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### Economic Commission for Europe

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

##### Thirty-third session

Geneva, 8–12 December 2014

Item 5 (c) of the provisional agenda

**Review of implementation of the 2014–2015 workplan: compliance**

### **Review of compliance by Parties with their reporting obligations in 2014**

**Submitted by the Implementation Committee**

#### *Summary*

This document contains supplementary information to the seventeenth report of the Implementation Committee under the Convention on Long-range Transboundary Air Pollution (ECE/EB.AIR/2014/2). It provides background information on compliance by Parties with their reporting obligations under the respective protocols, including the follow-up of previous Executive Body decisions as well as the referrals by the secretariat regarding reporting obligations. It further contains information on general matters of compliance discussed by the Committee in 2014.



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## Introduction

1. At its thirty-third (Oslo, 26–28 May 2014) and thirty-fourth sessions (Geneva, 8–10 September 2014), the Implementation Committee under the United Nations Economic Commission for Europe (ECE) Convention on Long-range Transboundary Air Pollution (Air Convention) considered the follow-up to the decisions of the Executive Body for the Convention 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 Data under the Convention (ECE/EB.AIR/97). The present report sets out the Committee's consideration of these compliance issues regarding reporting by individual Parties under the Convention's protocols, as well as general matters of compliance, some of a systemic nature, discussed by the Committee in 2014. This document is supplementary to the seventeenth report of the Implementation Committee (ECE/EB.AIR/2014/2), which looks at substantive issues regarding compliance by Parties with their emissions reduction commitments.

## I. Compliance with reporting obligations

### A. Follow-up to Executive Body decisions 2013/18, 2013/19, 2013/20 and 2013/21 on emission reporting

2. In decisions 2013/18, 2013/19, 2013/20 and 2013/21 (see ECE/EB.AIR/122/Add.1), the Executive Body urged Parties that were in non-compliance with their obligations with respect to emission data 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.

#### Consideration of decision 2013/20

3. In its decision 2013/20, the Executive Body urged the European Union (EU) to provide its missing projections data for 2015 and 2020 under the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol). In its letter of 10 April 2014, the EU pointed out that it was updating its internal legislation and revising its air pollution policy and was not yet in a position to provide projections which would include optional additional measures to reduce air pollution. As a transitional arrangement, the EU provided aggregated numbers that took into account already existing measures or current legislation for its 28 member States in accordance with the relevant reporting format. At its thirty-third session, the Committee welcomed the information provided by the EU and concluded that there was no need to further review this case, encouraging the EU to submit projections that would include additional measures.

#### Follow-up action taken by the Committee

4. With respect to decisions 2013/18, 2013/19 and 2013/21, the Committee was able to conclude that the following Parties had provided the missing data, and therefore recommended no further action with respect to those issues:

(a) Norway had provided its missing annual data for hexachlorobenzene (HCB) for 2008, 2009, 2010, 2011 and the base year under the Protocol on Persistent Organic Pollutants (Protocol on POPs);

(b) Romania had provided its missing annual emission data for the base year under the Protocol on POPs and its missing gridded data for 2010 under the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol;

(c) The former Yugoslav Republic of Macedonia had provided its missing annual emission data for the base year under the 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent (1985 Sulphur Protocol);

(d) Croatia had provided its missing gridded data for HCB for 2010 under the Protocol on POPs;

(e) Luxembourg had provided its missing gridded data for 2000, 2005 and 2010 under the 1994 Protocol on Further Reduction of Sulphur Emissions (1994 Sulphur Protocol) and for 2005 and 2010 under the Gothenburg Protocol, as well as its missing responses to the 2010 questionnaire on strategies and policies.

5. At its thirty-third session, following its consideration of the follow-up to decisions 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. At its thirty-fourth session, the Committee continued its review of the decisions on reporting in the light of the responses received from Parties.

6. A number of Parties, however, had not provided the missing data by the time of the Committee's thirty-fourth session. The status of these issues is reported below, and the Committee recommended further follow-up action to be taken for some of them, as reflected in the draft decision on reporting contained in document ECE/EB.AIR/2014/4.

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

7. In decision 2013/18, paragraph 4 (a), the Executive Body urged Albania to provide its missing annual emission data for 2010, 2011 and the base years under the 1985 Sulphur Protocol and the Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes (Protocol on NO<sub>x</sub>). The secretariat informed the Committee that, as of 5 September 2014, Albania had not provided its missing data and had also not submitted annual data for 2012. In its letter of 18 August 2014, Albania noted that emission inventory data for 2010, 2011 and 2012 had not been completed on time due to the lack of expertise in this field of the relevant national authorities. Underlining its commitment to comply with the requirements of the Convention's protocols, Albania described an upcoming project, scheduled to start in January 2015, which would assist in the establishment of national air emission inventory under the Convention. As for the base years under the 1985 Sulphur Protocol and the Protocol on NO<sub>x</sub>, Albania asserted that, based on its national emission inventory data, the base year for Albania under both protocols should be 1990. At its thirty-fourth session, the Committee concluded that, in accordance with article 2 of the 1985 Sulphur Protocol the base year for Albania was 1980 and in accordance with article 2 of the Protocol on NO<sub>x</sub> the base year was 1987. As a result, the Committee was not in a position to assess its findings on the base years put forward by Albania. The Committee also noted that at the moment of accession to both Protocols Albania had not provided any declaration and/or reservation and, moreover, that the issue had already been addressed in a prior communication with Albania, as reflected in the Committee's report to the Executive Body at its thirty-second session (Geneva, 9–13 December 2013) (see ECE/EB.AIR/2013/3, para. 60).

8. In paragraph 4 (b) of decision 2013/18 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 5 September 2014, Croatia had not provided its missing base year emission data under both Protocols. Croatia indicated in its letter of 11 October 2013 that the estimation of emissions before 1990 would require significant efforts and eventual reconciliation of statistical data with other countries that were part of the former Yugoslavia in order to avoid double counting. In its most recent letter of 29 July 2014, Croatia reiterated that it was still in the process of collecting the missing data and that it planned to provide these data as part of the next reporting period in 2015. In the light of Croatia's response to the secretariat's letter, the Committee agreed to review the case at its next session. It did not see the need to bring the matter to the attention of the Executive Body.

9. In paragraph 4 (c) of decision 2013/18 Liechtenstein was urged to provide its missing annual emission data for 2008, 2009, 2010, 2011 and the base year for HCB under the Protocol on POPs. The secretariat informed the Committee that as of 5 September 2014 Liechtenstein had not provided its missing data and that, in addition, the 2012 annual emission data for HCB was also missing.

10. In paragraph 4 (d) of decision 2013/18 the Executive Body urged Romania to provide its missing annual emission data for the base year under the Protocol on Heavy Metals. The secretariat informed the Committee that as of 5 September 2014 Romania had not provided the missing data. In its letter of 18 August 2014, Romania stated that it would increase the number of experts involved in the implementation of the provisions of the Convention and its Protocols in order to ensure the submission of the missing data as part of the 2015 reporting period. Moreover, Romania reported that it was currently in the process of identifying financial resources for the development of a study on the collection of historical activity data which would be necessary to calculate the base year emissions under the Protocol on Heavy Metals. In the light of Romania's response to the secretariat's letter, the Committee agreed to review the case at its next session. It did not see the need to bring the matter to the attention of the Executive Body.

11. Finally, in paragraph 4 (d) of decision 2013/18 the Executive Body urged the Russian Federation to provide its missing annual emission data for 2011 under the 1985 Sulphur Protocol and the Protocol on NO<sub>x</sub>. The secretariat informed the Committee that, as of 5 September 2014, the Russian Federation had not provided its missing annual emission data under either Protocol. The Russian Federation had also not provided its annual emission data for 2012. In its message of 5 August 2014, the Russian Federation informed the secretariat that it was undertaking efforts to prepare and provide its missing annual emission data for 2011 and 2012 under the two Protocols. It highlighted that the funding had been secured for this work and that it was planned to submit the missing data to the secretariat in the fourth quarter of 2014. In the light of the Russian Federation's response to the secretariat's letter, the Committee agreed to review the case at its next session. It did not see the need to bring the matter to the attention of the Executive Body.

12. Following the review of the implementation of decision 2013/18 by the Parties concerned, at its thirty-fourth session the Committee concluded that it would bring the issue of compliance by Albania and Liechtenstein with their obligations to report annual emission data under the Convention's Protocols to the attention of the Executive Body.

#### **Consideration of decision 2013/19**

13. In decision 2013/19, paragraph 4 (b), the Executive Body urged Norway 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 5 September 2014, Norway had not

provided its missing gridded data. Norway made a presentation at the thirty-third session of the Committee regarding its compliance with its obligations to report gridded data. In a letter of 14 August 2014, Norway apologized for the delay in providing gridded data and indicated that it would submit gridded data for 2005 and 2010 under the Protocols on POPs and Heavy Metals in autumn 2014. In the light of Norway's response to the secretariat's letter, the Committee agreed to review the case at its next session. It did not see the need to bring the matter to the attention of the Executive Body

14. In paragraph 4 (c) of decision 2013/19 the Republic of Moldova was urged 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 5 September 2014, the Republic of Moldova had not provided its missing gridded data under either Protocol. In its letter of 14 August 2014, the Republic of Moldova listed the steps it was taking to submit the missing data. Specifically, it mentioned the ways the capacity-building workshop on gridded data and emission projections, organized by the Convention secretariat (Chisinau, 5–6 June 2014) would contribute to these efforts. In addition, the national implementation of the Air Quality Governance project, funded by the EU, contributed to collecting spatial data necessary to report gridded emission data, with some results already available for the energy and agriculture sectors. Finally, the Republic of Moldova reported on the national funding that had been made available with the aim of improving the quality of reporting under the Convention and reiterated the Government's commitment to meeting its obligations under the Convention's Protocols. In the light of the response of the Republic of Moldova and the efforts it had undertaken to prepare the reporting of the missing gridded data, the Committee concluded that the case did not require the attention of the Executive Body at this time and would be reviewed at the Committee's next session.

15. In decision 2013/19, paragraph 4 (d), Romania was urged to provide its 2005 gridded data under the Protocols on POPs and Heavy Metals. The secretariat informed the Committee that, as of 5 September 2014, Romania had not provided its 2005 gridded data under either Protocol. In its letter of 18 August 2014, Romania informed the secretariat that it was in the process of identifying financial resources for the development of a study on the collection of historical activity data which would be necessary to provide the missing gridded emission data under the Protocols on POPs and Heavy Metals. In the light of the response of Romania and the efforts it had undertaken to prepare the reporting of the missing gridded data, the Committee concluded that the case did not require the attention of the Executive at this time and would be reviewed at the Committee's next session.

16. In decision 2013/19, paragraph 4 (e), the Executive Body urged Sweden to provide its missing gridded data for HCB for 2005 under the Protocol on POPs. The secretariat informed the Committee that, as of 5 September 2014, Sweden had not provided its missing gridded data. In a message of 19 June 2014, Sweden stated that its missing gridded data would be provided in the next reporting period for gridded data in 2017. The Committee noted that Sweden indicated that it would not deliver the missing data before the reporting period in 2017. The Committee therefore concluded that this case needed the attention of the Executive Body.

17. Similarly, in decision 2013/19, paragraph 4 (f), the Executive Body urged Switzerland to provide its missing gridded data for HCB for 2005 under the Protocol on POPs. The secretariat informed the Committee that, as of 5 September 2014, Switzerland had not provided its missing 2005 gridded data for HCB. In its letter of 15 July 2014, Switzerland informed the secretariat that it would provide its missing gridded data for HCB in the next reporting period in 2015. In the light of the response of Switzerland and the efforts it had undertaken to prepare the reporting of the missing gridded data, the Committee agreed that the case did not require the attention of the Executive Body at this time and would be reviewed at the Committee's next session.

18. Finally, in decision 2013/19, paragraph 4 (g), the Executive Body urged the former Yugoslav Republic of Macedonia to provide its missing gridded data for 2010 under the Protocol on Heavy Metals. The secretariat informed the Committee that, as of 5 September 2014, the former Yugoslav Republic of Macedonia had not provided its missing gridded data. In its letter of 1 September 2014, the former Yugoslav Republic of Macedonia noted that it had started activities on calculating gridded data from stationary sources but had not been able to finalize the work in time due to limited capacity of relevant staff. Taking into account the anticipated launch of additional training activities within a new capacity-building project in December 2014, the confirmed allocation of additional human resources and the work already accomplished in the preparation of gridded data, the former Yugoslav Republic of Macedonia estimated that the missing gridded data would be submitted in a timely fashion within the next reporting period in 2015 (subject to the launch of the above-mentioned project). In the light of the response by the former Yugoslav Republic of Macedonia and the efforts it had undertaken to prepare the reporting of the missing gridded data, the Committee concluded that the case did not require the attention of the Executive Body at this time and would be reviewed at the Committee's next session.

#### **Consideration of decision 2013/21**

19. In decision 2013/21 the Executive Body urged Luxembourg to provide its missing projections data for 2015 and 2020 under the Gothenburg Protocol and its missing annual emission data for 2011 under the Protocols on POPs and Heavy Metals. The Implementation Committee noted that, by the time of its thirty-fourth session, Luxembourg had failed to provide the missing data. Furthermore, Luxembourg had not provided its missing annual emission data for 2008, 2009 and 2010 for cadmium, mercury and lead under the Protocol on Heavy Metals, and its missing gridded data for 2005 and 2010 under the Protocols on POPs and Heavy Metals, as it had also been strongly urged by the Executive Body to do in its decision. Furthermore, Luxembourg had also failed to provide its 2012 emissions data under the Protocols on POPs and Heavy Metals. In its letter of 18 August 2014, Luxembourg stated that, with respect to decision 2013/21:

(a) It had established an interministerial working group to analyse the issue of meeting emission ceilings set by the Gothenburg Protocol. Upon the finalization of that analysis, Luxembourg would be in a position to communicate the missing projections data for 2015 and 2020 under the Gothenburg Protocol;

(b) It would communicate its missing annual emission data for the Protocols on POPs and Heavy Metals within the next reporting cycle in February 2015.

20. Luxembourg provided further explanations on the status of its reporting obligations as part of its presentation delivered via teleconference at the thirty-fourth session of the Committee. Specifically, Luxembourg informed the Committee about an ongoing study to complete its missing annual emissions data under the Protocols on POPs and Heavy Metals, and noted that the provisional 2011 data on persistent organic pollutants (POPs) had been communicated to the secretariat. Luxembourg was confident that the missing annual emissions data would be provided within the next reporting cycle. Luxembourg further observed that, upon the finalization of the study, it would be in a position to prepare and submit its missing gridded data under both Protocols by mid-2015. With regard to its missing projections data for 2015 and 2020 under the Gothenburg Protocol, Luxembourg highlighted that the analysis initiated under the auspices of the interministerial working group and scheduled to be completed in 2015 had been progressing according to schedule and that upon the approval of the study by the Government, Luxembourg would be ready to submit the missing projections data.

21. The Committee appreciated the active participation of Luxembourg at its thirty-fourth session and was grateful for the information provided. In the light of the number of

outstanding reporting obligations and in the absence of a firm timeline to complete the projections data, the Committee agreed to bring the issue to the attention of the Executive Body.

## **B. New referrals and compliance with emission data reporting obligations by Protocol**

22. As requested by the Executive Body in item 3.1 of its workplan for 2014–2015 (ECE/EB.AIR/122/Add.2), the Committee evaluated compliance by Parties with their emission data reporting obligations under the seven 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 and covers data reported up to 5 September 2014. Tables 1–7 included in informal document No. 1 give an overview of the status of emission data reporting under the seven Protocols in force in 2012.

### **1. 1985 Sulphur Protocol: compliance with article 4, concerning reporting of annual emissions**

23. Table 1 gives an overview of emission data reported by the Parties to the 1985 Sulphur Protocol and shows that reporting under the Protocol is not yet complete. Emission data for 2011 and 2012 have been received from 23 of the 25 Parties to which the obligation applied. No data were received from Albania and the Russian Federation. In addition, as noted above, base year and 2010 emission data for Albania were still missing.

### **2. Protocol on NO<sub>x</sub>: compliance with article 8, concerning emission data reporting**

24. Table 2 gives an overview of emission data reported by the Parties to the Protocol on NO<sub>x</sub> and shows that reporting under the Protocol is not yet complete. Emission data for 2011 and 2012 have been received from 33 of the 35 Parties to which the obligation applied. No data were received from Albania and the Russian Federation.

25. Furthermore, as noted above, 2010 emission data for Albania and base year emission data from Albania and Croatia, as called for in decision 2013/18, were still missing.

### **3. Protocol on VOCs: compliance with article 8, paragraph 1, concerning emission data reporting**

26. Table 3 gives an overview of the emission data reported by the Parties to the Protocol on VOCs and shows that reporting of annual total emission data under the Protocol is not yet complete. While all of the 24 Parties to which the reporting obligation applied submitted complete emission data for 2012, only 23 of the 24 Parties to which the reporting obligation applied submitted base year emission data. As mentioned above, no base year data was received from Croatia.

### **4. 1994 Sulphur Protocol: compliance with article 5, paragraphs 1 (b) and 2, concerning emission data reporting**

27. Table 4 gives an overview of the emission data reported by Parties to the 1994 Sulphur Protocol (including annual totals and gridded data for Parties in the geographical scope of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) for 2000, 2005 and 2010). It shows that reporting under the Protocol is complete for annual as well as gridded data. Twenty-three of the twenty-nine Parties to which the obligation applied submitted emission data for 2012 under the Protocol by 15 February 2014, the legally binding deadline. Six Parties —

Greece, Hungary, Italy, Liechtenstein, Luxembourg and Monaco — submitted data for 2012 after the deadline.

28. The Committee noted that one Party outside the geographical scope of EMEP (Canada) had also submitted annual emission data.

#### **5. Protocol on POPs: compliance with article 9, paragraph 1 (b), concerning emission data reporting**

29. Table 5 gives an overview of the emission data reported by Parties to the Protocol on POPs and shows that reporting under the Protocol is not yet complete. Twenty-five of the thirty-two Parties to which the reporting obligation applied submitted annual emission data for 2012 for all three of the reported POPs by 15 February 2014, the legally binding deadline. Five Parties submitted data after the legally binding deadline: Hungary, Iceland, Italy, Liechtenstein and the Republic of Moldova. Liechtenstein submitted data for dioxins/furans and polycyclic aromatic hydrocarbon (PAH), but not for HCB, as is the case also for its emission data for 2008, 2009, 2010 and 2011. No data for 2012 were received from Luxembourg and Montenegro. As mentioned above, Luxembourg also has not submitted its missing annual emission data for 2011. Regarding the base year data, only Liechtenstein has not submitted the base year data for HCB.

30. Montenegro (R1/14)<sup>1</sup> and the Republic of Moldova (R2/14) did not submit their 2012 annual data by the time of the Committee's thirty-third session. The secretariat therefore referred the reporting obligation issues regarding these two countries to the Committee for consideration. The Republic of Moldova subsequently submitted its missing emission data under the Protocol on POPs and, at its thirty-fourth session, the Committee agreed not to pursue this case any further. However, in the absence of any response from Montenegro to the secretariat's letter requesting further information, the Committee decided to bring the matter of Montenegro's unfulfilled reporting obligation to the attention of the Executive Body.

31. The Committee noted that one Party outside the geographical scope of EMEP (Canada) had also submitted annual emission data for 2012 for all three POPs.

32. Gridded data for the three POPs for 2010 were submitted by 25 of the 28 Parties to which the obligation applied by 5 September 2014. Three Parties, namely, Luxembourg, Norway and the Republic of Moldova, have not yet submitted any gridded data for 2010. Twenty of the twenty-six Parties to which the obligation applied submitted gridded data for the three POPs for 2005 by 5 September 2014. Two Parties — Sweden and Switzerland — submitted gridded data for 2005, but not for HCB. Four Parties, namely, Luxembourg, Norway, the Republic of Moldova and Romania, have not submitted any gridded data for 2005.

#### **6. Protocol on Heavy Metals: compliance with article 7, paragraph 1 (b), concerning emission data reporting**

33. Table 6 gives an overview of emission data reported by the Parties to the Protocol on Heavy Metals and shows that reporting under the Protocol is not yet complete. Twenty-five of the thirty-one Parties to which the reporting obligation applied submitted complete

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<sup>1</sup> R stands for a referral concerning compliance by Parties with their reporting obligations. Referrals concerning reporting obligations are referenced by the secretariat in parentheses by a set of figures. The first number indicates the order in which the referral was made, the second the year in which the referral was initiated (i.e., R1/14 indicates that this was the first referral concerning reporting obligations made by the secretariat to the Implementation Committee in 2014).

emission data for 2012 by 15 February 2014, the legally binding deadline. Four Parties submitted data after the deadline: Hungary, Liechtenstein, Monaco and the Republic of Moldova. No data were received from Luxembourg and Montenegro. As noted above, Luxembourg has also not submitted data for 2008, 2009, 2010 and 2011.

34. Montenegro (R3/14) and the Republic of Moldova (R4/14) did not submit their 2012 annual data by the time of the Committee's thirty-third session. The secretariat therefore referred these unfulfilled reporting obligations to the Committee for consideration. As the Republic of Moldova subsequently submitted its missing emission data under the Protocol on Heavy Metals, at its thirty-fourth session the Committee decided not to pursue that case any further. However, in the absence of any response from Montenegro to the secretariat's letter requesting further information, the Committee decided to bring Montenegro's unfulfilled reporting obligation to the attention of the Executive Body.

35. All Parties apart from Romania complied with their obligation to provide annual data for the base year.

36. The Committee noted that one Party outside the geographical scope of EMEP (Canada) had also submitted data.

37. Of the 27 Parties to which the obligation applied, 23 submitted gridded data for heavy metals for 2010 by 5 September 2014, while 21 of the 25 Parties to which the obligation applied submitted gridded data for heavy metals for 2005. Luxembourg, Norway, Republic of Moldova and the former Yugoslav Republic of Macedonia have not yet provided their 2010 gridded data. In addition, Luxembourg, Norway, the Republic of Moldova and Romania have not yet submitted any gridded data for 2005.

#### **7. Gothenburg Protocol: compliance with article 7, paragraph 1 (b), concerning emission data reporting on sulphur, NO<sub>x</sub>, ammonia and VOCs**

38. Table 7 gives an overview of emission data reported by the Parties to the Gothenburg Protocol and shows that reporting on annual total emissions under the Protocol is complete. All Parties to which the reporting obligation applied submitted complete annual emission data for 2011 and 2012. Of the 25 Parties to which the reporting obligation applied, 23 had submitted annual emission data by 15 February 2014, the legally binding deadline. Two Parties — Hungary and Luxembourg — submitted data after the deadline.

39. The Committee noted that one Party outside the geographical scope of EMEP (the United States of America) had also submitted data.

40. All 24 Parties to which the reporting obligation applied submitted gridded data for 2010.

41. Twenty-three of the twenty-four Parties to which the reporting obligation applied submitted projection data for all pollutants for the years 2015 and 2020. Luxembourg did not submit any data on projections for 2015 and 2020. The EU provided projections data for its 28 member States.

42. The Committee noted that one Party outside the geographical scope of EMEP (the United States) had also submitted projection data for 2015 and 2020.

#### **8. Conclusions**

43. The Committee concluded that, as of 5 September 2014:

(a) Albania and the Russian Federation were not in compliance with their emission data reporting obligations under article 4 of the 1985 Sulphur Protocol;

(b) Albania, Croatia and the Russian Federation were not in compliance with their emission data reporting obligations under article 8 of the Protocol on NO<sub>x</sub>;

(c) Croatia was not in compliance with its emission data reporting obligations under article 8, paragraph 1, of the Protocol on VOCs;

(d) Greece, Hungary, Italy, Liechtenstein, Luxembourg and Monaco were not in compliance with their annual emission reporting obligations under the 1994 Sulphur Protocol by the legally binding deadline;

(e) Hungary, Iceland, Italy and the Republic of Moldova were not in compliance with their emission reporting obligations under the Protocol on POPs by the legally binding deadline for submission of annual emission data for 2012. Liechtenstein, Luxembourg and Montenegro were in non-compliance with their obligations to report their 2012 annual emission data under the Protocol on POPs. Liechtenstein remained in non-compliance for not providing HCB annual emission data, including the base year. Luxembourg remained in non-compliance for the non-submission of annual emission data for 2011. Six Parties — Luxembourg, Norway, Republic of Moldova, Romania, Sweden and Switzerland — remained in non-compliance with their obligation to report gridded data for 2005. Furthermore, three Parties were in non-compliance for failing to provide 2010 gridded data under the Protocol on POPs: Luxembourg, Norway and the Republic of Moldova;

(f) Hungary, Liechtenstein, Monaco and the Republic of Moldova were not in compliance with their emission reporting obligations under the Protocol on Heavy Metals by the legally binding deadline for annual emission data for 2012. No 2012 data were subsequently received from Luxembourg and Montenegro and Luxembourg additionally remained in non-compliance concerning the provision of annual emission data prior to 2012. Romania remained in non-compliance with its obligation to report annual emission data for the base year. Luxembourg, Norway, the Republic of Moldova and Romania remained in non-compliance for not reporting gridded data for 2005. Luxembourg, Norway, the Republic of Moldova and the former Yugoslav Republic of Macedonia remained in non-compliance with their obligation to report 2010 gridded data;

(g) Hungary and Luxembourg were not in compliance with their emission reporting obligations under the Gothenburg Protocol by the legally binding deadline for annual emission data for 2012. Luxembourg remained in non-compliance with its reporting obligation to submit projections for 2015 and 2020.

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

44. On the basis of the above considerations, the Committee recommends that the Executive Body adopt the draft decision on compliance with reporting obligations, contained in document ECE/EB.AIR/2014/4.

## **II. Informal meeting of the chairs of the United Nations Economic Commission for Europe compliance and implementation mechanisms**

45. The Chair informed the Committee about the second informal meeting of the chairs of the compliance and implementation mechanisms of the ECE multilateral environmental agreements (MEAs), which took place on 24 March 2014 in Geneva, Switzerland. The idea for holding such informal meetings originated with the Chair of the Compliance Committee under the Convention on Access to Information, Public Participation and Access to Justice

in Environmental Matters (Aarhus Convention), who also serves as the current Chair of the informal meetings.

46. Discussions on public participation in the proceedings of the ECE compliance mechanisms played one of the central roles in the discussions and part of the meeting was open to representatives of non-governmental organizations and the general public. Many of the attending chairs underlined the tendency towards an increase in the number of (non-) compliance cases, which led to a subsequent discussion on the possible application of a *de minimis* rule. It appeared that most of the mechanisms applied such a rule in one way or another. While stressing the importance of reporting under different mechanisms, chairs of some of the mechanisms noted that countries with economies in transition faced difficulties in providing reports. This fact highlighted the need for capacity development, as many Parties seemed to have the political will but lacked the resources to implement provisions under the respective MEAs. The Chair of the Implementation Committee under the Air Convention presented the specific features of the compliance mechanism under the Convention, noting that it was guided by strict quantifiable obligations of Parties to the Air Convention's Protocols.

47. Following the summary given by the Committee Chair, the Committee discussed the usefulness of such informal meetings of the chairs of the ECE MEA compliance mechanisms. The Committee noted that the exchange of information and experience among compliance and implementation mechanisms was important and supported the continuation of such informal meetings. However, it was underlined that the forum should remain informal and should not require additional resources from Parties. The Chair of the Committee noted that the proceedings of the informal meeting would be reflected in a Chair's summary to be posted on the ECE website, which he intended to share with the Committee.

### **III. De minimis cases**

48. The Committee discussed the practice of considering cases of very low exceedance as *de minimis* cases. It weighed the different options of following such an approach, but came to the conclusion that, at this time, there was no real interest in further exploring the application of a *de minimis* rule and that any case could satisfactorily be dealt with when applying the Committee's discretion in deciding on how to respond to minor or *de minimis* cases of non-compliance.

### **IV. Systemic issues identified by the Committee**

49. The Committee recalled that one of its functions, further to decision 2012/25, was the identification of systemic issues related to compliance that arise during the course of its work. In this respect, the Committee identified several issues related to treaty interpretation, where a plain and ordinary reading of the treaty led to compliance cases before the Committee, but where the Parties may have intended a different result through more flexible approaches.

50. First, the Committee noted that there were cases of potential non-compliance where a Party might not fulfil its obligations under an older Protocol under the Convention, but would be in compliance with a subsequent treaty, or amendments to a treaty, not yet in force, adopted by the Parties concerning similar emissions.

51. Second, the Committee noted issues related to territorial application of a treaty, where emissions standards have been established for the territory of a Party at the time of

adoption, but the territory of this Party has changed, and applying the emissions standard to the changed territory of the Party may result in cases of potential non-compliance.

52. Third, the Committee noted cases of special circumstances where Parties have deposited their instrument of adoption, accession, or ratification, but have had difficulty in establishing the necessary data related to the base year for emission reductions because this data is not historically available. As a result, the Parties have sought to apply alternative base years than those contained in the treaty, or attempt to recreate historic data as a proxy to address these special circumstances of the Party.

53. The Committee will engage in further discussion of these topics at a future session.

## **V. Communication with the Task Force on Emission Inventories and Projections**

54. The Chair briefed the Committee at its thirty-fourth session about his telephone conference with the co-Chair of the Task Force on Emission Inventories and Projections on the future cooperation with the Implementation Committee. He stressed that the conversation was very open and at the same time very constructive.

55. The Task Force co-Chair provided further explanations to the note by the Task Force and the Centre on Emission Inventories and Projections to the Committee, which had been compiled in response to the requests of the Executive Body to provide support to the Committee concerning a number of technical issues. The co-Chair confirmed his willingness to answer any additional questions which the Committee might have following its thirty-fourth session. With regard to the stage 3 reviews, the Task Force co-Chair highlighted that these reviews were undertaken to review inventory best practice and, therefore, were not specifically designed to address questions of non-compliance. He proposed to look for ways to address specific questions of the Committee visibly in the reports of the stage 3 reviews. He would also be prepared, where appropriate, to address concerns of the Committee at the annual meetings of the Task Force (typically held in May), but noted that the Centre on Emission Inventories and Projections is often better suited to respond to questions from the Committee than the Task Force.

56. Furthermore, ways to better channel communication between the two bodies were discussed, including the question at what point it would be appropriate to address the Task Force indirectly through a decision of the Executive Body. The Task Force co-Chair stated that, in some instances, a decision of the Executive body would have the advantage of helping to raise the political weight of the Committee's requests and to create more awareness among Parties.

57. The Chair of the Committee further reported on the discussion on the accuracy of the data. The Task Force co-Chair explained that the quality of submitted data might vary substantially across Parties. However, there are occasions where considerable differences in the figures before and after a recalculation by a Party might be justified.

## **VI. Timing and venue of the Committee's next session**

58. According to decision 2012/25, the Committee is to meet twice a year unless it decides otherwise. In the absence of a session of the Executive Body in 2015, the Committee decided that it would only meet once in 2015 and again early in 2016.

59. The Committee considered the timing of its next sessions in the light of the change in schedule of meetings under the Convention. According to the new schedule the sessions

of the Executive Body will be held around June each year starting in 2016. This will have implications on the sequence of meetings of the Implementation Committee, taking into account emission reporting deadlines and resubmission windows as well as the official deadline for the submission of the report of the Committee to the Executive Body ahead of its session.

60. The Committee provisionally agreed to hold its next session from 27 to 29 May 2015. Regarding the location of the session, possibilities to hold the meeting outside of Geneva were being explored.

61. Regarding the exact timing of its session in 2016, the Committee requested the secretariat to compile a list of all relevant emission data reporting deadlines that would be in place starting 2015 in line with decision 2013/4. This list should also contain the timelines by which the emission data reported in 2016 to the Centre on Emission Inventories and Projections would be available to the secretariat and the Committee in order to assist the Committee in its decision on an appropriate timing of its session and on the possibility of taking into account 2016 data in its considerations.

62. The Committee further agreed that the Chair would bring the Committee's considerations regarding the timing of the Committee's session to the attention of the Executive Body Bureau taking place in September 2014.

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