

# **Comments from Spain to “The Review of the 2017 Adjustment Application by Spain” Agenda item 13.a.**

*Third Joint Session of the WG on Effects & the Steering Body to EMEP  
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## **Background**

- Spain submitted in 1996 the National Emission Inventory on  $\text{NH}_3$  based on the CORINAIR Guidebook from 1992, since the 1999 Guidebook (recommended by the 2014 Technical Guidance for Adjustment Applications) was not available in 1996.
- These 1996 estimations were used to set the ceiling of the Gothenburg Protocol for Spain.
- Using this approach, in 1996 National Emissions of ammonia were estimated for 1990 in 351 kt, and a ceiling of 353 kt was fixed for 2010-2019 within the Gothenburg Protocol.
- In 2000 Emission Inventory estimations were recalculated and submitted using the 1999 Guidebook approach and these grew to reach 476 kt for the same year 1990, and accordingly if we set the 353 kt ceiling will make compliance technically unfeasible.
- Spain has officially requested in 2017 an adjustment application for the two main sources of  $\text{NH}_3$  emission to check its compliance against a more adequate ceiling.

## **Arguments**

The Spanish adjustment is based on Decision 2012/3 paragraph 6. b and 6.c:

*“6. Decides that the circumstances under which such an adjustment under paragraph 2 or 3 could be applied are extraordinary and fall into three broad categories where:*

*(a) .....*

*(b) emission factors used to determine emissions levels for particular source categories for the year in which emissions reduction commitments are to be attained are significantly different than the emission factors applied to these categories **when emission reduction commitments were set**; or*

*(c) the methodologies used for determining emissions from specific source categories have undergone significant changes between the time **when emission reduction commitments were set** and the year they are to be attained.*

At the time when emission ceilings were set, NH<sub>3</sub> calculations for both sources were based on the latest Official Inventory Report submitted by Spain in 1996 using CORINAIR Inventory-Default Emissions Factors Handbook of 1992. This is explicitly stated in the adjustment applications.

## **Arguments**

The ERT recommends to reject the Spanish adjustment application since it does not apply the 1999 Guidebook, according to an interpretation of Technical Guidance for Parties Making Adjustment Applications and for the Expert Review of Adjustment Applications (ECE/EB.AIR/130), which expects 1999 Guidebook to be key reference for adjustment applications.

Since the 1999 Guidebook was not available at the time the Official Spanish Inventory was submitted (1996) and the ceilings set, Spain believes that the guiding principle of the Technical Guidance is not applicable to its adjustment application and general provision of Decision 2012/3 must prevail.

In conclusion, Spain considers that the adjustment applications are based on the extraordinary circumstance set by Decision 2012/3, criteria **6c- Significant changes to methodology, combined with criteria 6b- Significant changes to emissions factors**, fully meet the Decision 2012/12 and adjust to the Technical Guidance for Adjustment Applications (ECE/EB.AIR/130).

It is finally to be stressed that current ERT's recommendation does not offer any alternative to resolve the problem of a ceiling clearly underestimated that makes compliance technically unfeasible to Spain.

## **Final considerations**

1. We are not advocating for maintaining the application of old factors, emissions are well calculated with the most recent ones.
2. What we requesting is that the ceiling against which we have to compare is unattainable because it was fixed with largely underestimated values and that, according to the established procedure, we have requested the adjustment of the emissions.
3. The option to request a review of the ceiling seems much more difficult to achieve.
4. We believe that the procedural framework for requesting emission adjustments is not perfect and, although we understand the position of the ERT, we have doubts about the legal basis of its rejection and maybe we should review the entire procedure to avoid situations like the current one.

### **Recommendation**

Spain requests revising the conclusion of the ERT regarding the 2017 ammonia adjustment application, **leave the process in an “open status” for further review** and ask cooperation with CEIP and TFEIP to seek for possible technical solutions, such as requesting adjustment of emission ceiling, and to request a new ERT evaluation to further assess a modified adjustment application in 2018.

*Thank you for your attention!!!*