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## Economic Commission for Europe

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

#### Thirty-ninth session

Geneva, 9–13 December 2019

Item 5 (c) of the provisional agenda

#### Review of implementation of the 2018–2019 workplan: compliance

### Twenty-second 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 twenty-second report of the Implementation Committee contains information on the Committee's activities in 2019 with regard to compliance by individual Parties to the Protocols to the Convention with their emission reduction and reporting obligations, summarizing the work carried out at the Committee's forty-second and forty-third sessions (Stockholm, 7–9 May 2019 and Geneva, 10–12 September 2019, respectively).

## I. Introduction

1. At its thirty-eighth session (Geneva, 10–14 December 2018), the Executive Body for the United Nations Economic Commission for Europe (ECE) Convention on Long-range Transboundary Air Pollution re-elected the following members to the Convention's Implementation Committee: Austria (Mr. Manfred Ritter), Belgium (Ms. Wendy Altobello), Croatia (Mr. Igor Vukovic), France (Mr. Jean-Pierre Chang), Norway (Ms. Alice Gaustad), Serbia (Mr. Nebojša Redžić), Spain (Mr. Martin Fernandez Diez-Picazo), Sweden (Ms. Petra Hagström) and the United States of America (Ms. Jennifer Landside). It re-elected Mr. Manfred Ritter as Chair of the Implementation Committee. The United States of America replaced its Committee member with Mr. Andrew Neustaetter in advance of the forty-second session of the Implementation Committee (Stockholm, 7–9 May 2019).
2. The forty-second and forty-third sessions (Geneva, 10–12 September 2019) of the Implementation Committee were serviced by the Convention secretariat.

## II. Compliance with emission reduction obligations

3. The Implementation Committee was unable to review compliance by Montenegro and the Republic of Moldova with their emission reduction obligations owing to missing submissions in 2019.

### A. Follow-up to Executive Body decisions

#### 1. Protocol on Heavy Metals

##### **Follow-up to Executive Body decision 2018/2 concerning compliance by Liechtenstein with the Protocol on Heavy Metals (ref. 24/13 (Hg), 6/17 (Cd))**

###### *Background*

4. In decision 2018/2, the Executive Body recalled its decision 2014/5 concerning compliance by Liechtenstein with the Protocol on Heavy Metals (ref. 24/13 (Hg)) and urged the Party to fulfil its obligations under article 3 (1) of the Protocol as soon as possible. It requested Liechtenstein to provide the Implementation Committee, through the secretariat, by 28 February 2019, with:

- (a) Information on any additional measures that could be taken to reduce emissions of mercury and cadmium, and a quantitative assessment of their effects;
- (b) A timetable specifying the year by which Liechtenstein expected to be in compliance.

5. The Executive Body invited the Party to participate in one of the Committee's meetings in 2019 to elaborate on the information provided and requested the Implementation Committee to review the progress and timetable of Liechtenstein, and to report to the Executive Body thereon at its thirty-ninth session.

###### *Deliberations*

6. The Implementation Committee considered the case at its forty-second and forty-third sessions. At its forty-second session, the Committee noted the lack of response by the Party and that Liechtenstein had not yet reported its emission data within the 2019 reporting round. It requested the secretariat to remind the Party of the request as contained in decision 2018/2.

7. At its forty-third session, the Implementation Committee noted the response from Liechtenstein of 7 August 2019. In its response, the Party reminded the Committee of the main sources of mercury and cadmium emissions and indicated that further clarifications, including those on the base year emissions, would be included in its submission in 2020. Liechtenstein hoped to have further information by mid-2020 that could be presented to the Committee at its forty-fifth session.

8. The Committee decided to continue to consider the case at its forty-fifth session and requested the secretariat to send a letter to Liechtenstein acknowledging that further information is expected by mid-2020 and to remind the Party to provide, in accordance with decision 2018/2:

(a) Information on any additional measures that could be taken to reduce emissions of mercury and cadmium, and a quantitative assessment of their effects;

(b) A timetable specifying the year by which Liechtenstein expected to be in compliance.

## 2. Protocol on Persistent Organic Pollutants

### (a) Follow-up to Executive Body decision 2018/2 concerning compliance by Liechtenstein with the Protocol on Persistent Organic Pollutants (ref. 4/17 (dioxin/furan, PAH, HCB))

#### *Background*

9. In decision 2018/2, the Executive Body urged Liechtenstein to fulfil its obligations under article 3 (5) (a) of the Protocol on Persistent Organic Pollutants as soon as possible. It requested Liechtenstein to provide the Implementation Committee, through the secretariat, by 28 February 2019, with:

(a) Information on any additional measures that could be taken to reduce emissions of dioxin/furan, polycyclic aromatic hydrocarbons (PAHs) and hexachlorobenzene (HCB) and a quantitative assessment of their effects;

(b) A timetable specifying the year by which Liechtenstein expected to be in compliance.

10. The Executive Body invited the Party to participate in one of the Committee's meetings in 2019 to elaborate on the information provided and requested the Implementation Committee to review the progress and timetable of Liechtenstein, and to report to the Executive Body thereon at its thirty-ninth session.

#### *Deliberations*

11. The Implementation Committee considered the case at its forty-second and forty-third sessions. At its forty-second session, the Committee noted the lack of response by the Party and that Liechtenstein had not yet reported its emission data within the 2019 reporting round. It requested the secretariat to remind the Party of the request as contained in decision 2018/2.

12. At its forty-third session, the Implementation Committee noted the response from Liechtenstein of 7 August 2019, in which it referred to its letter of 16 August 2018 clarifying that the main source of emissions was residential wood combustion promoted by the national energy and greenhouse gases mitigation strategy and that visual inspections and information campaigns to promote low emission firing were among implemented measures and that no additional measures were foreseen. Liechtenstein also stated that further clarifications, including those on the base year emissions, would be included in its submission in 2020 and expressed the hope that it would have further information by mid-2020 that could be presented to the Committee at its meeting in September 2020.

13. The Committee decided to continue to consider the case at its forty-fifth session and requested the secretariat to send a letter to Liechtenstein acknowledging that further information was expected by mid-2020 and to remind the Party to provide, in accordance with decision 2018/2:

(a) Information on any additional measures that could be taken to reduce emissions of mercury and cadmium, and a quantitative assessment of their effects;

(b) A timetable specifying the year by which Liechtenstein expected to be in compliance.

**(b) Follow-up to Executive Body decision 2018/3 concerning compliance by Latvia with the Protocol on Persistent Organic Pollutants (ref. 3/10 (HCB))**

*Background*

14. In its decision 2018/3, the Executive Body recalled its decisions 2011/6, 2012/17 and 2014/7 and strongly urged Latvia to fulfil its obligation under the Protocol on Persistent Organic Pollutants as soon as possible and to inform the Implementation Committee about the progress in reducing emissions of HCB and efforts of Latvia to comply with its obligations under the Protocol. The Executive Body decided to invite Latvia to participate in the Committee's meetings in 2019 to elaborate on the information provided. It requested the Implementation Committee to review the progress of Latvia towards compliance with its obligations under the Protocol and to report to the Executive Body thereon at its thirty-ninth session.

15. In accordance with the decision, the ECE Executive Secretary brought the matter to the attention of the Minister of Foreign Affairs of Latvia, noting that the obligation to reduce emissions of HCB was a binding obligation in international law that was accepted by Latvia when it ratified the Protocol in 2004. In its response to the secretariat, Latvia recognized the concern expressed by the Executive Body and expressed its readiness to attend the meetings of the Implementation Committee and to provide the information requested. Latvia noted that all HCB sources would be reviewed; it pointed to probable underestimation of HCB emissions from pesticides used in agriculture during historical years. Latvia would take further steps in terms of research and comprehensive review, results of which would be available prior to the forty-third session of the Committee.

*Deliberations*

16. The Implementation Committee considered the case at its forty-second session, in which a representative of Latvia participated. The Committee noted the information provided by Latvia and that results of the ongoing review would be available in September 2019. It also noted the intention of Latvia to deliver a presentation at the thirty-ninth session of the Executive Body.

17. A representative of Latvia participated in the forty-third session of the Committee via Skype conference and informed the Committee that its review was still ongoing and would only be finalized by the end of 2019. Latvia also confirmed that a presentation would be made at the Executive Body's thirty-ninth session and informed the Committee that revised emission data would be included in its 2020 submission. The Committee decided to continue considering the case at its forty-fourth session.

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

*Background*

18. 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 PAH emissions under the Protocol on Persistent Organic Pollutants. The Committee continued to review the case at its thirty-fifth (Budapest, 27–29 May 2015), thirty-sixth (Geneva, 26–28 January 2016), thirty-seventh (Geneva, 13–15 September 2016), fortieth (Madrid, 16–18 May 2018) and forty-first (Geneva, 11–14 September 2018) sessions, noting the exceedance by Denmark of PAH emissions. It noted the deviation of the emission trend from projections presented by Denmark earlier. Denmark explained the deviation by variation of activity data. The Party expected to be in compliance with the Protocol not later than in 2020. Denmark participated in the forty-first session of the Implementation Committee, informing it about measures implemented to reduce PAH emissions. The Committee noted that the effectiveness of those measures might be reflected in the next reporting rounds. The Committee appreciated the efforts of Denmark to comply with its obligation to reduce PAH emissions and decided to continue to review the case in 2019.

*Deliberations*

19. At its forty-second session, the Committee continued its consideration of the case. According to the latest submission, the emissions of PAH in 2017, amounting to 7 tons, still exceeded the base year level of 5.1 tons by 36 per cent. The Implementation Committee noted the slight decrease in the exceedance and that the Party expected to be in compliance not later than in 2020. The Committee decided to continue to review the case at its forty-fourth session.

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

#### **Follow-up to Executive Body decision 2017/2 concerning compliance by Norway with the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (ref. 26/13 (NH<sub>3</sub>))**

*Background*

20. At its thirty-seventh session (Geneva, 11–14 December 2017), the Executive Body noted with concern that, in spite of the efforts made, Norway had failed to fulfil its obligation to maintain its annual emissions of ammonia (NH<sub>3</sub>) in accordance with the ceiling specified in annex II to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol), as required by article 3 (1) of the Protocol. The Executive Body requested Norway to provide the Implementation Committee, through the secretariat, by 31 July 2018, with:

- (a) A quantitative assessment of the effects of current and planned policy measures;
- (b) A timetable specifying the year by which Norway expected to be in compliance.

21. It further requested the Implementation Committee to review the progress and timetable of Norway, and to report to the Executive Body thereon at its thirty-eighth session.

22. At its forty-first session, the Committee noted the information provided by Norway through a written response and by means of audioconference. The Committee noted the indication by Norway that a reliable timetable identifying the year when compliance could be reached was not yet available. The Committee decided to continue to review the case at its forty-third session and requested the secretariat to invite Norway to provide to the Committee, by 31 July 2019, further information on the quantitative assessment of additional abatement measures and a timeline indicating when Norway expected to be in compliance.

*Deliberations*

23. At its forty-third session, the Committee continued its consideration of the case. According to the latest submission, the emissions of NH<sub>3</sub> in 2017, amounting to 33.4 kilotons, exceeded the base year level of 23 kilotons by 45 per cent. The Implementation Committee noted the response by Norway of 5 July 2019 with an overview of NH<sub>3</sub> emissions trends and recalculations and information on policy measures and assessments of abatement options to reduce NH<sub>3</sub> emissions.

24. The Committee noted that, according to the information provided by Norway, the most updated projections indicated that Norway expected to exceed its emission ceilings and commitments both for 2010 and 2020 as contained in annex II to the Gothenburg Protocol, as amended, unless additional abatement measures were implemented. The Committee also noted that Norway indicated that it was still not able to present a reliable timetable identifying the year when it expected to be in compliance with its emissions commitments contained in annex II. The Committee further noted that Norway had mandated a comprehensive assessment of further abatement measures to be completed by 1 December 2019. The findings from that assessment would be the basis for further revision of regulations and grant schemes.

25. The Committee decided to continue to review the case at its forty-fifth session and requested the secretariat to invite Norway to provide to the Committee, by 31 July 2020,

further information on the quantitative assessment of additional abatement measures and a timeline indicating when Norway expected to be in compliance.

## **B. Follow-up on referrals initiated by the secretariat during the period 2014–2017 that are still under consideration**

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

#### **Follow-up to the referral by the secretariat concerning compliance by North Macedonia with the 1985 Sulphur Protocol (ref. 1/14)**

##### *Background*

26. The Committee considered the referral by the secretariat concerning compliance of North Macedonia with the 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent (1985 Sulphur Protocol) at its thirty-fourth (Geneva, 8–10 September 2014), thirty-fifth, thirty-sixth, thirty-ninth (Geneva, 5–7 September 2017) and forty-first sessions. Representatives of North Macedonia participated in the thirty-ninth session, informing the Committee about plans to reduce sulphur emissions and the approval of the National Emission Reduction Plan by the Government. They furthermore stated that the implementation of the plan was under way and that it was expected that the Party would be in compliance with its obligations in time for the reporting round in 2020.

27. At the request of the Implementation Committee, the Party provided its progress report in 2018, confirming that the implementation of the plans to reduce sulphur was underway and that the emissions had already been reduced. The Party expected to be in compliance with its obligations in reporting year 2020 at the earliest. North Macedonia committed to continuing to inform the secretariat in a timely fashion about progress in the implementation of the plans to reduce sulphur emissions. The Implementation Committee decided to continue to review compliance by North Macedonia in 2019.

##### *Deliberations*

28. At its forty-second session, the Implementation Committee noted that, according to the 2019 data submission, emissions of sulphur in 2017 were 56.1 kilotons, which exceeded the emission reduction target of 47 kilotons by 19 per cent. The Committee also noted the decreasing trend of sulphur emissions in North Macedonia. Taking into account that the Party was expecting to be in compliance with its emission obligations in reporting year 2020 at the earliest, the Committee decided to continue to review the case at its forty-fourth session.

### **2. Protocol concerning the Control of Emissions of Nitrogen Oxides and their Transboundary Fluxes**

#### **Follow-up to the referral by the secretariat concerning compliance by Albania with the Protocol concerning the Control of Emissions of Nitrogen Oxides and their Transboundary Fluxes (ref. 1/17 (NO<sub>x</sub>))**

##### *Background*

29. The submission of emission data for nitrogen oxides (NO<sub>x</sub>) received from Albania in 2017 indicated an exceedance of the base year emission level by approximately 48 per cent. The Committee considered the case of compliance of Albania with its obligations under article 2 (1) of the Protocol concerning the Control of Emissions of Nitrogen Oxides and their Transboundary Fluxes (Protocol on NO<sub>x</sub>) at its thirty-ninth, fortieth and forty-first sessions. A representative of Albania participated in the Committee's forty-first session and provided information regarding the Party's ongoing work on improving its emission inventory and measures it intended to implement to reduce NO<sub>x</sub> emissions.

30. The Committee appreciated the participation of Albania and noted that the Party was undertaking improvements to its institutional arrangements to ensure better continuity in their inventory preparations, which was expected to improve the quality of the emission inventories. It also noted that a project had been initiated to improve the estimate of the base year emissions of NO<sub>x</sub>, which was expected to give a better reflection of actual emissions in 1987. The revised base year emission data would be included in the Party's reporting in 2019. Furthermore, the Committee took note of several measures that Albania was planning to implement to reduce nitrogen oxides emissions, in particular those from the road traffic sector. The Committee decided to continue to review compliance by Albania at its forty-third session.

#### *Deliberations*

31. The Committee continued to consider the case at its forty-second session. According to the data submitted in 2019, the NO<sub>x</sub> emissions in 2017 exceeded the base year level by 90 per cent. The Committee noted that the emissions of nitrogen oxides continued to increase. It also noted that the intention of Albania to improve the estimate of the base year emissions of NO<sub>x</sub> had not been reflected in the 2019 submission. The Committee also noted that a Stage 3 in-depth review of the emission inventories of Albania submitted under the Convention was planned for June 2019. The report from that review could inform the Committee's considerations at its forty-third session.

32. At its forty-third session, the Committee considered the draft report for the Stage 3 in-depth review of emission inventories of Albania. The Committee decided to continue to review the case at its forty-fourth session and requested the secretariat to send a letter to Albania asking it to provide the following information by 28 February 2020:

- (a) An update on the planned improvements of the inventory to better reflect emissions at the base year;
- (b) A list of specific measures Albania intended to take to reduce its emissions in order to fulfil its emission reduction obligations;
- (c) A timetable specifying the year by which the country expected to be in compliance.

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

#### **(a) Follow-up to the referral by the secretariat concerning compliance by Croatia with the Protocol on Persistent Organic Pollutants (ref. 2/16 (HCB))**

##### *Background*

33. Emission data submitted in 2016 indicated an exceedance of emissions of HCB in Croatia in 2014 by 63 per cent, as compared with the emission level in the base year. This information suggested that Croatia was not compliant with its obligation under article 3 (5) (a) of the Protocol on Persistent Organic Pollutants. The Committee considered the case at its thirty-eighth (Leuven, Belgium, 28 February–2 March 2017), thirty-ninth and fortieth sessions. The Committee noted information provided by Croatia, which included a summary of the calculation results for HCB emissions. The Party explained that the failure to comply was based on an outstanding recalculation of biomass consumption in the small combustion sector. It pointed to inconsistency of methodologies for obtaining data on biomass consumption for national energy balances for the period 1990–2014, which explained the increase in HCB emissions in 2014. Croatia indicated its plan to undertake revision of annual energy balances and to define further activities and measures to reduce HCB emissions.

34. The Committee decided to continue to consider the case in 2019 and requested the secretariat to send a letter to Croatia asking the Party to specify, by 28 February 2019:

- (a) The year by which Croatia was planning to finalize the recalculation;
- (b) The year Croatia expected to be in compliance with its obligations under the Protocol.

*Deliberations*

35. The Committee continued to consider the case at its forty-second session. It noted the effort of Croatia to improve its HCB emission inventory and to correct current inconsistencies in energy balance in past years concerning, in particular, biomass consumption in energy sectors, which might impact its compliance. A representative of Croatia participated in the session. She confirmed that the project on revised energy balance for the full time series since 1990 would be finalized by the end of July 2019 and noted that the finalized recalculation of HCB would be available within the next inventory submission in February 2020. Concerning possible policies and measures, she reiterated the Party's intention to make additional efforts to resolve the issue and to find appropriate solutions in order to comply with the commitments made. The Implementation Committee concluded that it would continue to consider the case in 2020.

**(b) Follow-up to the referral by the secretariat concerning compliance by Luxembourg with the Protocol on Persistent Organic Pollutants (ref. 7/16 (HCB))**

*Background*

36. The 2016 submissions of HCB emission data received from Luxembourg indicated an exceedance of the base year emission level by 1 per cent. This information seemed to suggest that Luxembourg was in non-compliance with its obligations under article 3 (5) (a) of the Protocol on Persistent Organic Pollutants. The Committee considered the referral at its thirty-eighth, thirty-ninth, fortieth and forty-first sessions. According to the data submitted in 2018, emissions of HCB in Luxembourg in 2016 exceeded the base year level by 34 per cent. The Committee noted the response provided by Luxembourg, where it suggested excluding emissions from secondary iron and steel production and road transportation from compliance checking based on the fact that these were new sources and that, in the case of road transportation, the estimation was based on a non-reliable emission factor.

37. The Committee addressed the issue to the Co-Chair of the Task Force on Emissions Inventories and Projections, who provided insights into the inventory preparation in relation to the issues raised by Luxembourg. In the light of the above, the Committee decided to continue to review the case. It invited the secretariat to send a letter to Luxembourg, informing the Party of these considerations and of the possibility to contact the Task Force for further guidance.

*Deliberations*

38. The Committee continued to consider the referral at its forty-second and forty-third sessions. At its forty-second session, the Committee noted the exceedance of the base year emission level for HCB and considered it useful to continue to review the case at its forty-third session to take into account any information available at that time, including the updated emission data tables and the Informative Inventory Report.

39. At its forty-third session, the Committee acknowledged the recalculation the Party had made based on the advice of the Co-Chair of the Task Force on Emission Inventories and Projections and noted the resulting decrease of the exceedance. It requested the secretariat to send a letter to Luxembourg asking it for information to be provided by 31 July 2020 on specific measures to fulfil the emission reduction obligations and a timetable specifying the year by which Luxembourg expected to be in compliance. The Committee decided to continue to review the case at its forty-fifth session.

**4. Gothenburg Protocol**

**(a) Follow-up to the referral by the secretariat concerning compliance by Germany with the Gothenburg Protocol (ref. 2/15 (NH<sub>3</sub>))**

*Background*

40. The submission of NH<sub>3</sub> emission data in 2015 by Germany indicated an exceedance of the emission ceiling by 22 per cent, which suggested that Germany was not complying

with its obligation under article 3 (1) of the Gothenburg Protocol. The Committee considered the referral at its thirty-sixth, thirty-eighth and fortieth sessions. Representatives of Germany participated in the thirty-eighth session, informing the Committee of the approved adjustment of the inventory in view of the new source category<sup>1</sup> by the Steering Body for EMEP in September 2016. Germany was also expecting a decrease in reported emissions in view of the updated emission factor for nitrogen mineral fertilizer application. The corresponding recalculation would be applied in the 2018 reporting round. Furthermore, the representatives of Germany confirmed the planned introduction of policy measures to reduce NH<sub>3</sub> emissions, in particular through amendments to the Federal Ordinance on Fertilizer Application and to the Technical Instructions on Air Quality Control.

41. At its fortieth session, the Committee noted that the approved adjusted emissions of NH<sub>3</sub> in Germany in 2016 exceeded the 2010 ceiling by 9 per cent. It further noted information provided by Germany in response to the Committee's request. The Party was expecting the additional measures to reduce NH<sub>3</sub> emissions to take effect within the period 2018–2025. The Committee requested the secretariat to invite the Party to provide, by 28 February 2019, a specific timeline for achieving compliance. The Committee decided to continue to review the case in 2019.

#### *Deliberations*

42. The Implementation Committee continued to consider the case at its forty-second and forty-third sessions. At its forty-second session, it noted that the approved adjusted emissions of NH<sub>3</sub> in Germany in 2017 had exceeded the 2010 ceiling by 11 per cent. The Committee further noted the information provided by Germany, on 6 March 2019, outlining the envisaged effects of the additional measures to reduce NH<sub>3</sub> emissions. The Committee noted that no specific timeline for achieving compliance had been provided by Germany.

43. At its forty-third session, the Implementation Committee decided to continue reviewing the case at its forty-fifth session. It requested the secretariat to send a letter to Germany requesting the Party to provide, by 31 July 2020, additional information on progress in implementing the measures and the timeline specifying the year by which Germany was expecting to achieve compliance.

#### **(b) Follow-up to the referral by the secretariat concerning compliance by Croatia with the Gothenburg Protocol (ref. 1/18 (NH<sub>3</sub>))**

##### *Background*

44. The submission of NH<sub>3</sub> emission data received from Croatia in 2018 indicated an exceedance of the emission ceiling by approximately 17 per cent. This information seemed to suggest that Croatia was not compliant with its obligations under article 3 (1) of the Gothenburg Protocol. The secretariat informed Croatia about its intention to refer the issue to the Implementation Committee. Croatia responded that it was aware of non-compliance and that it would continue to take efforts to resolve the issue and to find solutions in order to fulfil its obligations under the Gothenburg Protocol as soon as possible. In its subsequent letter, the secretariat informed Croatia about the referral made to the Committee. Croatia acknowledged receipt of the letter, informing the Committee that the uncertainties pertinent to the calculation of NH<sub>3</sub> emissions would be resolved within the next months and that additional documentation would be available not later than in November 2018.

45. The Committee considered the referral at its forty-first session. It noted the information provided by Croatia. The Committee requested the secretariat to send a letter to Croatia requesting the Party to provide, by 28 February 2019, information on:

- (a) Specific measures Croatia intended to take to fulfil its emission reduction obligations;
- (b) The quantitative and projected effects of further measures;

<sup>1</sup> See ECE/EB.AIR/GE.1/2016/2–ECE/EB.AIR/WG.1/2016/2, paras. 18 and 19.

(c) A timetable specifying the year by which it expected to be in compliance and inviting the Party to take part in the Committee's forty-second session.

#### *Deliberations*

46. The Committee continued to consider the referral at its forty-second session. The Committee noted the information provided by Croatia in February and April 2019 in response to the Committee's request. It welcomed the participation of a representative of Croatia in the session. The representative informed the Committee about the draft national air pollution control programme. Depending on the approval of this programme and the implementation of the proposed additional measures, the Party expected to be in compliance with its obligations by 2023–2025. Furthermore, the representative of Croatia mentioned uncertainties regarding NH<sub>3</sub> emission estimations and indicated that the Party was making improvements to its inventory. The Committee noted that Croatia was committed to undertaking the necessary steps to assess and resolve the issue of non-compliance. The Committee decided to continue to review the case at its forty-fourth session.

### **C. New referrals initiated in 2019**

#### **1. The Protocol on Persistent Organic Pollutants**

##### **(a) Referral by the secretariat concerning compliance by Finland with the Protocol on Persistent Organic Pollutants (ref. 1/19 (PAH))**

#### *Background*

47. The 2019 submission of emission data received from Finland indicates that there was an exceedance of the base year level for PAH by approximately 36 per cent. The base year level of PAH emissions was 7.47 tons, whereas in 2017 emissions reached 10.15 tons. This information seemed to suggest that Finland was in non-compliance with its obligations under article 3 (5) (a) of the Protocol on Persistent Organic Pollutants. In its response to the secretariat, Finland submitted information on the sources of emissions, which mainly included residential wood combustion. The Party clarified that the emission inventory for residential combustion took into account different types of technologies and equipment used and also changes in the use of technologies. The emission factors were based on the measurements. Finland also provided information on measures implemented to reduce PAH emissions.

#### *Deliberations*

48. The Committee considered the referral at its forty-second session. It noted the information provided by Finland. The Committee requested the secretariat to send a letter to Finland requesting the Party, by 28 February 2020, to provide:

- (a) A list of specific measures Finland intended to take to fulfil its emission reduction obligations under the Protocol;
- (b) 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;
- (c) A timetable specifying the year by which it expected to be in compliance.

49. The Committee decided to continue to review the case at its forty-fourth session.

##### **(b) Referral by the secretariat concerning compliance by Iceland with the Protocol on Persistent Organic Pollutants (ref. 8/19 (HCB))**

#### *Background*

50. The latest submission of emission data for HCB received from Iceland indicated that there had been an exceedance of the base year emission levels by 280 per cent. Emissions of HCB in 1990 in Iceland were 0.024 kilogram, whereas in 2017 they reached 0.09 kilogram.

This information seems to suggest that Iceland is in non-compliance with its obligations under article 3 (5) of the Protocol on Persistent Organic Pollutants. The secretariat informed Iceland of its intention to refer the issue to the Implementation Committee unless the Party could provide information to resolve the issue by showing that it was in fact in compliance with the Protocol. The Party did not respond. The secretariat subsequently informed Iceland of the referral of the case to the Implementation Committee. Iceland responded, pointing to missing emission factors for open pit burning in the 2016 Guidebook.<sup>2</sup> Iceland suggested that, for this reason, emissions in 1990 were underestimated. The Party noted that it intended to reconsider its approach to emissions calculation and that it was ready to provide further information to the Committee.

#### *Deliberations*

51. The Committee considered the referral at its forty-third session. It noted the information provided by Iceland. The Committee decided to ask the Co-Chairs of the Task Force on Emission Inventories and Projections to provide advice on the approach of Iceland to emissions calculation and to continue considering the referral in 2020.

## **2. The Gothenburg Protocol**

### **Submission by Norway concerning its compliance with the Gothenburg Protocol (ref. 2/19 (NO<sub>x</sub>))**

#### *Background*

52. The secretariat received a letter dated 3 May 2019 from Norway concerning its compliance with the Gothenburg Protocol with respect to NO<sub>x</sub> emissions. In 2017, emissions of NO<sub>x</sub> in Norway had reached 162.7 kilotons, which exceeded the 2010 ceiling of 156 kilotons by 4 per cent. In its submission, Norway reported on recalculations made for the whole time series for particular categories, which resulted in higher amounts for NO<sub>x</sub> emissions. The difference between emissions reported in 2018 and those reported in 2019 could be mostly explained by changes in activity data in the national navigation sector and changes in methodology in the agriculture sector. At the same time, there was a downward trend for NO<sub>x</sub> emissions as a result of implementation of abatement measures. Norway expected to be in compliance with the 2010 Gothenburg Protocol NO<sub>x</sub> emissions ceiling within some years.

#### *Deliberations*

53. The Committee considered the submission by Norway at its forty-third session. Noting the downward trend of NO<sub>x</sub> emissions, the Committee decided to continue to review the case at its forty-fourth session.

## **3. The Protocol on Heavy Metals**

### **Referral by the secretariat concerning its compliance by Monaco with the Protocol on Heavy Metals (ref. 5/19 (Hg, Cd))**

#### *Background*

54. The 2019 submission of emission data for mercury and cadmium received from Monaco indicated that there was an exceedance of the base year emission levels by 114 per cent and 2 per cent, respectively. Emissions of mercury in 1992 in Monaco were 0.002 tons, whereas in 2017 they reached 0.004 tons. Emissions of cadmium in 1992 amounted to 0.00035 tons, whereas in 2017 they were 0.00036 tons. This information seems to suggest that Monaco is in non-compliance with its obligations under article 3 (1) of the Protocol on Heavy Metals. The secretariat informed Monaco of its intention to refer the issue to the Implementation Committee unless the Party could provide information to resolve the issue

<sup>2</sup> EMEP/EEA air pollutant emission inventory guidebook 2016, European Environment Agency Report No. 21/2016 (Luxembourg: Publications Office of the European Union, 2016).

by showing that it was in fact in compliance with the Protocol. In its response, Monaco explained that the emissions were related to public electricity and heat production; new calculations based on direct measurements were made, however the new data showed significant variations in the reported emissions. The Party noted that quality assurance was being undertaken in this regard. The secretariat subsequently informed Monaco of the referral of the case to the Implementation Committee.

#### *Deliberations*

55. The Committee considered the referral at its forty-third session. It noted the emission data resubmitted by Monaco on 30 July 2019 and information provided by the Party. According to the recalculated data, emissions of mercury in 2017 were 0.004 tons, which is above the base year emission level of 0.002 tons by 110 per cent. Emissions of cadmium in 2017 were 0.00041 tons, which is below the base year level of 0.00043 tons by 3 per cent. Based on the resubmitted emission data, the Committee concluded that Monaco was in compliance with its obligations under the Protocol on Heavy Metals regarding cadmium emissions and that there was no reason to review this case. The Committee decided to continue reviewing compliance by Monaco in 2020 with its obligations regarding mercury emissions under the Protocol on Heavy Metals.

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

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

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

##### **1. Consideration of decision 2013/19 concerning compliance by the Republic of Moldova with its obligation to report gridded emission data**

57. 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 Persistent Organic Pollutants and Heavy Metals. The secretariat informed the Committee that, as of 2 September 2019, the Republic of Moldova had not provided its missing gridded data under either Protocol.

58. The Committee noted the information provided by the Party in its letter of 7 August 2019, in which it informed the secretariat of a planned project that would help the Republic of Moldova to establish an institutional structure to maintain an emission inventory, and of the current lack of capacity to provide reporting under the Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants. 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 agreed to continue to review the case in 2020.

##### **2. Consideration of decision 2014/8 concerning compliance by Montenegro with its reporting obligations**

59. 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 Persistent Organic Pollutants and Heavy Metals. In a letter of 26 April 2016, Montenegro indicated that it was experiencing some technical problems and outlined steps to overcome them so that the data could be submitted in the 2017 reporting round. On 29 June 2017, Montenegro informed the secretariat that the problem remained unresolved. On 24 July 2018, Montenegro informed the secretariat that the Agency for Environmental Protection had limited staff and technical capacity to prepare and submit the emission data under the Convention. The secretariat informed the Committee that, as of 2 September 2019, Montenegro had not provided its missing data, neither had it submitted annual data for 2013, 2014, 2015, 2016 and 2017.

60. The Committee took note of the information provided by Montenegro in previous years, in particular with regard to the lack of capacity. It recalled its previous consideration of the case and further encouraged Montenegro to continue efforts to develop its annual data. The Committee decided to continue to review the case in 2020.

## **B. Referrals concerning reporting of emission data**

61. In line with item 3.1 of the 2018–2019 workplan for the implementation of the Convention (ECE/EB.AIR/140/Add.1), the Committee evaluated compliance by Parties with their emission data reporting obligations on the basis of information provided by the secretariat in its referrals. The information provided by the secretariat is presented in informal document No. 2<sup>3</sup> and covers data reported up to 2 September 2019.

### **1. Referrals initiated in 2015–2018 still under consideration**

62. At its thirty-sixth, thirty-seventh, thirty-ninth, forty-first and forty-third sessions, the Committee considered referrals submitted by the secretariat in 2015–2018.

#### *France*

63. The Committee considered the referral by the secretariat concerning compliance by France with its reporting obligations under the Gothenburg Protocol (2025 and 2030 emission projections) (R9/15). The Party had submitted its projections for 2020 and 2030, but not for 2025. The Committee agreed to continue to review the case in 2020.

#### *Iceland*

64. The Committee considered the referral by the secretariat concerning compliance by Iceland with its reporting obligations under the Protocol on Persistent Organic Pollutants (gridded data) (R32/17). The Party had not provided its missing data. The Committee agreed to continue to review the case in 2020.

#### *Liechtenstein*

65. The Committee considered the referrals by the secretariat concerning compliance by Liechtenstein with its obligations to report its gridded data under the 1994 Sulphur Protocol, the Protocol on Volatile Organic Compounds, the Protocol on Persistent Organic Pollutants and the Protocol on Heavy Metals (R10/17, R16/17, R22/17, R34/17). The Party had not provided its missing data. The Committee agreed to continue to review the case in 2020.

#### *Montenegro*

66. The Committee considered the referrals by the secretariat concerning compliance by Montenegro with its reporting obligations under the Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants (annual and gridded data) (R20/17, R23/17, R30/17 and R35/17). The Party had not provided its missing data. On 24 July 2018, Montenegro informed the secretariat that the Agency for Environmental Protection had limited staff and technical capacity to prepare and submit the emission data under the Convention. The Committee agreed to continue to review the case in 2020.

#### *North Macedonia*

67. The Committee considered the referral by the secretariat concerning compliance by North Macedonia with its reporting obligations under the Gothenburg Protocol (R12/15) with missing projections for 2020 for NH<sub>3</sub>, as well as projections for 2025 and 2030 for all pollutants. The Party had not provided its missing data. On 18 July 2018, the Party informed the secretariat that there was a need for recalculation of submitted projections for 2020. Missing projections were expected to be prepared as part of an upcoming project, and the

<sup>3</sup> Available from the web page for the Executive Body's thirty-ninth session <http://www.unece.org/index.php?id=50348>.

Party committed to inform the secretariat on the progress. The Committee agreed to continue to review the case in 2020.

*Republic of Moldova*

68. The Committee considered the referrals by the secretariat concerning compliance by the Republic of Moldova with its obligations under the Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants to report gridded data (R25/17, R37/17). The Party had not provided its missing data and, in its letter of 7 August 2019, informed the secretariat of the lack of capacity to provide reporting under the Protocols. The Committee agreed to continue to review the case in 2020.

*Serbia*

69. The Committee considered the referrals by the secretariat concerning compliance by Serbia with its obligations under the Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants to report gridded data (R27/17, R39/17). The Party had not provided its missing data. On 13 August 2018, Serbia informed the secretariat that the Environmental Protection Agency was facing challenges related to the lack of human and financial resources to prepare gridded data. The Committee agreed to continue to review the case in 2020.

**2. Referrals initiated in 2019 under the Protocols to the Convention**

70. At its forty-third session, the Committee also considered the referrals by the secretariat concerning compliance of the Republic of Moldova (R1/19) and of Montenegro (R2/19) with their obligation to report annual data under the Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants. The Committee noted the information provided by the Republic of Moldova in its letter of 7 August 2019. It agreed to continue to review the cases in 2020.

## **IV. Other business**

71. The Committee decided to hold its forty-fourth and forty-fifth sessions on 13–15 May 2020 and 15–17 September 2020, respectively.

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