



Madrid, 12th September 2017

Dear Sirs,

This is concerning the recommendation for rejection of an ERT report on the Review of the 2017 Adjustment Application by Spain concerning two adjustments on ammonia emissions.

We received with surprise this rejection and we would like to report on the inconsistencies found and suggested recommendations, both to be presented in the discussion of the bullet #13 of the agenda of the third Joint session of the Working Group on Effects and the Steering Body to EMEP in September 2017, but also, because we have limited time for interventions, to supply arguments to the CEIP and the EMEP's SB

Please find attached comments and technical arguments in an informal document but also the following additional important comments:

1. Spain believes that ERT's report on the Review of the 2017 Adjustment Application by Spain and the included recommendations are not consistent with Executive Body decisions ruling the Adjustment Application process. [An informal document is attached to this letter for its inclusion on the EMEP SB Meeting].
2. The Spanish Application meets the requirements set by EB Decisions (especially Decision 2012/12), however the ERT rejection is based on a particular interpretation of the (informal) Technical Guidance for Adjustment Applications and reviews. This should provide guidance but cannot be the basis for a final decision.
3. Additionally, we find the he current version of the ERT's Report not robust enough to underpin a decision by the SB since:
 - 3.1. apparently not all the needed information could be checked with IIASA by ERT (according to an ERT response to Spain) and it is hard to receive a rejection when it is stated that not all the information required was available;
 - 3.2. although the two adjustment applications from Spain for ammonia emissions from agricultural sources are based on the same technical rationale, the ERT recommends two different approaches, one is left in an open status and rejects the other (what might be seen as a contradictory assessment);
 - 3.3. it has not met the requirements foreseen in the procedure in terms of dates, since deadline for the ERT country report was 31st May 2017, and only ERT global report was received on 10th July 2017;
 - 3.4. it contains important inaccuracies, for example it is stated that the application was submitted out of the deadline and this is not true, deadline was 15th March 2017, and was application was officially submitted on 14th March 2017;

The rejection of this adjustment would make reduction obligations compliance to Spain technically unfeasible, since the adopted ceiling is clearly underestimated (aprox 35%) in comparison with current emissions estimations.

Based on the above comments and the ones added to the attached file, Spain recommends revising the conclusion of the ERT regarding the adjustment application of Spain, leave the process in an open status for further review and ask the CEIP to request to a different ERT to further assess the adjustment application in 2018.

Yours sincerely

SPAIN