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## Economic Commission for Europe

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

#### Thirty-sixth session

Geneva, 15 and 16 December 2016

Item 5 (c) of the provisional agenda

**Review of implementation of the 2016–2017 workplan: compliance**

## Nineteenth report of the Implementation Committee

### Submitted by the Implementation Committee

#### *Summary*

In accordance with the structure and functions of the Implementation Committee under the Convention on Long-range Transboundary Air Pollution, the Committee is required to report at least once a year on its activities to the Executive Body for the Convention (ECE/EB.AIR/113/Add.1, decision 2012/25, annex, para. 9).

The nineteenth report of the Implementation Committee contains information on the Committee's activities in 2016 with regard to individual Parties' compliance with their emission reduction and reporting obligations under the Convention and its protocols, summarizing the work carried out at the Committee's thirty-seventh session (Geneva, 13–15 September 2016).

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## I. Introduction

1. At its thirty-fifth session (Geneva, 2–4 May 2016), the Executive Body for the United Nations Economic Commission for Europe (ECE) Convention on Long-range Transboundary Air Pollution elected or re-elected the following members to the Convention's Implementation Committee: Wendy Altobello (Belgium); Emmanuel Fiani (France); Petra Hagström (Sweden); Nataša Kacic-Bartulovic (Croatia); Jennifer Landsidle (United States of America); Nebojsa Redzic (Serbia); and Manfred Ritter (Austria) (Chair). One member, Alice Gaustad (Norway), had been re-elected at the Executive Body's thirty-third session (Geneva, 8–11 December 2014).
2. The thirty-seventh session of the Implementation Committee (Geneva, 13–15 September 2016) was serviced by the Convention secretariat.

## II. Compliance with emission reduction obligations

### A. Inventory adjustment procedure under the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone

3. At its thirty-seventh session, the Implementation Committee considered cases that had been previously suspended due to the submission of applications by the Parties concerned for adjustments under the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol) to emission reduction commitments or to inventories for the purposes of comparing total national emissions with them, in accordance with paragraph 9 of Executive Body decision 2012/3. The Committee also reviewed its approach with regard to cases under suspension owing to the adjustment procedure, recognizing that its role was limited to suspending action on any referrals when a Party indicated their intention to use that procedure.

#### **Follow-up to decision 2013/15 concerning compliance by Finland with the Gothenburg Protocol (ref. 6/13 (NH<sub>3</sub>))**

##### *Background*

4. In Executive Body decision 2013/15 the Implementation Committee was requested to review Finland's progress in and timetable for achieving compliance with article 3, paragraph 1, of the Gothenburg Protocol regarding ammonia (NH<sub>3</sub>) emissions. The Committee considered the case during its thirty-fourth session (Geneva, 8–10 September 2014) and suspended its consideration of the case at its thirty-fifth session (Budapest, 27–29 May 2015), following the application by Finland in 2015 for adjustment to its inventory in line with decision 2012/3, paragraph 2. At the first joint session of the Steering Body to the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) and the Working Group on Effects (Geneva, 14–18 September 2015), the EMEP Steering Body approved the recommendation of the expert review team to reject the application of Finland for adjustment of its NH<sub>3</sub> inventory for manure management. It accepted the adjustment application of Finland for its NH<sub>3</sub> inventory for stationary combustion and the road transport sector.
5. At its thirty-sixth session (Geneva, 26–28 January 2016), the Committee reviewed the information provided by Finland in March 2015, noting that the emission trend had shown some slight improvement over the past few years. However, the NH<sub>3</sub> emissions of Finland, if the approved adjustments in the stationary combustion and road transport sectors were applied, would still be above the ceiling for Finland under the Gothenburg Protocol,

exceeding it by about 15 per cent. The Committee concluded that an update of the information previously supplied by Finland was required and therefore requested the secretariat to write to Finland inviting it to provide, by 30 June 2016, an update of the information it had supplied in 2015, focusing specifically on:

(a) The progress and the projected effects of the Rural Development Programme for Mainland Finland for 2014–2020 and with regard to the revised Nitrates Decree;

(b) Any other measures envisaged by Finland to reduce its level of NH<sub>3</sub> emissions;

(c) The timetable that Finland intended to follow in order to reach compliance, including the year by which Finland expected to be in compliance.

6. The secretariat informed the Committee that Finland had provided information on 1 July 2016.

#### *Deliberations*

7. The Committee continued to consider the case at its thirty-seventh session. In accordance with the latest data, the Committee noted that Finland still had not met the emission ceiling of 31 kilotons with its adjusted NH<sub>3</sub> emissions (for stationary combustion and the road transport section), exceeding it by about 14 per cent with reported NH<sub>3</sub> emissions data for 2014 of 35.3 kilotons.

8. According to the information provided by Finland, about 90 per cent of the NH<sub>3</sub> emissions were from agricultural activities, amounting to 33.5 kilotons in 2014, with animal manure being the main source, amounting to 32.0 kilotons in 2014.

9. The Committee noted that the Rural Development Programme for Mainland Finland for 2014–2020 had been adopted in May 2014, approved by the European Commission in December 2015 and that implementation had started. The programme included funding for specific measures to reduce NH<sub>3</sub> emissions, of which the most effective measure was the parcel-specific injection of slurry into the soil. The updated European Union best available techniques (BAT) conclusions concerning the intensive rearing of pigs and poultry would also contribute to reduced NH<sub>3</sub> emissions from manure spreading following its entry into force towards the end of 2016. The changes in manure spreading were expected to reduce NH<sub>3</sub> emissions from agriculture in Finland by about 2.8 kilotons from 2014 to 2019.

10. Covering manure storages and cooling manure channels were measures eligible for support under the agricultural investment aid scheme. Covering would also become increasingly common upon the entry into force of the updated European Union BAT conclusions concerning the intensive rearing of pigs and poultry. Covering manure storages was estimated to result in only a slight reduction of NH<sub>3</sub> emissions from agriculture, about 0.5 to 1.0 kilotons from 2014 to 2019.

11. Finland pointed out that the revised Nitrates Decree had requirements on the coverage of new and enlarged manure storages and time frames for the incorporation of manure applied to soil surfaces. The impact on NH<sub>3</sub> emissions from agriculture of the requirement to cover new and enlarged manure storages would be about minus 1 per cent with the emissions in 2012 as reference level and the impact of the requirement to incorporate manure applied on soil was estimated to be about minus 1 per cent of total NH<sub>3</sub> emissions.

12. Finland was preparing an action plan for reducing NH<sub>3</sub> emissions. The action plan would be finalized and approved in the near future and then communicated to the Convention secretariat. The main measures were slurry injection and covering of manure storages. The action plan would also include some other measures, like forbidding

broadcasting and requirements for more rapid manure incorporation and more accurate feeding.

13. The Committee regretted that Finland had not provided any information regarding a timetable it intended to follow in order to reach compliance, including the year by which Finland expected to be in compliance. The Committee noted the information provided by Finland and its efforts to comply with its obligation to reduce NH<sub>3</sub> emissions. It acknowledged the slight decrease of emissions in recent years, but also noted that emissions were still 14 per cent above the emission reduction target. In the light of the information provided, in particular the envisaged action plan for reducing NH<sub>3</sub> emissions, the Committee agreed to continue to review the case in 2017.

14. The Committee requested the secretariat to write a letter to Finland requesting information, by 31 January 2017, on:

- (a) The action plan for reducing NH<sub>3</sub> emissions;
- (b) The projected effects of the action plan;
- (c) The timetable the country intended to follow in order to reach compliance, including the year by which Finland expected to be in compliance.

## **B. Follow-up to Executive Body decisions**

### **1. Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes**

#### **Follow-up to decision 2014/4 concerning Compliance by Cyprus with the Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes (ref. 1/08)**

##### *Background*

15. In decision 2014/4, recalling Executive Body decision 2008/7 and subsequent decisions, the Executive Body requested the Committee to review the progress of Cyprus and a timetable for achieving compliance with its obligations under the Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes (Protocol on NO<sub>x</sub>).

16. At its thirty-fifth session, the secretariat informed the Committee that it had communicated decision 2014/4 to Cyprus and had received a response describing progress towards compliance. In addition, Cyprus participated in the thirty-fifth session of the Committee by teleconference.

17. The Committee reviewed the progress of Cyprus in its efforts to reach compliance and reported to the Executive Body thereon at its thirty-fourth session (see ECE/EB.AIR/2015/2, paras. 23–28).

18. In its report, the Committee noted that nitrogen oxides (NO<sub>x</sub>) emissions had dropped between 2012 and 2013 and that Cyprus was close to compliance. It further noted that Cyprus was expected to be in compliance within the next few years and that the emission trend showed major improvements. It welcomed the efforts made towards compliance and agreed to continue to review the case after the 2016 reporting cycle was completed.

*Deliberations*

19. At its thirty-seventh session, the Committee continued its consideration of the case. It noted that the latest officially submitted data showed that NO<sub>x</sub> emissions in Cyprus in 2014 had been 17.2 kilotons, which was above the base year target level of 16 kilotons.

20. Furthermore, the Committee noted with regret that NO<sub>x</sub> emissions had been rising again between 2013 and 2014. According to the information made available in the country's 2016 Informative Inventory Report, the increase of 6 per cent in that period was owing to the increased energy demand linked with the country's economic recovery.

21. The Committee agreed that it would review the case again in 2017 and requested the secretariat to invite Cyprus to provide an update of previously submitted information, before 31 May 2017, on:

(a) The timetable of projected NO<sub>x</sub> emissions that also specified the year by which Cyprus expected to be in compliance;

(b) The list of specific measures taken or scheduled to fulfil the country's emission reduction obligations under the Protocol;

(c) The quantitative and projected effects of the measures to reduce NO<sub>x</sub> emissions up to and including the year of predicted compliance.

## 2. Protocol on Heavy Metals

### **Follow-up to Executive Body decision 2014/5 concerning compliance by Liechtenstein with the Protocol on Heavy Metals (ref. 23/13 (Cd))**

*Background*

22. In its decision 2014/5, the Executive Body urged Liechtenstein to fulfil its obligation to take effective measures to control and/or reduce its national annual cadmium (Cd) emissions so that they would not exceed emissions in 1990. At its thirty-fifth and thirty-sixth sessions, the Committee continued to review the case and noted that the latest submitted emission data indicated that cadmium emissions in Liechtenstein in 2013 (2.5 kilograms) had still been above the 1990 base year emissions (2.2 kilograms). It also requested the secretariat to invite Liechtenstein to provide further information. The Party responded on 27 November 2015, indicating that further investigations regarding the emission modelling were planned to be finalized during 2016 and adjustments would be implemented in the 2017 reporting cycle.

23. The Committee noted the information provided by Liechtenstein on its efforts to comply with its obligations to reduce cadmium emissions, but also that the situation of non-compliance had not improved. In the light of the planned developments, including the recalculation of the inventory for cadmium, which might take effect in the 2017 reporting cycle, the Committee agreed to review the case again at its first session in 2017.

*Deliberations*

24. At its thirty-seventh session, the Committee continued its consideration of the case. The latest emission data showed compliance with the Protocol on Heavy Metals with regard to cadmium emissions in 2014, with 2.2 kilograms compared with the recalculated base year level for 1990 of 2.5 kilograms. Against this background, the Chair, in cooperation with the secretariat, decided to place this matter already on the agenda of the Committee at its session in 2016. The Committee noted Liechtenstein's efforts to comply with its obligation to reduce cadmium emissions and that the country was now in compliance.

25. Against that background, the Committee concluded that there was no reason to further review the case. It encouraged Liechtenstein to implement any measures identified for the main source categories, so that the cadmium emissions could be maintained below the base year level in the future.

### **3. Protocol on Persistent Organic Pollutants**

#### **(a) Follow-up to Executive Body decision 2013/8 concerning compliance by Denmark with the Protocol on Persistent Organic Pollutants (ref. 1/06 (PAH))**

##### *Background*

26. In its decision 2013/8, recalling decision 2006/8 and subsequent decisions, the Executive Body requested the Implementation Committee to review the progress and timetable of Denmark for achieving compliance with its obligations regarding polycyclic aromatic hydrocarbons (PAH) emissions under the Protocol on Persistent Organic Pollutants (Protocol on POPs).

27. The Committee continued to review the case at its thirty-fifth and thirty-sixth session, noting the exceedance by Denmark of PAH emissions, while recognizing that the emission trend showed some improvement. It requested information from Denmark, which had not been provided. The Committee therefore decided it would continue to review the case and consider whether it should be brought to the attention of the Executive Body.

28. The secretariat informed the Committee that Denmark had responded on 23 June 2016 to the Committee's prior request for information.

##### *Deliberations*

29. At its thirty-seventh session, the Committee continued its consideration of the case. It noted that the emissions of PAH in Denmark in 2014 had been 6.4 tons, still exceeding the 1990 base year level of 5.2 tons.

30. According to information provided by Denmark, the Danish statutory order on emission levels of new wood burning stoves of 2008 had been reviewed in 2014 and had entered into force in January 2015. While there were no emission limits for PAH in the order, by reducing fine particulate matter (PM<sub>2.5</sub>) emissions and improving stoves and boilers PAH emissions would also be reduced.

31. Moreover, Denmark had made additional efforts to reach compliance with the Protocol on POPs:

(a) In October 2015 the Danish Environmental Protection Agency had launched a subsidy scheme for scrapping of old wood-burning stoves from before 1990, along with a new web portal ([braendefyringsportalen.dk](http://braendefyringsportalen.dk)) regarding wood burning, with information for the public about how to use such stoves correctly, the regulation of air pollution, the importance of properly functioning chimneys and other important information;

(b) Furthermore, in the winter of 2016 the Danish Environmental Protection Agency would initiate a new project through which emissions, including PAH emissions, would be measured directly from the wood-burning stoves used in households, and compared with measurements of emissions from similar stoves in laboratories;

(c) In addition, the total wood consumption in Denmark would be re-estimated in 2016 using an electronic survey sent to 40,000 Danish respondents.

32. Denmark indicated that the updated emission inventory of 2015 showed that the decrease of PAH emissions was continuing and that Denmark might reach compliance in

2017, or 2018. A decrease of 11.1 per cent in emissions could be remarked in the 2016 submission by Denmark.

33. The Committee noted the information provided by Denmark and its efforts to comply with its obligation to reduce PAH emissions. The emission trend showed some improvement, although the exceedance of the emission reduction target was still significant. In the light of the information provided, in particular bearing in mind all measures taken to reduce PAH emissions, the Committee agreed to continue to review the case at its second meeting in 2017.

**(b) Follow-up to Executive Body decision 2013/9 concerning compliance by Iceland with the Protocol on Persistent Organic Pollutants (ref. 6/10 (PAH))**

*Background*

34. At its thirty-first session (Paris, 22–24 May 2013), the Implementation Committee, taking into account information provided by Iceland on 27 March 2013, decided to recommend to the Executive Body that Iceland had met the conditions for the exemption set out in article 3, paragraph 7, of the Protocol POPs for the reporting year 2011. The Committee also noted that it would be important to keep the exemption under review to ensure that the conditions for application of the exemption continued to be met.

35. Following the recommendation of the Committee, in decision 2013/9 the Executive Body decided that Iceland had met the requirements of article 3, paragraph 7, of the Protocol for the reporting year 2011 and, as a result, qualified for an exemption from its obligations in paragraph 5 (a) of the same article. Decision 2013/9 also required Iceland to submit a report to the Committee every three years, with the first due in 2016, and also at any time there were significant changes in the relevant industries or improvements to the inventory, in order to demonstrate that it continued to meet the conditions for the exemption set out in article 3, paragraph 7. In paragraph 5 of decision 2013/9, the Executive Body further decided that the exemption “will no longer apply if Iceland fails to: (a) report in accordance with paragraph 3 [sic] above; or (b) fulfil its reporting obligations under the Protocol on POPs” (see ECE/EB.AIR/122/Add.1).

36. Decision 2013/9 was communicated to Iceland with a letter sent by the secretariat on 20 January 2014, inviting Iceland to submit the first triennial report by 28 February 2016. The secretariat then sent a reminder request to Iceland on 3 June 2016, asking that the information be provided no later than 8 August 2016. The secretariat informed the Committee that, as of 14 September 2016, no information had been provided by Iceland.

*Deliberations*

37. The Committee continued to consider the case at its thirty-seventh session. The latest emissions data indicated that Iceland had exceeded the base year level of PAH emissions of 0.037 Megagrams by approximately 70 per cent in 2014, as in the previous year. No significant downward trend could be detected. Based on that data, Iceland would need to continue to benefit from an exemption to its obligations under article 3, paragraph 5 (a), of the Protocol with respect to PAH emissions in order to be in compliance.

38. Executive Body decision 2013/9 provided that the exemption would no longer apply if Iceland failed to submit the requested report “in 2016” and “at any time there are significant changes in the relevant industries or improvements to the inventory, in order to demonstrate that it still meets the conditions for the exemption”. Assuming that there had been no such significant changes, Iceland would have until the end of the 2016 calendar year to submit the requested report before the exemption would no longer apply.

39. The Committee welcomed the information provided by the secretariat that Iceland had fulfilled its reporting obligations with regard to PAH emissions in the 2016 reporting round. However, the Committee noted that the country's fulfilment of its reporting obligations was a necessary, but not sufficient, condition for Iceland to continue to benefit from the exemption provided in decision 2013/9.

40. The Committee noted that Iceland had neither responded to the request by the Executive Body to submit a triennial progress report justifying the continuation of the exemption, nor to the two requests from the secretariat for it to submit that report, and noted that, pursuant to decision 2013/9, the exemption "will no longer apply" if Iceland failed to provide that report by the end of 2016.

41. Consequently, the Committee considered it important to remind Iceland of the need to provide such information in 2016 and, to that end, requested the secretariat to write a letter to Iceland, stressing that, pursuant to decision 2013/9, the exemption would no longer apply if Iceland failed to provide its report by the end of 2016.

**(c) Follow-up to Executive Body decision 2014/7 concerning Compliance by Latvia with the Protocol on Persistent Organic Pollutants (ref. 11/10 (dioxin/furan))**

*Background*

42. In decision 2014/7 the Committee was requested to review progress by Latvia in achieving compliance with article 3, paragraph 5 (a), of the Protocol on POPs.

43. At the request of the Committee, the secretariat sent a letter to Latvia, in follow-up to the Committee's thirty-fifth session, requesting information related to the country's long-standing non-compliance, including measures taken and a revised timetable specifying the year by which Latvia expected to be in compliance. The secretariat also reminded Latvia of the invitation by the Committee to attend its thirty-sixth session.

44. Latvia was represented at the thirty-sixth session of the Committee and provided information related to the country's dioxins/furans emissions in an open and cooperative way. A country representative stated that Latvia had identified a need to improve the quality of data and foresaw the submission of the recalculated inventory data for the 2016 reporting round, at the earliest. Additional measures would only be considered once the improved inventory was available. Against that background, the Committee decided to review the case at its first session in 2017.

45. Latvia submitted the recalculated inventory data during the 2016 reporting round, showing compliance. In light of this development, the Chair, in cooperation with the secretariat, decided to place this matter already on the agenda of the Committee's thirty-seventh session in 2016.

*Deliberations*

46. At its thirty-seventh session, the Committee noted that the latest officially submitted data showed that dioxins/furan emissions for Latvia in 2014 had been 15.6 grams, which was below the 1990 base year level of 25 grams.

47. The Committee expressed its appreciation for the information provided by Latvia and concluded that there was no reason to further review the case.

#### 4. Protocol to Abate Acidification, Eutrophication and Ground-level Ozone

##### **Follow-up to decision 2013/14 concerning compliance by the European Union with the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (ref. 5/13 (NO<sub>x</sub>))**

###### *Background*

48. In decision 2013/14 the Implementation Committee was requested to review the progress and timetable of the European Union in achieving compliance with article 3, paragraph 1, of the Gothenburg Protocol with regard to NO<sub>x</sub> emissions. The Committee considered the case at its thirty-third (Oslo, 26–28 May 2014) and thirty-fourth (Geneva, 8–10 September 2014) sessions. It concluded that the European Union was in compliance with its obligations under the Gothenburg Protocol and that there was no reason to further review the case. The Committee reported its conclusions on the case in its seventeenth report to the Executive Body (see ECE/EB.AIR/2014/2, paras. 51–58).

49. At the Executive Body's thirty-third session in December 2014 concerns were raised by one Party regarding the Committee's consideration of the compliance of the European Union with the Gothenburg Protocol. The concerns related in particular to the scope of the legal analysis underlying the Committee's finding that the European Union should be treated as the "EU-15"<sup>1</sup> for the purposes of its obligations under article 3 of the Protocol (see ECE/EB.AIR/127, para. 42). The Executive Body therefore decided to request the Implementation Committee to continue to review the compliance of the European Union with article 3, paragraph 1, of the Gothenburg Protocol and to report the results of its further review to the Executive Body. It was also decided that the Committee could invite interested Parties to provide it with additional information related to the issues addressed at the Executive Body session (*ibid.*, paras. 42–45), but not to attend its meetings.

50. At its thirty-fifth session, the Committee noted that the European Union had informed the Committee by letter dated 20 May 2015 of its intention to provide additional information related to the issues addressed at the thirty-third session of the Executive Body, but had not yet finalized the required analysis. The Committee took note of the Executive Body's decision to request the Committee to continue to review the case, and particularly welcomed the notion of inviting interested Parties to provide additional information related to the issue.

51. The Committee therefore invited interested Parties to provide, through the secretariat, views on the issues raised in paragraphs 42 to 45 of the report of the Executive Body on its thirty-third session, by no later than by 30 June 2016. At the same time, the Committee invited suggestions for the Committee to consider with a view to securing a constructive solution, bearing in mind the Convention's primary objectives to protect human health and the environment against air pollution.

52. Noting the intention of the European Union to provide further information based on the analysis it was undertaking, the Committee also requested the secretariat to send a letter to the European Union welcoming the offer to submit information through the secretariat by no later than 30 June 2016.

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<sup>1</sup> I.e., the 15 member countries in the European Union prior to the accession of 13 additional countries in 2004, 2007 and 2013.

*Deliberations*

53. The Committee continued to consider the case at its thirty-seventh session. The secretariat reported that no response had been received to the invitation to interested Parties to provide additional information related to the issue. The European Union, through the European Commission, had for its part provided the additional information promised in its letter of May 2015.

54. In its letter of 14 September 2016, the Commission reiterated its interpretation of the “European Community” ceiling in the Gothenburg Protocol as referring to the sum of the ceilings of the 15 individual Parties that had been members of the European Community at the time the Protocol had been agreed. The European Community had acceded to the Gothenburg Protocol in 2003. Since then, the European Union had been enlarged several times and currently counted 28 member States.

55. At the same time, the European Commission acknowledged that the successive enlargements had not resulted in any change to the European Community ceiling, mainly owing to the absence of a straightforward procedure in the Protocol that could respond to the particularities of the European Union enlargement process. The Commission further observed that it would be unreasonable to expect that the emissions of the current 28 European Union member States would meet a ceiling that actually reflected the sum of emissions of only 15 States.

56. The European Commission also drew attention to the National Emission Ceilings Directive,<sup>2</sup> which transposed the Protocol’s ceilings for the individual European Union member States into binding European Union legislation and also set a European Union ceiling. While the ceiling for the European Union in the Gothenburg Protocol had not been amended since 2003, the National Emission Ceilings Directive had been amended several times to reflect the successive European Union enlargements. As a result, annex I to the consolidated version of that Directive set emission ceilings for the European Union that accurately reflected its current size. In its letter, the European Union stated that, ideally, those amended European Union ceilings should have also been introduced in the Gothenburg Protocol.

57. The European Union had assessed various options that could clarify all of the above in an appropriate way for all Parties. It favoured a solution where an interpreting decision could be made by the Executive Body. The European Union suggested that, in accordance with section 3 of the Vienna Convention on the Law of Treaties, the Executive Body could decide on an interpretation of the European Community ceilings in annex II to the Gothenburg Protocol and on the basic obligation following from those ceilings that would correctly represent the context in which the Protocol had been agreed in 2003.

58. In its letter, the European Union had also set out possible procedures by means of which the ceilings for the European Union in the Gothenburg Protocol could be adjusted to appropriate “EU-28”<sup>3</sup> ceilings. A possible procedure for revising the European Union ceilings could be to reflect the membership enlargements so that they mirrored the successive amendments of annex I to the National Emission Ceilings Directive. That could be further specified in a decision of the Executive Body in accordance with article 3, paragraph 11 quinquies, of the Gothenburg Protocol as amended. It was further suggested that the Implementation Committee, with the involvement of the ad hoc group of legal

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<sup>2</sup> Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants.

<sup>3</sup> I.e., the European Union as presently constituted, including 28 member States.

experts, as appropriate, could consider that possible way forward, and subsequently make recommendations to the Executive Body.

59. The Committee was thankful for the information provided by the European Union, and for its constructive suggestions for a way forward to solve the issues that had been raised (see para. 49 above).

60. Based on the information provided, the Committee recommended that the Executive Body could decide to interpret the ceilings listed for the European Community in annex II to the Gothenburg Protocol as representing the sum of the emission ceilings of the 15 individual Parties that had been member States of the European Community at the time the Gothenburg Protocol had been agreed and when the European Community had acceded to the Gothenburg Protocol in 2003 (see draft decision in annex).

61. The Committee noted that the European Union had indicated its willingness to discuss possible procedures by which the ceilings for the European Union in the Protocol could be adjusted to reflect enlargements in its membership since 2003. It also noted the suggestion of the European Union for the Executive Body's consideration (see para 58 above).

### **C. Follow-up on referrals initiated by the secretariat during 2013, 2014 and 2015 that are still under consideration**

#### **1. 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent**

##### **Referral by the secretariat concerning compliance by the former Yugoslav Republic of Macedonia with the 1985 Sulphur Protocol (ref. 1/14)**

###### *Background*

62. At its thirty-seventh session, the Committee continued to consider the secretariat's referral concerning compliance by the former Yugoslav Republic of Macedonia with the 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent (1985 Sulphur Protocol). According to the latest emission data, sulphur emissions had been 83.1 kilotons in 2014, an exceedance of the applicable emission reduction target of 47 kilotons (70 per cent of the 1980 base year emissions) by approximately 76 per cent. That information suggested that the Party was in non-compliance with its obligation under article 2 of the 1985 Sulphur Protocol.

63. The Committee recalled its earlier consideration of the case at its thirty-fourth, thirty-fifth and thirty-sixth sessions.<sup>4</sup> At its thirty-fifth session, the Committee had acknowledged the information provided by the former Yugoslav Republic of Macedonia, including updates on the emissions inventory recalculation, including for the base year, the latest emission trends and some planned policy and technical measures. The Party had also then committed to informing the secretariat of its progress with regard to activities to reduce sulphur emissions, as well as to providing a timetable for the expected compliance with its obligations under the 1985 Sulphur Protocol.

64. At its thirty-sixth session, the Committee had noted that the former Yugoslav Republic of Macedonia had provided no further information for the Committee to review.

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<sup>4</sup> See ECE/EB.AIR/2014/2, paras. 121–129, ECE/EB.AIR/2015/2, paras. 92–99, and ECE/EB.AIR/2016/1, paras. 45–50.

The Committee had therefore requested the secretariat to send a letter to the former Yugoslav Republic of Macedonia asking it to provide an update with regard to activities towards reducing sulphur emissions and a timetable for the country's expected compliance with its obligations under the 1985 Sulphur Protocol. The Committee had then decided to continue to review the case at its next session.

#### *Deliberations*

65. The former Yugoslav Republic of Macedonia had responded to the secretariat's letter in July 2016. The Committee noted with appreciation the information provided by the former Yugoslav Republic of Macedonia. The Party reported that the public electricity and heat production sector was the main source of emissions, contributing 92 per cent to its total sulphur emissions, with only a few power plants being the major contributors. One of those had switched from heavy oil to gas in 2013 and thereby reduced its emissions. A smaller coal plant had reduced its operating hours in the past five years, operating only during winter season and a third plant using heavy oil was kept as a reserve and had not been in operation since 2008. The main contribution to sulphur emissions was from the major coal power plant for electricity production: REK Bitola. Although several measures had been implemented, the sulphur emissions from its yearly coal consumption remained unchanged.

66. Furthermore, the Party stated that a national emission reduction plan under article 4, paragraph 6, of the European Union Large Combustion Plants Directive<sup>5</sup> (as adapted by the decision of the Ministerial Council), covering all large combustion plants in the country, had been prepared and approved by the Government in December 2015. The plan had subsequently been sent to the Energy Community where it was expected to be approved by October 2016. According to the plan, the total sulphur emissions should be reduced by more than 30 per cent. The former Yugoslav Republic of Macedonia expected to be in compliance with its obligation under article 2 of the 1985 Sulphur Protocol by 2018, provided that the emissions from all sources other than the energy sector remained the same.

67. The Party also highlighted that it was in compliance with its obligations under the 1994 Protocol on Further Reduction of Sulphur Emissions and the Gothenburg Protocol. Furthermore, the former Yugoslav Republic of Macedonia confirmed its commitment to implement measures to reduce sulphur emissions and said it would inform the secretariat in a timely manner about the status of activities defined in the national emission reduction plan towards reducing sulphur emissions.

68. The Committee noted the information provided by the former Yugoslav Republic of Macedonia and its efforts to comply with its obligation to reduce sulphur emissions. It acknowledged that the emission trend showed some improvement, also noting, however, that the exceedance of the emission reduction target was still significant. The Committee welcomed the progress made by the Party towards reducing its sulphur emissions and the projections made by the Party indicating it would be in compliance with its obligations under the 1985 Sulphur Protocol by 2018. In the light of the information provided by the Party, in particular regarding the envisaged measures in accordance with the national emission reduction plan, the Committee requested the secretariat to invite the Party to a Committee session in 2017 to present the abatement measures and the quantitative effect their implementation would have on the country's sulphur emissions.

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<sup>5</sup> Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants.

## 2. Protocol on Persistent Organic Pollutants

### (a) Follow-up to the referral by the secretariat concerning compliance by Liechtenstein with the Protocol on Persistent Organic Pollutants (ref. 4/14(PAH))

#### *Background*

69. At its thirty-seventh session, the Committee continued to consider the secretariat's referral concerning Liechtenstein's compliance with the Protocol on POPs (ref. 4/14(PAH)).

70. According to the latest emission data, PAH emissions had been 0.014 tons in 2014 compared with 0.015 tons in 1990, the base year for Liechtenstein, meaning that Liechtenstein had just reached compliance. In 2013, PAH emissions in Liechtenstein were 0.050 tons, compared with 0.017 tons in 1990, the base year for Liechtenstein, which amounted to an exceedance of 194 per cent.

71. The secretariat informed the Committee that it had sent a letter to Liechtenstein on behalf of the Committee requesting information on: (a) the measures Liechtenstein intended to take to fulfil its emission reduction obligation under the Protocol on POPs, taking into account the opportunity to use experiences of other Parties to find appropriate solutions; (b) the quantitative and projected effects of possible effective measures in relation to emission reductions from wood burning; and (c) a revised timetable specifying the year by which Liechtenstein expected to be in compliance. It had also reminded Liechtenstein of the Committee's invitation to attend its next meeting. Liechtenstein had responded to the letter, indicating that it was still investigating potential measures to reduce PAH emissions and that at the present stage no timetable could be provided indicating when the country would be compliant. Liechtenstein also indicated that it could not attend the Committee's session.

#### *Deliberations*

72. The Committee noted that the latest officially submitted data showed that PAH emissions in Liechtenstein in 2014 had been 0.014 tons, which was below the 1990 target level of 0.015 tons. At the same time, Liechtenstein indicated that it was still investigating potential measures to reduce PAH emissions.

73. As Liechtenstein had reached compliance, the Committee concluded that there was no reason to further review the case. It encouraged Liechtenstein to further investigate and develop measures to reduce PAH emissions sustainably, including through the use of experiences by other Parties having faced similar issues.

### (b) Follow-up to the referral by the secretariat concerning compliance by Italy with the Protocol on Persistent Organic Pollutants (ref. 1/15 (PAH))

#### *Background*

74. The Committee considered the secretariat's referral concerning Italy's compliance with the Protocol on POPs. PAH emissions had been 86.0 Megagrams in 2013 compared with 81.1 Megagrams in 1990, the base year for Italy, an exceedance of 6 per cent. That information suggested that Italy was in non-compliance with its obligation under article 3, paragraph 5 (a), of the Protocol on POPs.

75. The secretariat had informed Italy about the intention to refer the issue to the Committee and of the opportunity to provide a response, which Italy had done. Italy explained that the high emission data for 2013 had been due to a recent revision of activity data for biomass consumption in the residential combustion sector, applied currently for

that year. Italy indicated that in the next reporting round the whole time series, including the base year 1990, would be recalculated using the revised activity data.

#### *Deliberations*

76. The Committee welcomed the information provided by Italy. According to the latest emission data, PAH emissions had been 76.7 Megagrams in 2014 compared with 98.9 Megagrams in 1990, the recalculated base year level for Italy. That information suggested that Italy was in compliance with its obligation under article 3, paragraph 5 (a), of the Protocol on POPs. The Committee concluded that there was no reason to further review the case.

### **3. Gothenburg Protocol**

#### **(a) Follow-up to the referral by the secretariat concerning compliance by Spain with the Gothenburg Protocol (ref. 19/13 (NH<sub>3</sub>))**

#### *Background*

77. At its thirty-seventh session, the Committee continued its consideration of the 2013 referral by the secretariat concerning compliance by Spain with the Gothenburg Protocol regarding NH<sub>3</sub> emissions.

78. According to the latest emission data, NH<sub>3</sub> emissions in Spain had been 370.6 kilotons in 2014, which was above the country's emission ceiling of 353 kilotons, an exceedance of about 5 per cent.

79. Spain had participated at the thirty-fifth session of the Committee by teleconference, informing the Committee about its ongoing work on an action plan addressing both the specific measures and the timetable requested earlier.

80. Spain, furthermore, had provided a progress report in advance of the Committee's thirty-sixth session, describing its ongoing work, which included: (a) the review and update of estimates to take into account the latest methodological guidelines; (b) improving knowledge and collection of data on major NH<sub>3</sub> sources; and (c) the development of plans, actions and measures to reduce the emissions of NH<sub>3</sub> from agricultural practices. At its prior session, the Committee had noted that Spain expected the final results of the work outlined in its progress report in time for the 2016 reporting round and that it proposed to present the results at the Committee's next session. Subsequently, the secretariat had written to Spain on behalf of the Committee, inviting it to attend the Committee's thirty-seventh session to present a further update on its progress towards compliance.

81. In its response to the secretariat's invitation, Spain had indicated that the updates and improvements foreseen in its inventory related to the agriculture sources could not all be implemented in 2016, as previously expected, and that the majority of the updates were now expected to be included in the 2017 edition of its national inventory. As a consequence, Spain had proposed to present those results at one of the Committee's sessions in 2017.

#### *Deliberations*

82. The Committee acknowledged the information provided by Spain and welcomed its proposal to present information on updates and improvements in its inventory in 2017.

83. The Committee noted that Spain had been close to compliance since 2010, but also that the country's NH<sub>3</sub> emissions had shown an increasing trend since 2012. In the light of

all of the above, the Committee requested the secretariat to invite Spain to attend its second session in 2017 to present the update on its progress towards compliance.

**(b) Follow-up to the referral by the secretariat concerning compliance by Norway with the Gothenburg Protocol (ref. 26/13 (NH<sub>3</sub>))**

*Background*

84. At its thirty-seventh session, the Committee continued its consideration of the 2013 referral by the secretariat concerning Norway's compliance with the Gothenburg Protocol regarding NH<sub>3</sub> emissions.

85. The Committee recalled the comprehensive information that had been provided by Norway at the Committee's thirty-third session (ECE/EB.AIR/2014/2, para. 93). It specifically recalled that Norway had indicated that the results of the process to improve its NH<sub>3</sub> emissions calculations would be reflected in its 2015 inventory submission.

*Deliberations*

86. At its thirty-seventh session, the Committee noted that, based on the latest submission of emission data received from Norway, emissions of NH<sub>3</sub> in Norway in 2014 (25.7 kilotons) had still been above the 2010 ceiling of 23 kilotons, exceeding that ceiling by 12 per cent. The information provided to the Committee indicated that Norway was in non-compliance with its obligation under article 3, paragraph 1, of the Gothenburg Protocol with respect to NH<sub>3</sub>.

87. Against that background, the Committee invited the secretariat to write to Norway:

(a) Requesting information on the process to improve its NH<sub>3</sub> emissions inventory, with respect to Norway's previous indication that improved calculations would be reflected in its 2015 submission, based on its agricultural practices survey;

(b) Requesting information on the effect of specific policy measures introduced (as indicated by Norway at the Committee's thirty-third session) and additional policy measures envisaged aiming at the reduction of NH<sub>3</sub> emissions;

(c) Encouraging Norway to continue to pursue its emission reduction measures and inviting the Party to report to the Committee thereon at its second session in 2017.

88. The Committee thus agreed to continue to review the case at its second session in 2017, once new emission data for 2015 was available.

### **III. Compliance with reporting obligations**

89. At its thirty-seventh session, the Implementation Committee also considered the follow-up to Executive Body decisions on reporting. In addition, in accordance with the Implementation Committee's terms of reference, its functions and procedures for review (ECE/EB.AIR/113/Add.1, decision 2012/25, annex), the Committee considered referrals from the secretariat regarding cases of potential non-compliance by Parties with their reporting obligations, identified on the basis of information provided by the Centre on Emission Inventories and Projections. The reporting obligations are set out in the respective protocols to the Convention as well as various Executive Body decisions on reporting (decisions 2002/10, 2005/1 and 2008/16) and the Guidelines for Reporting Emission and Projections Data under the Convention (ECE/EB.AIR/125).

## **A. Follow-up to Executive Body decisions 2013/18, 2013/19 and 2014/8 on reporting**

90. In decisions 2013/18, 2013/19 and 2014/8, the Executive Body urged Parties that were in non-compliance with their obligations with respect to reporting to provide the missing data. On the basis of information provided by the secretariat, the Committee reviewed the responses of Parties to those decisions.

### **1. Follow-up action taken by the Committee**

91. At its thirty-third session, following its consideration of the follow-up to decisions 2013/18 and 2013/19 on reporting, the Committee requested the secretariat to write a letter to those Parties that remained in non-compliance with their reporting obligations, to remind them of relevant decisions and ask them to provide the Committee with a summary of their current and next steps to ensure the preparation of the missing data to be submitted as part of the reporting period in 2015. In addition, following the Executive Body's adoption of decision 2014/8 on reporting at its thirty-third session, the secretariat sent a letter to relevant Parties communicating the decision and its provisions. At its thirty-fourth, thirty-fifth and thirty-sixth sessions, the Committee continued its review of the decisions on reporting in the light of the responses received from Parties.

92. A number of Parties, however, had not provided the missing data by the time of the Committee's thirty-seventh session. The status of these issues is reported below.

### **2. Consideration of decision 2014/8**

#### *Albania*

93. In decision 2014/8, paragraph 4 (a), the Executive Body urged Albania to provide its missing annual emission data for 2010, 2011, 2012 and the base years under the 1985 Sulphur Protocol and the Protocol on NO<sub>x</sub>. The Executive Body also reminded Albania that in accordance with article 2 of the 1985 Protocol on Sulphur the applicable base year for Albania was 1980 and that in accordance with article 2 of the Protocol on NO<sub>x</sub> the applicable base year was 1987. The secretariat informed the Committee that, following the Committee's consideration of the case at its thirty-sixth session (ECE/EB.AIR/2016/1, paras. 99 and 101), Albania had provided its base year data under the 1985 Sulphur Protocol and the Protocol on NO<sub>x</sub>. Albania had not provided its missing annual data and had also not submitted data for 2014. In a letter of 29 February 2016, Albania had stated that experts were working with the National Environmental Agency team on the preparation of the national emission inventories for 2010, 2011, 2012, 2013.

94. The Committee noted with appreciation the information provided by Albania regarding the base year data under the 1985 Sulphur Protocol and the Protocol on NO<sub>x</sub> and encouraged the Party to submit its missing data.

95. In the light of the information provided by Albania, the Committee agreed to continue to review the case in 2017 with regard to the submission of annual emission data for 2010, 2011, 2012, 2013 and 2014.

#### *Liechtenstein*

96. In decision 2014/8, paragraph 4 (b), the Executive Body urged Liechtenstein to provide its missing annual emission data for 2008, 2009, 2010, 2011, 2012 and the base year for hexachlorobenzene (HCB) under the Protocol on POPs. The secretariat informed the Committee that, as of 25 August 2016, Liechtenstein had not provided its missing data and that, in addition, the 2013 and 2014 annual emission data for HCB was also missing. In

a letter of 10 August 2016, Liechtenstein had written that further clarifications on the HCB data were needed, and that the country planned to report the HCB emissions in its next submission in 2017.

97. In the light of the lack of progress by Liechtenstein, the Committee agreed to continue to review the case in 2017. It requested the secretariat to write a letter to the Permanent Representative of Liechtenstein to the United Nations Office at Geneva:

(a) Emphasizing the importance of the provisions on reporting for the functioning of the Convention and its protocols;

(b) Reminding the Party of the respective Executive Body decision concerning non-compliance with reporting obligations;

(c) Asking Liechtenstein to provide, by 20 December 2016, a summary of its current and next steps to ensure the preparation of the missing emission data.

#### *Luxembourg*

98. In decision 2014/8, paragraph 4 (c), the Executive Body urged Luxembourg to provide its missing annual emission data for 2008, 2009, 2010, 2011, and 2012 under the Protocol on Heavy Metals, its missing gridded data for 2005 and 2010 under the Protocols on POPs and Heavy Metals, and its missing projections data for 2015 and 2020 under the Gothenburg Protocol. The secretariat informed the Committee that Luxembourg had provided annual data for 2008 to 2014 under the Protocol on Heavy Metals and projections data for 2015, 2020, 2025 and 2030 under the Gothenburg Protocol. As of 25 August 2016, gridded data under the Protocol on Heavy Metals and the Protocol on POPs were still missing. In its letter of 22 March 2016, Luxembourg had written that it hoped to submit the missing data under the Protocol on Heavy Metals and the Protocol on POPs by 30 September 2016.

99. The Committee noted with appreciation the information provided by Luxembourg with regard to annual data under the Protocol on Heavy Metals and projections data under the Gothenburg Protocol and encouraged the Party to submit its missing data. It agreed to continue to review the case in 2017 with regard to the submission of gridded data for 2005 and 2010 under the Protocols on POPs and the Protocol on Heavy Metals.

#### *Montenegro*

100. In decision 2014/8, paragraph 4 (d), the Executive Body urged Montenegro to provide its missing annual emission data for 2012 under the Protocols on POPs and the Protocol on Heavy Metals. The secretariat informed the Committee that, as of 25 August 2016, Montenegro had not provided its missing data and had also not submitted annual data for 2013 and 2014. In a letter of 26 April 2016, Montenegro had indicated that there were some technical problems, and had outlined next steps to overcome them so that data could be submitted in the 2017 reporting round.

101. In the light of the information provided by Montenegro, the Committee encouraged the Party to submit its missing data and agreed to continue to review the case in 2017.

### **3. Consideration of decision 2013/18**

102. In decision 2013/18, paragraph 4 (b), the Executive Body urged Croatia to provide its missing annual emission data for the base years under the Protocol on NO<sub>x</sub> and the Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes (Protocol on VOCs). The secretariat informed the Committee that, as of 25 August 2016, Croatia had provided its missing base year emission data under both Protocols.

103. In the light of that information, the Committee concluded that there was no reason to continue to review the case.

#### 4. Consideration of decision 2013/19

104. In decision 2013/19, paragraph 4 (c), the Executive Body urged the Republic of Moldova to provide its missing gridded data for 2005 and 2010 under the Protocols on POPs and Heavy Metals. The secretariat informed the Committee that, as of 26 August 2016, the Republic of Moldova had not provided its missing gridded data under either Protocol. The Committee recalled its previous consideration of the case and further encouraged the Republic of Moldova to continue efforts to develop its gridded data. The Committee requested the secretariat to write a letter to the Party:

(a) Emphasizing the importance of the provisions on reporting for the functioning of the Convention and its protocols;

(b) Reminding the Party of the respective Executive Body decision concerning non-compliance with reporting obligations;

(c) Asking the Republic of Moldova to provide, by 20 December 2016, a summary of its current and next steps to ensure the preparation of the missing gridded emission data;

(d) Inviting the Republic of Moldova to attend the next meeting of the Implementation Committee to explain the current situation, challenges and the intended next steps.

## B. Referrals concerning reporting of emission data

105. In line with item 3.1 of the 2016–2017 workplan for the implementation of the Convention (ECE/EB.AIR/133/Add.1), the Committee evaluated compliance by Parties with their emission data reporting obligations under the seven substantive protocols in force on the basis of information provided by the secretariat. The evaluation covered the completeness and timeliness of reporting. The information provided by the secretariat is presented in informal document No. 1<sup>6</sup> and covers data reported up to 25 August 2016. Tables 1–7 in informal document No. 1 give an overview of the status of emission data reporting under the seven protocols.

### 1. Referrals initiated in 2015

106. At its thirty-sixth session, the Committee considered referrals submitted by the secretariat in 2015 and decided to continue to review those cases at its thirty-seventh session. The secretariat subsequently provided updated information (as of 25 August 2016) related to those referrals, as set out below.

#### *Protocol on NO<sub>x</sub>*

107. With respect to the referral by the secretariat concerning compliance by Greece with its reporting obligations under article 8 of the Protocol on NO<sub>x</sub> (R3/15), the secretariat informed the Committee that Greece had submitted its missing data. The Committee agreed not to pursue the case any further.

<sup>6</sup> Available from the web page for the Executive Body's thirty-seventh session (<http://www.unece.org/index.php?id=43519#/>),

*Protocol on VOCs*

108. With regard to the referral by the secretariat concerning compliance by Monaco with its reporting obligations under article 8, paragraph 1, of the Protocol on VOCs (R4/15), the secretariat reported that the Party had submitted the missing data. The Committee agreed not to pursue the case any further.

*1994 Protocol on Further Reduction of Sulphur Emissions*

109. Regarding the referral by the secretariat concerning compliance by Monaco with its reporting obligations under article 5, paragraphs 1 (b) and 2, of the 1994 Protocol on Further Reduction of Sulphur Emissions (1994 Protocol on Sulphur) (R5/15), the secretariat noted that the Party had submitted the missing data. The Committee agreed not to pursue the case any further.

110. With respect to the referral by the secretariat concerning compliance by Greece with its reporting obligations under article 5, paragraphs 1 (b) and 2, of the 1994 Protocol on Sulphur (R6/15), the secretariat informed the Committee that the Party had submitted the missing data. The Committee agreed not to pursue the case any further.

*Protocol on Heavy Metals*

111. On the referral by the secretariat concerning compliance by Monaco with its reporting obligations under article 7, paragraph 1 (b), of the Protocol on Heavy Metals (R7/15), the secretariat reported that the Party had submitted the missing data. The Committee agreed not to pursue the case any further.

*Gothenburg Protocol*

112. With reference to the referral by the secretariat concerning compliance by Croatia with its reporting obligations under article 7, paragraph 1 (b), of the Gothenburg Protocol concerning emission data reporting on sulphur, NO<sub>x</sub>, ammonia and VOCs (R8/15) (2025 and 2030 emission projections), the secretariat reported that the Party had submitted the missing data. The Committee agreed not to pursue the case any further.

113. Concerning the referral by the secretariat regarding compliance by France with its reporting obligations under article 7, paragraph 1 (b), of the Gothenburg Protocol (R9/15) (2025 and 2030 emission projections), the secretariat noted that the Party had not submitted the missing data.

114. Regarding the referral by the secretariat concerning compliance by Hungary with its reporting obligations under article 7, paragraph 1 (b), of the Gothenburg Protocol (R10/15) (2025 emission projections), the secretariat reported that the Party had submitted the missing data. The Committee agreed not to pursue the case any further.

115. With respect to the referral by the secretariat concerning compliance by Luxembourg with its reporting obligations under article 7, paragraph 1 (b), of the Gothenburg Protocol (R11/15) (2025 and 2030 emission projections), the secretariat reported that the Party had submitted the reporting data. The Committee agreed not to pursue the case any further.

116. Concerning the referral by the secretariat regarding compliance by the former Yugoslav Republic of Macedonia with its reporting obligations under article 7, paragraph 1 (b), of the Gothenburg Protocol (R12/15) (2020 (NH<sub>3</sub> missing only), 2025 and 2030 emission projections), the secretariat noted that the Party had not submitted the missing data.

117. In reference to the referral by the secretariat concerning compliance by the European Union with its reporting obligations under the Gothenburg Protocol (annual data and 2025 and 2030 projections) (R13/15), the secretariat reported that the Party had submitted the reporting data. The Committee agreed not to pursue the case any further.

## **2. Referrals initiated in 2016**

118. At its thirty-seventh session, the Committee considered new referrals submitted by the secretariat, as described below, and decided to continue to review the cases at its next meeting:

(a) Referral by the secretariat concerning compliance by Greece with its reporting obligations under the Protocol on NO<sub>x</sub> (R1/16);

(b) Referral by the secretariat concerning compliance by Greece with its reporting obligations under the 1994 Protocol on Sulphur (R2/16).

119. The Committee noted with regret that the following Parties had not submitted complete data in the 2015 and/or 2016 reporting cycle: France, Greece, and the former Yugoslav Republic of Macedonia.

## Annex

### **Draft decision concerning compliance by the European Union with the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (ref. 5/13 (NO<sub>x</sub>))**

*The Executive Body,*

*Acting* in accordance with paragraph 11 of the structure and functions and procedures for review of the Implementation Committee under the Convention on Long-range Transboundary Air Pollution (ECE/EB.AIR/113/Add.1, decision 2012/25, annex),

*Recalling* its decision 2013/14,

*Also recalling* paragraphs 42 to 45 of its report on its thirty-third session (ECE/EB.AIR/127), and in particular paragraph 45, in which the Implementation Committee was requested to continue to review the compliance of the European Union with article 3, paragraph 1, of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol) and to report the results of its further consideration to the Executive Body,

1. *Takes note* of the information contained in the nineteenth report of the Implementation Committee regarding the follow-up to Executive Body decision 2013/14 on compliance by the European Union with its obligation under article 3, paragraph 1, of the Gothenburg Protocol, based on the information provided by the European Union in September 2016 (ECE/EB.AIR/2016/7, paras. 54–58);

2. *Decides* to interpret the ceilings listed for the European Community in annex II to the Gothenburg Protocol as representing the sum of the emission ceilings of the 15 individual Parties that were member states of the European Community at the time the Gothenburg Protocol was agreed and when the European Union acceded to the Gothenburg Protocol in 2003.

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