

Non-compliance by Spain with the Protocol on Volatile Organic Compounds or their Transboundary Fluxes to the Convention on Long-range Transboundary Air Pollution

Note prepared by the secretariat

A. Executive Body decision 2010/5

In December 2010, the Executive Body of the Convention on Long-range Transboundary Air Pollution adopted decision 2010/5 on Spain's continuing and long-standing non-compliance with its emission reduction obligations under the Protocol on Volatile Organic Compounds (VOCs) or their Transboundary Fluxes. In the decision, the Executive Body reiterated its increasing disappointment at the continuing failure of Spain to fulfil its obligations to adopt and implement effective measures to reduce its national annual emissions of VOCs by at least 30 per cent by the year 1999, using 1988 as its base year, as set out in article 2.2 (a) of the Protocol on VOCs.

The Executive Body strongly urged Spain to fulfil its obligations under the Protocol as soon as possible. In addition, it requested the Executive Secretary of the Economic Commission for Europe (UNECE) to bring this serious matter of non-compliance to the attention of the Minister of the Foreign Affairs and the Minister of the Environment of Spain, but also to present details of it to all the Parties to the Protocol, to the UNECE Committee on Environmental Policy and to the wider public via the home page of the Convention and the newsletter of UNECE.

B. In non-compliance since 1999

Spain has been in non-compliance with its obligation under article 2.2 (a) of the Protocol on VOCs since 1999. In 2003, following a referral by the secretariat, the Implementation Committee of the Convention first concluded on Spain's failure to comply with the emission reduction obligation of the Protocol on VOCs and recommended that the Executive Body urge Spain to fulfil its obligation under the Protocol as soon as possible. Spain was also requested to provide the Implementation Committee with a report describing the progress made towards compliance, setting out a timetable that specified the year by which Spain expected to be in compliance, listing the specific measures taken or scheduled to fulfil its emission reduction obligations under the VOC Protocol and setting out the projected effects of each of those measures on its VOC emissions up to and including the year of compliance.

Since 2003, Spain has been requested to report on its progress to the Implementation Committee annually. However, every year, after reviewing Spain's progress, the Implementation Committee has had to conclude that Spain has continued to fail to reach compliance. Consequently, the Executive Body has repeatedly urged Spain to fulfil its obligations and to implement measures recommended by the Implementation Committee to bring about full compliance with the Protocol in question. (See Executive Body decisions 2003/8, 2004/10, 2005/7, 2006/7, 2007/5, 2008/5 and 2009/8).

At its last session, in September 2010, the Implementation Committee noted with great concern that Spain, despite the fact that it has already been in non-compliance for over 10 years, still did not expect to achieve compliance before 2020, by which time it will have been in non-compliance for more than 20 years.

C. Reasons for Spain's non-compliance

In its reports to the Implementation Committee Spain has referred to the considerable economic, population and energy consumption growth in the period 1996–2006 as the main reasons for not having been able to reduce its national annual emissions of VOC by at least 30 per cent by the year 1999 (using 1988 as its base year). However, the Implementation Committee has never considered that these were valid reasons for non-compliance, emphasizing that these factors did not in any way affect Spain's legal obligations to comply with the provisions of the Protocol.

In 2009, the Implementation Committee commissioned an information-gathering mission to further explore Spain's reasons for being in non-compliance with the VOC Protocol target. The expert team concluded that:

(a) Spain used a conservative approach in estimating emissions for the national emission inventory, with partially outdated emission factors and activity data, which did not sufficiently reflect all recent implemented measures and policies;

(b) There was a lack of new and reliable data on emission reductions and activity reflecting current policies, partially caused by insufficient exchange of information between the autonomous regions and the national administration;

(c) Ambitious policies for certain activities were still required in order to achieve compliance. In the "solvent and other product use" sector in particular a need and potential for further reductions was identified.

Furthermore, the information gathering and review revealed that the emission projections presented by Spain up to now have not included emission projections for the Canary Islands, and that therefore the extent of non-compliance for VOCs has continuously been underestimated in previous years.

D. Insufficient progress made to reach compliance

In 2010, the Implementation Committee again regretted the insufficient progress made during the past year to bring the country into compliance. Although in 2010 the Committee had noted an improvement in the exceeding of the VOCs target — which had been reduced from 37 per cent in 2007 to 23 per cent in 2008, mainly owing to revisions of the methodologies to estimate VOCs emissions from the road transport sector and stationary engines and to a lesser extent to the impact of the economic recession — the Committee remained highly concerned by the fact that the latest projections provided by Spain still showed a gradual increase in total emissions after 2010, which would worsen the non-compliance situation again.

The Committee strongly regretted that almost no additional measures were envisaged in the submitted information to bend that increase downwards and to accelerate the achievement of compliance. The Committee concluded, therefore, that substantial additional measures were urgently required to reduce the expected period of non-compliance and to remain in compliance after reaching it. Although Spain envisaged further revisions of its emission inventory for VOC (inter alia, on the use of solvents and on petrol storage, handling and distribution), which might identify possibilities for further reductions of the present VOC emission estimates, the Committee was convinced that that alone would not be sufficient to bring Spain soon into compliance.

In line with decision 2010/5, Spain is again called to present requested additional information at the next annual session of the Executive Body, in December 2011. This information should cover in particular the following:

(a) Progress in the revision of the Spanish national emission inventory and its impact on the national emission totals of Spain;

(b) Specific emission data and emission projections for the Canary Islands and the effects of planned policies and measures for these islands;

(c) Identification of activities or sectors where there is still a techno-economical potential to further reduce emissions, and the identification of obstacles prohibiting the implementation of stronger measures in those activities or sectors, in order to achieve compliance.