrease of emissions stemmed from technological changes in the iron and steel industry. Luxembourg indicated that the reason for the increasing trend from 2009 onwards was due to the fact that the emission calculations for 2010 and 2011 were based on the implied emission factors for 2009. It further indicated that these two years would be recalculated in the next inventory submission based on new road transport data and it was foreseen that the downward trend from 2008-2009 would be continued. Luxembourg further indicated that several measures had been, and were being, implemented in the transport and residential sector and were expected to further reduce Luxembourg's NO<sub>x</sub> emissions.

75. After consideration of the information received, the Committee asked for more specific information in order to be able to make a recommendation to the Executive Body. The Committee therefore requested the secretariat to write to Luxembourg inviting it to provide, before 1 August 2013:

(a) Details on the additional measures it is planning to implement to fulfil its emission reduction obligation with the Gothenburg Protocol and the expected effects of these measures; and

(b) A timetable for the implementation of these measures that also specifies the year by which Luxembourg expects to be in compliance.

76. In response to this request, Luxembourg provided information about a newly adopted national carbon dioxide (CO<sub>2</sub>) emission reduction plan (as of May 2013) which will also help to reduce the NO<sub>x</sub> emissions.

77. At the thirty-second meeting of the Committee, Luxembourg reiterated its intentions to recalculate the emissions from the transport sector, based on new road transport data. Luxembourg provided further information on the main sources of emissions and on its territorial development, which could explain why the emissions have not been reduced enough for Luxembourg to achieve its obligations under the Protocol. In addition, Luxembourg gave details of the newly adopted national CO<sub>2</sub> emission reduction plan and that the main sectors being addressed in this plan, namely transport and energy consumption in the housing sector, which would contribute to the reduction of NO<sub>x</sub> emissions.

78. The Committee thanked the delegation of Luxembourg for attending the meeting and providing valuable information to the Committee. The Committee took note of the information regarding planned improvements of the emission inventory, and that using "fuel used" as a basis for the inventory will reduce the emissions to 17.60 kilotons, which is still 62% above the emission ceiling. However, no particular information was provided concerning the extent to which the measures contained in the plan will reduce the NO<sub>x</sub> emissions, nor was a timetable for the implementation of measures presented. The Committee noted also that there had been no investigation of measures to reduce emissions from sectors not targeted by the CO<sub>2</sub> emission reduction plan. The Committee noted with concern that there seem to be no specific measures planned to reduce the emissions sufficiently in order for Luxembourg to be in compliance with the obligations of the Protocol. The Committee felt that this issue deserved consideration by the Executive Body.

## **B. Referrals by the secretariat under further consideration by the Committee**

### **1. Obligations under the Protocol on Persistent Organic Pollutants (Protocol on POPs)**

#### **Referral by the secretariat concerning compliance by Liechtenstein with the Protocol on POPs (ref. 10/13 (diox./furan))**

##### *Background*

79. The Committee considered the secretariat's referral concerning Liechtenstein's compliance with the Protocol on POPs. According to the 2012 submission of emission data regarding dioxins/furans, there was an exceedance of the base year (1990) emission level by 17 %: base year emissions were 0.012 grams in 1990, while in 2010 the emissions reached 0.014 grams. Reported emissions for 2011 were 0.014 grams as well. This information seemed to suggest that Liechtenstein was in non-compliance with its obligations under Article 3, paragraph 5(a) of the Protocol on POPs.

80. The secretariat had informed Liechtenstein of its intention to refer the issue to the Committee and of the opportunity to provide a response, which Liechtenstein had done. In a subsequent letter, the secretariat had informed Liechtenstein about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Additional questions were sent to Liechtenstein following the thirty-first meeting of the Committee.

##### *Considerations*

81. In its response to a first letter from the secretariat, Liechtenstein indicated that dioxin/furan emissions in Liechtenstein stemmed from eight different sources. In 2011 the main source was illegal waste incineration with a share of 50%, followed by road transportation with 33.2%, fuel combustion in households with 14.8% and fuel combustion in commercial/institutional buildings with 1.8%. Over the period 1990 to 2011 illegal waste incineration had increased, finally resulting in an increase of national dioxin/furan emissions. The sources were mainly illegal garden burning of wastes and burning at construction sites. Liechtenstein indicated that it had no large dioxin/furan emitters.

82. Further, Liechtenstein stated in its letter that there was a need to adjust the methodology for the inventory, including the emission factor for illegal waste incineration, as the emission factor did not take account of the different measures that had been implemented in the recent years. Liechtenstein also pointed out that the share of illegal waste incineration in the 1990s seemed to have been underestimated. Liechtenstein was, at the time of the Committee's considerations, working on the improvement of the dioxin/furan emission model for recalculation and was not therefore able to provide any results in time for the Committee's deliberations. Work on improvement of the emission model was due to be carried out in cooperation with the Swiss Federal Office of Environment in Berne, Switzerland later in September 2013.

83. The Committee considered the information presented by Liechtenstein. It was grateful for the information provided and was of the view that the results of the improvement of the model should be considered at the next meeting of the Committee, together with the 2014 inventory, in order to be able to make a recommendation to the Executive Body.

## 2. Obligations under the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol)

### Referral by the secretariat concerning compliance by Croatia with the Gothenburg Protocol (ref. 2/13 (NH<sub>3</sub>))

#### *Background*

84. The Committee considered the secretariat's referral concerning Croatia's compliance with the Gothenburg Protocol. According to the 2012 submission of emission data, emissions of ammonia in 2010 were 37.5 kilotons, which was above Croatia's emission ceiling of 30 kilotons. Reported emissions for 2011 were 36.8 kilotons, still 22.7% above the ceiling. Croatia therefore appeared to be in non-compliance with its obligation under article 3, paragraph 1 of the Gothenburg Protocol.

85. The secretariat had informed Croatia about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Croatia had done. In a subsequent letter, the secretariat had informed Croatia about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. In follow-up to the meeting, the secretariat requested Croatia to provide additional information which it did. Croatia participated in the Committee's thirty-second meeting.

#### *Consideration*

86. In its response to a letter from the secretariat, Croatia indicated that the major source of ammonia emissions in Croatia was manure management. Emissions factors which were applied in Croatia's initial emission inventories were based on expert judgments which took into account national circumstances and available emission factors in other countries. Recalculations took place in 2006 for the period 1990-2004 based on emission factors from the 2009 EMEP/EEA air pollutant emission inventory guidebook which were considerably higher than the ones provided previously by national experts. Additionally, more detailed national statistical data for animal categories resulted in increased emissions compared to the ones previously reported. Ammonia emissions were further recalculated in the Informative Inventory Report 2010 for the period 1990- 2008 using Tier 1 emission factors from EMEP/EEA air pollutant emission inventory guidebook incorporating parameters related to the housing period for animals. Croatia was therefore of the view that its potential non-compliance was due to changes in the methodology applied for emission estimates.

87. In its response to a second letter from the secretariat, Croatia provided information on scenarios aiming at reducing ammonia emissions. Croatia presented two business-as-usual scenarios showing that emissions would range between 41.4 and 42.4 kilotons in 2010 and between 49.9 and 56.8 kilotons in 2020. Croatia also provided a list of measures targeted at the following key sources: manure management, spreading of mineral fertilizers, production of Nitrogen-Phosphorus-Potassium (NPK) fertilizers and spreading of manure. Relative ammonia reduction potentials associated with each of these measures between 2010 and 2020 were also given.

88. The Committee was grateful for the list of measures and their projected effects that Croatia provided. However, it noted that the given figures were not consistent with Croatia's 2012 submission of emission data. In addition, it regretted that it was not clear whether the proposed measures were potential, scheduled or had already been taken and that Croatia had not indicated the year by which it expected to be in compliance.

89. Croatia attended the thirty-second meeting of the Committee and gave details on the ammonia inventory methodology changes that had occurred in 2010 and provided additional information indicating that the difference between the applied emissions factors

and those set out in the guidebook was the main reason for non-compliance. If the emissions factors applied at the time Croatia had ratified the Protocol were applied today, Croatia indicated that it would be in compliance. It also indicated that the information included in its response to the second letter from the secretariat was extracted from an ammonia emission reduction programme which was prepared in 2007-08 and officially published in 2009, which explained why this information did not match its 2012 submission of emission data. Croatia further indicated that it was about to prepare a new ammonia emission reduction programme, in the framework of its 2020 ammonia emission ceiling set in the amended Gothenburg Protocol. Such programme would include a reassessment of the projected effects of the envisaged measures and could give an indication of the year by which Croatia expected to be in compliance with its 2010 ceiling. Draft results were expected before the end of 2014.

90. It was noted that Croatia's 2020 ammonia emission ceiling was significantly higher than its 2010 ceiling. The Committee stressed that the amended Gothenburg Protocol is not in force yet and, hence, obligations related to the 2010 ammonia ceiling apply. The Committee further stressed that the amended Gothenburg Protocol does include obligations related to 2010 emission ceilings, which will still have to be met when it comes into force.

91. In this context, the inventory adjustment procedure was mentioned in the meeting by Croatia with the Committee.

The Committee requested the secretariat to write to Croatia:

- (a) Thanking it for the comprehensive information provided;
- (b) Indicating that preliminary consideration of that information would suggest a recommendation of non-compliance;
- (c) Inviting Croatia to provide, by 31 March 2014, any additional information it would like the Committee to consider in formulating its recommendation to the Executive Body;
- (d) Indicating that the Committee noted that in its discussions with Croatia the inventory adjustment procedure set out in Decisions 2012/3 and 2012/12 and 2012/4 was mentioned;
- (e) Indicating that the Committee will suspend action on referrals from the secretariat related to a Party's compliance with its emission reduction commitments only where a Party has provided notification of its intent to apply an adjustment.

#### **Referral by the secretariat concerning compliance by the Norway with the Gothenburg Protocol (ref. 18/13 (NO<sub>x</sub>))**

##### *Background*

92. The Committee considered the secretariat's referral concerning Norway's compliance with the Gothenburg Protocol. According to the emission data reported in 2013, emissions of NO<sub>x</sub> in Norway in 2011 were 177.9 kilotons, which was above the ceiling of 156 kilotons. This information suggested that Norway was in non-compliance with its obligations under paragraph 1 of Article 3 of the Protocol.

##### *Consideration*

93. The Committee considered written information provided by Norway in response to the secretariat's referral. In addition, the Committee welcomed the participation of Norway in its thirty-second meeting and the additional information provided by Norway at that time.

94. Norway demonstrated that it had implemented all relevant measures in the Gothenburg Protocol to reduce emissions of NO<sub>x</sub>, as well as additional domestic measures. The Committee particularly took note of an agreement with business organizations responsible for the majority of NO<sub>x</sub> emitting sources in Norway under which those organizations committed to achieve prescribed emissions reductions. Nevertheless, due to a recalculation of Norway's inventories, Norway projects that, based on the currently implemented measures, it would not reach compliance until approximately 2017. Norway identified provisions of the agreement that allow Norway to renegotiate its terms if it deemed it necessary to fulfil Norway's obligations under the Protocol, and indicated that such renegotiation and other measures were currently under consideration, with decisions expected by the end of the year.

95. In light of the information already provided by Norway and the commitment by Norway to provide further follow-up information, the Committee decided that it would not make a recommendation to the Executive Body at this time. The Committee requested the secretariat to invite Norway to provide further information regarding both referrals, and in particular information with respect to updates of emission inventories, additional measures to be undertaken, and projected effects and dates of compliance by 31 March 2014 to enable the Committee to continue its consideration of the case.

#### **Referral by the secretariat concerning compliance by Spain with the Gothenburg Protocol (ref. 19/13 (NH<sub>3</sub>))**

##### *Background*

96. The Committee considered the secretariat's referral concerning Spain's compliance with the Gothenburg Protocol regarding ammonia emissions. According to the emission data reported in 2012 for the EMEP grid, emissions of NH<sub>3</sub> in 2010 were 368.1 kilotons, which was above Spain's 2010 NH<sub>3</sub> emission ceiling of 353 kilotons. This information suggested that Spain was in non-compliance with its obligation under article 3, paragraph 1 of the Gothenburg Protocol with regard to both NH<sub>3</sub> and NO<sub>x</sub> emission reduction obligations.

97. The secretariat had informed Spain about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Spain had done. The secretariat had informed Spain about the referral of its case, indicating that the issue would be on the agenda of the thirty-first session of the Committee. Further information was submitted by Spain in advance of the thirty-second meeting of the Committee.

##### *Consideration*

98. The Committee considered the written information received from Spain. Spain informed the Committee that no reduction factor for control technologies had been taken into account in their 2013 report which had led to an overestimation of ammonia emissions. Spain had undertaken a preliminary recalculation of its NH<sub>3</sub> emissions for the EMEP grid which it had provided to the Committee. This recalculation takes into account abatement techniques for reduction of ammonia emissions concerning the application of synthetic and organic fertilizers to crops. According to the recalculated figures ammonia emissions were 338.0 kilotons in 2010 and 331.3 kilotons in 2011, which were both under the emissions ceiling of 353 kilotons (-4.3% and -6.2% respectively). Spain has indicated that the updated figures will be included in its 2014 report. The Committee decided to keep the case open pending final recalculation and official reporting of ammonia emissions by Spain in 2014.

99. In addition to the referrals indicated above, the Committee continues its consideration of the following referrals made by the secretariat in advance of its thirty-second meeting:

- (a) Referral by the secretariat concerning compliance by Liechtenstein with the Protocol on Heavy Metals (Cd (ref. 23/13); Hg (ref. 24/13));
- (b) Referral by the secretariat concerning compliance by Germany with the Gothenburg Protocol (ref. 25/13 (NH<sub>3</sub>));
- (c) Referral by the secretariat concerning compliance by Norway with the Gothenburg Protocol (ref. 26/13 (NH<sub>3</sub>)).

#### **IV. Recommendations to the Executive Body**

100. On the basis of the above considerations (outlined in Sections II and III.A), the Committee recommends that the Executive Body adopt the draft decisions contained in Section I of document ECE/EB.AIR/2013/5.

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