**Background information: adjustment applications under EU legislation**

Information submitted by the European Commission as background to on-going discussions by the parties to the Air Convention

During the EMEP SB meeting in Geneva in September 2019, the issue of further alignment between EU legislation and CLRTAP practices regarding inventory adjustment applications was discussed.

Addressing gaps that still exist between the two procedures would not only bring more clarity to the CLRTAP processes, but would also lead to a more resource-efficient approach, reducing administrative burden both on parties and on the review team and implementation committee.

For ease of reference, these are the main remaining differences between the EU and the CLRTAP rules on adjustment applications:

1. In decision 2012/12, Annex, paragraph 9, the eligibility criteria are not fully aligned with decision 2012/3, point 1 and with the text of Directive (EU) 2016/2284 (NEC Directive) which includes more clearly the non-compliance criteria:

   **Parties may establish adjusted annual national emission inventories for sulphur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and fine particulate matter where non-compliance with their national emission reduction commitments would result from applying improved emission inventory methods updated in accordance with scientific knowledge.**

2. The NEC Directive clarifies that, adjustments to annual national emission inventories (for sulphur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and fine particulate matter) relating to emissions in the years 2019 and earlier can no longer be applied for as from the 2022 submission of inventories (2020 data).

3. Under the NEC Directive, as from 2025 the following additional conditions apply to adjustments in case of there being significantly different emission factors or methodologies used for determining emissions from specific source categories in comparison with those which were expected as a result of the implementation of a given norm or standard under applicable source-based air pollution control legislation:

   (a) the Party concerned, after having taken into account the findings of national inspection and enforcement programmes monitoring the effectiveness of applicable source-based air pollution control legislation, demonstrates that the significantly different emission factors do not arise from its domestic implementation or enforcement of that legislation;
(b) the Party concerned has informed the Convention Secretariat through the Executive secretary of the significant difference in the emission factors.

It should be noted that, if these requirements were to be adopted also in the Air Convention context, language would need to be adapted to accommodate the wider diversity of national legislation set-ups among the Air Convention parties.

4. The reference points applied by the Air Convention implementation committee and inventory adjustment application review teams are more clearly spelled out in the NEC Directive: the emission reduction commitments for the years 2020 and beyond shall be considered as having been set on the date of 4 May 2012 (adoption of the amendments to the text of and annexes II to IX to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone).