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EXECUTIVE BODY FOR THE CONVENTION ON
LONG-RANGE TRANSBOUNDARY AIR POLLUTION

Twenty-first session
(Geneva, 15–18 December 2003)
Item 3 of the provisional agenda

THE SIXTH REPORT OF THE IMPLEMENTATION COMMITTEE

Introduction

1. At its nineteenth and twentieth sessions the Executive Body elected the following members to the Implementation Committee: Ms. Sue BINIAZ (United States); Mr. Volkert KEIZER (Netherlands); Mr. Tuomas KUOKKANEN (Finland); Ms. Melanija LESNJAK (Slovenia); Mr. Lars LINDAU (Sweden); Mr. Stephan MICHEL (Switzerland); Mr. Ivan MOJÍK (Slovakia); Mr. Cristiano PIACENTE (Italy) and Mr. Patrick SZÉLL (United Kingdom). Mr. Széll was elected Chairman of the Committee (ECE/EB.AIR/71, para. 27 (f) and ECE/EB.AIR/75, para. 48 (l) and (m)).
2. The Implementation Committee held two meetings in 2003. Its eleventh meeting took place in Rome on 28-30 April and its twelfth meeting in Geneva on 3-5 September. Mr. Piacente did not participate in the twelfth meeting. Mr. Henning Wuester participated on behalf of the secretariat in the eleventh meeting, and Mr. Keith Bull and Ms. Albena Karadjova in the twelfth meeting. Ms. Brinda Wachs participated in the discussion of item 4 (c) of the agenda at the twelfth meeting.

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I. SUBMISSIONS AND REFERRALS CONCERNING COMPLIANCE BY PARTIES WITH THEIR PROTOCOL OBLIGATIONS

A. Follow-up to Executive Body decisions 2002/2, 3, 4, 5, 6, 7, and 8

3. Based on recommendations made by the Implementation Committee in its fifth report (EB.AIR/2002/2), the Executive Body at its twentieth session adopted decisions concerning compliance by Norway, Finland, Italy, Sweden, Greece, Ireland and Spain. As requested, the secretariat sent letters to the Ministers of Foreign Affairs of these Parties informing them about the decisions. In addition, the Executive Body was informed of referrals by the secretariat in respect of Spain and Luxembourg.

1. Follow-up to decision 2002/2 on compliance by Norway with the 1991 VOC Protocol (ref. 1/01)

Background

4. In its decision 2002/2, the Executive Body requested the Committee to review Norway's progress and timetable. The secretariat informed the Committee that on 7 February 2003 it had sent a letter to Norway's Minister of Foreign Affairs, informing her about the decision. On 4 April 2003 it received a written submission from Norway in response to the decision, which was circulated to the Committee. The Committee was grateful to Norway for its further submission.

Consideration

5. The Committee carefully considered the further information provided by Norway. It noted the steps that Norway had taken to put in place measures to reduce its volatile organic compound (VOC) emissions from the loading and storing of crude oil offshore and Norway's statement that these should show positive results in terms of reduced emissions in 2002.

6. The Committee took the view, however, that the submission did not contain any elements that should lead the Executive Body to alter the conclusions contained in decision 2002/2. Recent calculations suggested that instead of being stabilized at the 1988 level, Norway's total VOC emissions had increased by 44% by 1999, by 48% by 2000 and by 51% by 2001. Preliminary figures for 2002 suggested that this might have been reduced to a 34% increase compared to 1988. For Norway's tropospheric ozone management area (TOMA), emissions should have been reduced by 30% based on 1989 levels. Instead, they increased by 4% in 1999, by 6% in 2000 and by 7% in 2001. Preliminary figures for 2002 suggested that Norway's TOMA emissions may have been reduced by 4% in 2002. Hence, Norway continued to fail to fulfil its obligation under paragraph 2 (b) of article 2 of the VOC Protocol to take effective measures to reduce its annual emissions within the TOMA specified under annex I by at least 30% using 1989 as its base year and to ensure that its total national annual emissions did not exceed its 1988 levels. Norway also continued to expect to reach compliance for the obligation related to its TOMA by 2006 and for the obligation related to its national territory by 2005.

7. The Committee noted with some concern that almost all the emission data reported by Norway in 2003, in comparison to those it reported in 2002, had increased - albeit only slightly - and that the submission did not give any explanation for these increases. In addition, it saw with regret that the submission did not announce any tightening of Norway's timetable for achieving compliance.

8. The Committee requested the secretariat to send another letter to Norway asking the reason for the increase in its emissions, whether Norway had also updated the emission data for its base years, and whether those data were consistent with the revised data contained in Norway's most recent submission. The secretariat wrote to Norway raising these matters and requesting it to explain what measures would be necessary for it to get into compliance one year earlier than it had forecast. Norway provided additional information on 29 July 2003.

9. In considering this additional information, the Committee noted that it addressed all the issues that the Committee had raised. However, Norway showed no willingness to accelerate its schedule for achieving compliance. It remains in non-compliance with its Protocol commitment by a significant amount, and its reported annual data do not yet demonstrate that the level of its VOC emissions is on a downward path. This said, the Committee recognized that Norway was investing heavily in emission reduction technology in order to achieve compliance within its TOMA, and it welcomed information about the gradual installation and coming on-stream of the reduction technology.

Recommendation to the Executive Body

10. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Recalls its decisions 2001/1 and 2002/2, in which it inter alia: welcomed the submission by Norway to the Implementation Committee concerning its compliance with the 1991 Geneva Protocol on the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes; noted the Implementation Committee's report and its conclusion regarding Norway's non-compliance with the emission reduction obligation of the Protocol (EB.AIR/2001/3, paras. 3-9) (EB.AIR/2002/2, paras. 5-7); expressed its concern at Norway's failure to fulfil its obligation and its disappointment that it had not demonstrated that it would be able to shorten the period of seven years that it had anticipated it would remain in non-compliance; urged Norway to fulfil its obligation under the VOC Protocol as soon as possible; invited it to report to the Implementation Committee by 31 March 2003 on the progress made;

and requested the Implementation Committee to review the progress and report to it thereon at its twenty-first session;

(b) Notes the report provided by the Implementation Committee on Norway's progress, based on the information that it received from Norway on 4 April 2003 and 29 July 2003 (EB.AIR/2003/1, paras. 4-9), and in particular its conclusion that Norway remained in non-compliance with the emission reduction obligation of the VOC Protocol;

(c) Welcomes the national measures taken by Norway to reduce its VOC emissions;

(d) Remains concerned about the continuing failure by Norway to fulfil its obligations to take effective measures to reduce its annual emissions within the TOMA specified under annex I by at least 30%, using 1989 as its base year, and to ensure that its total national annual emissions do not exceed its 1988 levels, as required by paragraph 2 (b) of article 2 of the VOC Protocol;

(e) Expresses disappointment that, notwithstanding Executive Body decision 2002/2, Norway has not demonstrated that it will shorten the period of seven years that it has anticipated it will remain in non-compliance;

(f) Continues to urge Norway to fulfil its obligations under the VOC Protocol as soon as possible;

(g) Calls on Norway to provide the Implementation Committee through the secretariat by 31 March 2004 with a report describing the progress that it has made towards achieving compliance, in particular with regard to any acceleration of its timetable for achieving this goal; and

(h) Requests the Implementation Committee to review Norway's progress and timetable, and report to it thereon at its twenty-second session.

2. Follow-up to decision 2002/3 on compliance by Finland with the 1991 VOC Protocol (ref. 2/01)

Background

11. In its decision 2002/3, the Executive Body requested the Committee to review Finland's progress and timetable. The secretariat informed the Committee that it had sent a letter to Finland's Minister of Foreign Affairs, informing him about the decision. On 31 March 2003 it received a written submission from Finland in response to the decision, which was circulated to the Committee.

12. Mr. T. Kuokkanen, on behalf of Finland, made an oral presentation to the Committee at its eleventh meeting on the Finnish submission. He summarized the measures that his country had taken to reduce its VOC emissions from stationary and mobile sources. With regard to the

stationary sources, he referred to a permitting procedure required by the Environmental Protection Act and Decree, to several national regulations on reducing emissions from petrol distribution, to a government decree on reducing emissions from the use of organic solvents, and to voluntary measures to reduce emissions. As regards the mobile sources, he informed the Committee about measures introduced to reduce emissions from road transport and from non-road mobile machinery. Furthermore, he stated that in September 2002 the Finnish Government had approved the National Air Pollution Control Programme in order to meet more stringent emissions ceilings by 2010. In addition, Mr. Kuokkanen explained the results of recent recalculations of the VOC emissions from the production of asphalt materials (SNAP categories 040610-11) and from petrol evaporation from vehicles (SNAP category 070600). The Committee thanked Finland for its complete submission and for having submitted the information by 31 March, as requested in Executive Body decision 2002/3.

Consideration

13. The Committee carefully considered the further information provided by Finland. It recognized the further progress that had been made by Finland to reduce its VOC emissions. Recent calculations suggested that, while emissions had been 27% below the 1988 (base year) emissions in 1999, they had been reduced by 30% by 2000 and by 31% by 2001. This demonstrated that in 1999 Finland was in non-compliance with its obligation to take effective measures to reduce its national annual emissions by at least 30% using 1988 as its base year, as required by paragraph 2 (a) of article 2 of the VOC Protocol, but that it had measures in place to achieve compliance in the years 2000 and 2001.

14. The Committee agreed that there was no reason for it to continue to review the compliance by Finland with its obligation under paragraph 2 (a) of article 2 of the VOC Protocol as initiated by Finland's submission in 2001.

Recommendation to the Executive Body

15. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Recalls its decisions 2001/2 and 2002/3, in which it had urged Finland to fulfil its obligations under the VOC Protocol as soon as possible;

(b) Takes note of the report by the Implementation Committee on Finland's progress regarding decision 2002/3 (EB.AIR/2003/1, paras. 11-14);

(c) Notes that Finland was in compliance with its obligation under paragraph 2 (a) of article 2 of the Protocol in 2000 and 2001, but reiterates its regret that Finland was not in compliance with that obligation in 1999; and

(d) Decides that there is no reason for the Implementation Committee to continue to review Finland's compliance with its obligation under paragraph 2 (a) of article 2 of the VOC Protocol as initiated by Finland's submission in 2001.

3. Follow-up to decision 2002/4 on compliance by Italy with the 1991 VOC Protocol (ref. 3/01)

Background

16. In its decision 2002/4, the Executive Body requested the Committee to review Italy's progress and timetable. The secretariat informed the Committee that it had sent a letter to Italy's Minister of Foreign Affairs, informing him about the decision. On 31 March 2003 it received a written submission from Italy in response to the decision, which was circulated to the Committee.

17. Mr. C. Piacente, on behalf of Italy, made an oral presentation to the Committee on the Italian submission. He summarized the measures that Italy was planning to take to further reduce its VOC emissions and explained the results of recent recalculations of its VOC emission data, including the data for its base year. Italy was satisfied that the measures taken would bring it into compliance with the VOC Protocol in 2002, but the data for 2002 would only become available in early 2004.

18. The Committee thanked Italy for the information and for having submitted it by 31 March, as requested in Executive Body decision 2002/4.

Consideration

19. The Committee carefully considered the further information provided by Italy. It recognized the progress made in Italy to further reduce its VOC emissions. Recent calculations suggested that, while in 1999 its emissions had been 16% below the 1990 (base year) emissions, they had been reduced according to the provisional data by 24% in the year 2000 and by 28% in 2001. This was nevertheless not sufficient to fulfil Italy's obligation to take effective measures to reduce its national annual emissions by at least 30% using 1990 as its base year, as required by paragraph 2 (a) of article 2 of the VOC Protocol.

20. At the request of the Committee, the secretariat sent a further letter to Italy on 28 May 2003, asking it to provide final VOC emission data for 2001, any recalculations for earlier years, VOC emission projections for 2003 and, if possible, preliminary data for emissions in 2002. Italy responded on 1 September 2003, providing additional information on the first two of these matters. It stated that its final VOC emissions from anthropogenic sources for 2001 were 1467 kt and for 1990, 2041 kt, recalculated on the basis of the latest methodology. This represented a reduction of about 27.5% in 2001. Italy reiterated that, on the basis of the present trend, it would

achieve its Protocol target by 2002. The Committee thanked Italy for the further information that it had provided.

Recommendation to the Executive Body

21. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Recalls its decisions 2001/3 and 2002/4, in which it inter alia: welcomed the submission by Italy to the Implementation Committee concerning its compliance with the 1991 Geneva Protocol on the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes; noted the Implementation Committee's reports and its conclusions regarding Italy's non-compliance with the emission reduction obligation of the Protocol (EB.AIR/2001/3, paras. 20-26, EB.AIR/2002/2, paras. 13-15); expressed its concern at Italy's failure to fulfil its obligation; noted that Italy expected that the measures adopted would bring it into compliance not later than 2001 or 2002; urged Italy to fulfil its obligation under the VOC Protocol as soon as possible; invited Italy to report to the Implementation Committee by 31 March 2003 on the progress made; and requested the Implementation Committee to review the progress and report to it thereon at its twenty-first session;

(b) Notes the report provided by the Implementation Committee on Italy's progress, based on the information that it received from Italy on 31 March and 1 September 2003 (EB.AIR/2003/1, paras. 16-20), and in particular its conclusion that Italy remained in non-compliance with the emission reduction obligation of the VOC Protocol;

(c) Welcomes the fact that Italy's final data for 1999, 2000 and 2001 confirm a downward trend in its VOC emissions;

(d) Remains concerned, however, about the continuing failure by Italy to fulfil its obligation to take effective measures to reduce its national annual emissions by at least 30% using 1990 as its base year, as required by paragraph 2 (a) of article 2 of the VOC Protocol;

(e) Continues to urge Italy to fulfil its obligations under the VOC Protocol as soon as possible;

(f) Calls on Italy to provide the Implementation Committee through the secretariat by 31 March 2004 with a report containing its final emission data for 2002 and, if these data show that it is not in compliance, setting out a timetable that specifies the year by which Italy expects 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 these measures on its VOC emissions up to and including the year of compliance; and

(g) Requests the Implementation Committee to review Italy's progress and report to it thereon at its twenty-second session.

4. Follow-up to Executive Body decision 2002/5 on compliance by Sweden with the VOC Protocol (ref. 1/02)

Background

22. In its decision 2002/5, the Executive Body requested the Committee to review Sweden's progress and timetable. The secretariat informed the Committee that it had sent a letter to Sweden's Minister of Foreign Affairs, informing her about the decision. On 20 March 2003 it received a written submission from Sweden in response to the decision, which was circulated to the Committee.

23. Mr. L. Lindau, on behalf of Sweden, made an oral presentation to the Committee at its eleventh meeting on the Swedish submission. He informed the Committee that Sweden had reviewed its VOC emission data in view of significant uncertainties in the calculations. As a result of that review, it had submitted to the secretariat new emission data (in accordance with the new emission reporting guidelines). The data for 2001 was presented to the Committee. Sweden indicated that, in contrast to earlier estimates, the new data, including recalculations for the base year 1988 and for 1999 and 2000, demonstrated that Sweden had, in fact, from the outset been in compliance with its obligations under the VOC Protocol.

24. The Committee thanked Sweden for its submission and for having submitted the information by 31 March, as requested in Executive Body decision 2002/5. According to the latest data, Sweden's emissions in the base year (1988) were 515 kt. In 1999, they had been reduced to 319 kt (38% reduction), in 2000 to 304 kt (41% reduction) and in 2001 to 303 kt (41% reduction).

Consideration

25. The Committee carefully considered the further information provided by Sweden. It concluded that the calculations presented by Sweden indicated that it had never been in non-compliance with its obligation to take effective measures to reduce its national annual emissions by at least 30% using 1988 as its base year, as required by paragraph 2 (a) of article 2 of the VOC Protocol. In 1999 and in every subsequent year for which data are available, it had measures in place enabling it to be in full compliance.

26. At the request of the Committee, Sweden submitted on 23 June 2003 more detailed VOC emission data for the years 1999 and 2000 using the same methodology that it had used for

calculating its 2001 data. The Committee thanked Sweden for this additional information. In presenting this information to the Committee, Sweden drew attention to the comparison between its old data and its recalculated data. The new reporting format allowed it to provide more detailed data on activities such as the use of solvents and industrial processes.

27. The Committee agreed that there was no reason for it to continue to review the compliance by Sweden with its obligation under paragraph 2 (a) of article 2 of the VOC Protocol as initiated by Sweden's submission in 2001.

Recommendation to the Executive Body

28. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

- (a) Recalls its decision 2002/5 in which the Executive Body had urged Sweden to fulfil its obligations under the VOC Protocol as soon as possible;
- (b) Takes note of the report by the Implementation Committee on Sweden's progress regarding decision 2002/5 (EB.AIR/2003/1, paras. 22-27);
- (c) Notes, however, that Sweden was in compliance with its obligation under paragraph 2 (a) of article 2 of the Protocol in 1999, 2000 and 2001;
- (d) Decides that there is no reason for the Implementation Committee to continue to review Sweden's compliance with its obligation under paragraph 2 (a) of article 2 of the VOC Protocol as initiated by Sweden's submission in 2001.

5. Follow-up to Executive Body decision 2002/6 on compliance by Greece with the 1988 NOx Protocol (ref. 2/02)

Background

29. In its decision 2002/6, the Executive Body requested the Committee to review Greece's progress and timetable. The secretariat informed the Committee that it had sent a letter to Greece's Minister of Foreign Affairs, informing him about the decision. On 29 April 2003 it received a letter from Greece in response to the decision, which was circulated to the Committee. In addition, it received a letter from Greece on 30 June 2003 in response to further questions by the Committee. The secretariat also provided the Committee with the latest NOx emission data submitted by Greece.

30. Mr. D. Hadjidakis, on behalf of Greece, attended part of the twelfth meeting. He informed the Committee about the situation in his country, and responded to questions put to him. He gave an overview of his country's NO_x emissions between the years 1994 and 2001 in the main source categories. That overview showed significant increases in emissions from the energy and transport sectors and from other mobile sources. He pointed out that the age of the national car fleet and of Greece's installations in the energy sector constituted the main obstacles to a reduction of his country's NO_x emissions. Furthermore, the structure of energy production in the Greek islands created particular difficulties in reducing emissions.

31. With regard to abatement measures, the Committee was informed that Greece largely relied on the plans developed to fulfil its obligations under the Kyoto Protocol and the Gothenburg Protocol, as well as plans and provisions to implement various EU directives, e.g. the Large Combustion Plant (LCP) Directive, National Emission Ceilings (NEC) Directive and directives on motor vehicles. However, according to Greece, the projected effects of all these measures would not be sufficient to reduce its NO_x emissions in line with the requirements of the NO_x Protocol, even by 2010.

32. The Committee thanked Greece for the oral presentation as well as for the written information.

Consideration

33. The Committee carefully considered the further information, both oral and written, provided by Greece. It noted that Greece remained in non-compliance with its obligation under article 2, paragraph 1, of the NO_x Protocol, and that the most recent emission data showed an increase in its emissions in 2001. In addition, the Committee concluded that Greece had not complied with the request of the Executive Body in decision 2002/6. In particular, it had not presented any projections about the year by which it expected to be in compliance or listed any measures specifically targeted at reaching compliance with its obligations under the NO_x Protocol.

Recommendation to the Executive Body

34. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

- (a) Recalls its decisions 2002/6, in which it inter alia: noted the Implementation Committee's report and its conclusion regarding Greece's non-compliance with the emission reduction obligation of the 1988 NOx Protocol (EB.AIR/2002/2, paras. 22-27); expressed its concern at Greece's failure to fulfil its obligation; noted with concern that Greece did not expect to achieve compliance even by 2010 and that, moreover, Greece had not indicated a year by which it expected to achieve compliance; urged Greece to fulfil its obligation under the NOx Protocol as soon as possible; invited it to report to the Implementation Committee by 31 March 2003 on the progress made; and requested the Implementation Committee to review Greece's progress and timetable and report to it thereon at its twenty-first session;
- (b) Notes the report provided by the Implementation Committee on Greece's progress, based on the information it received from Greece on 29 April, 30 June 2003 and 4 September, and in particular its conclusion that Greece remained in non-compliance with the emission reduction obligation of the NOx Protocol;
- (c) Remains concerned about the continuing failure by Greece to fulfil its obligation to take effective measures to control and/or reduce its annual emissions so that these do not exceed emissions in 1987, as required by paragraph 1 of article 2 of the NOx Protocol;
- (d) Notes the Implementation Committee's concern that Greece had not provided all the information that the Executive Body invited it to present in its decision 2002/6;
- (e) Expresses disappointment that Greece does not expect to achieve compliance even by 2010 and that, moreover, Greece has not indicated a year by which it expects to achieve compliance;
- (f) Urges Greece to fulfil its obligation under the NOx Protocol as soon as possible;
- (g) Repeats its request to Greece to provide the Implementation Committee through the secretariat by 31 March 2004 with a report describing the progress it has made towards achieving compliance and setting out a timetable that specifies the year by which it expects to be in compliance, listing the specific measures taken or scheduled to fulfil its emission reduction obligations under the NOx Protocol and setting out the projected effects of each of these measures on its NOx emissions up to and including the year of compliance; and
- (h) Requests the Implementation Committee to review Greece's progress and timetable, and report to it thereon at its twenty-second session.

6. Follow-up to Executive Body decision 2002/7 on compliance by Ireland with the 1988 NOx Protocol (ref. 3/02)

Background

35. In its decision 2002/7, the Executive Body requested the Committee to review Ireland's progress and timetable. The secretariat informed the Committee that it had sent a letter to

Ireland's Minister of Foreign Affairs, informing him about the decision. On 14 April 2003 it received a letter from Ireland in response to the decision, which was circulated to the Committee. The Committee was grateful to Ireland for its letter.

Consideration

36. The Committee carefully considered the further information provided by Ireland. It noted with concern that Ireland had not fully complied with the request of the Executive Body in decision 2002/7. The letter did not contain much new information. In particular, it did not pay particular attention to the transport sector. There was new information about Ireland's NO_x emissions in 2001 but this showed emissions significantly higher than in 2000. The figures presented pointed to a deterioration compared to Ireland's earlier communications and raised some doubts as to the feasibility of Ireland's achieving compliance in 2004, a date reiterated in the letter of 14 April 2003.

37. At the request of the Committee, the secretariat wrote a further letter to Ireland, thanking it for its letter, but noting that the request of the Executive Body in decision 2002/7 had not been met. In that decision, Ireland had been asked to provide the Implementation Committee, through the secretariat, with a report describing the progress it had made towards compliance and setting out a timetable that specified the year by which it expected to be in compliance, listing the specific measures taken or scheduled (giving particular attention to the transport sector) to fulfil its emission reduction obligations under the NO_x Protocol, and setting out the projected effects of each of these measures on its NO_x emissions up to and including the year of compliance.

38. In response to this request, Ireland submitted additional information on 25 July 2003. In considering this information, the Committee noted that Ireland did not indicate any possibility of accelerating its schedule for achieving compliance. It remained in breach of its Protocol obligation by a significant and, moreover, growing amount. Its reported annual data did not, as the Committee saw it, demonstrate that the level of Ireland's NO_x emissions was on a downward path. With regard to emissions from the transport sector, the Committee noted with some concern that, notwithstanding the renewal over time of Ireland's national vehicle fleet, with the associated benefits of improved overall engine and NO_x catalytic converter efficiency, Ireland saw these benefits as being counterbalanced to some degree by an overall increase in national vehicle numbers. The Committee read with interest the recent consultation paper that Ireland had forwarded together with its letter of 25 July 2003. It concluded, however, that the document was of only limited relevance to its consideration of referral 3/02 since it concerned a national strategy to reduce emissions of a number of transboundary pollutants (not just NO_x) and that its target date was 2010 (the achievement dates for the NEC Directive and the Gothenburg Protocol), not 2004 (which Ireland was aiming for in the case of the NO_x Protocol).

Recommendation to the Executive Body

39. Based on the above consideration, the Implementation Committee recommends to the

Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Recalls its decision 2002/7, in which it inter alia: noted the Implementation Committee's report and its conclusion regarding Ireland's non-compliance with the emission reduction obligation of the 1988 NOx Protocol (EB.AIR/2002/2, paras. 29-36); expressed its concern at Ireland's failure to fulfil its obligation; noted that Ireland expected that the measures adopted would bring it into compliance by no later than 2004; noted with concern that, on this basis, Ireland would be in non-compliance for nine years; urged Ireland to fulfil its obligation under the NOx Protocol as soon as possible; invited it to report to the Implementation Committee by 31 March 2003 on the progress made; and requested the Implementation Committee to review the progress and report to it thereon at its twenty-first session;

(b) Notes the report provided by the Implementation Committee on Ireland's progress, based on the information it received from Ireland on 14 April and 25 July 2003 (EB.AIR/2003/1, paras. 35-38), and in particular its conclusion that Ireland remained in non-compliance with the emission reduction obligation of the NOx Protocol;

(c) Remains concerned about the continuing failure by Ireland to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions so that these do not exceed its emissions in 1987, as required by paragraph 1 of article 2 of the NOx Protocol;

(d) Notes the Implementation Committee's concern that Ireland has not provided all the information that the Executive Body invited it to present in its decision 2002/7;

(e) Expresses disappointment that Ireland has not demonstrated that it will be able to shorten the period of nine years that it previously anticipated it would remain in non-compliance;

(f) Urges Ireland to fulfil its obligations under the NOx Protocol as soon as possible;

(g) Repeats its request to Ireland to provide the Implementation Committee through the secretariat by 31 March 2004 with a report describing the progress it has made towards compliance and setting out a timetable that specifies the year by which it expects to be in compliance, listing the specific measures taken or scheduled to fulfil its emission reduction obligations under the NOx Protocol and setting out the projected effects of each of these measures on its NOx emissions up to and including the year of compliance; and

(h) Requests the Implementation Committee to review Ireland's progress and timetable, and report to it thereon at its twenty-second session.

7. Follow-up to Executive Body decision 2002/8 on compliance by Spain with the 1988 NOx Protocol (ref. 4/02)

Background

40. In its decision 2002/8, the Executive Body requested the Committee to review Spain's progress and timetable. The secretariat informed the Committee that it had sent a letter to Spain's Minister of Foreign Affairs, informing her about the decision. On 22 April 2003 it received a note from Spain in response to the decision, which was circulated to the Committee. The Committee was grateful to Spain for its note.

Consideration

41. The Committee carefully considered the information provided by Spain. It noted with concern that Spain had not complied with the request of the Executive Body in decision 2002/8. In particular, Spain had not presented any projections about the year by which it expected to be in compliance or listed any measures specifically targeted at reaching compliance with its obligations under the NOx Protocol.

42. At the request of the Committee, the secretariat wrote a further letter to Spain dated 28 May 2003, thanking it for its note, but pointing out that the request of the Executive Body in decision 2002/8 had not been met. In that decision, Spain had been asked to provide the Implementation Committee, through the secretariat, by 31 March 2003 with a report describing the progress it had made towards compliance and setting out a timetable that specified the year by which it expected to be in compliance, listing the specific measures taken or scheduled to fulfil its emission reduction obligations under the NOx Protocol and setting out the projected effects of each of these measures on its NOx emissions up to and including the year of compliance. Spain was invited to provide this information no later than 30 June 2003. In addition, the secretariat informed Spain that the Implementation Committee requested the attendance at its twelfth meeting of an expert from Spain who was knowledgeable about the matters raised by decision 2002/8 and who could respond to questions from the Committee.

43. Spain did not submit the information the Committee had asked for and did not send an expert to the Committee's twelfth meeting to address the matters raised by the Executive Body's decision.

44. The Committee noted with particular concern that the relevant authorities in Madrid had not responded to the secretariat's letters and that the secretariat had not even been able to establish contact with those authorities.

Recommendation to the Executive Body

45. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Recalls its decision 2002/8, in which it inter alia: noted the Implementation Committee's report and its conclusion regarding Spain's non-compliance with the emission reduction obligation of the NOx Protocol (EB.AIR/2002/2, paras. 38-43); expressed its concern at Spain's failure to fulfil its obligation; noted with concern that Spain had been moving further away from compliance in recent years and had not indicated when it would achieve compliance; urged Spain to fulfil its obligations under the NOx Protocol as soon as possible; invited it to report to the Implementation Committee by 31 March 2003 on the progress made; and requested the Implementation Committee to review the progress and report to it thereon at its twenty-first session;

(b) Notes the report provided by the Implementation Committee (EB.AIR/2003/1, paras. 40-44) concerning Spain's compliance with the requirements of paragraph 1 of article 2 of the 1988 NOx Protocol, and in particular the Committee's conclusion regarding the failure of Spain to comply with the emission reduction obligation of the Protocol;

(c) Expresses its concern at the failure by Spain to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions so that these do not exceed its emissions in 1987, as required by paragraph 1 of article 2 of the NOx Protocol;

(d) Notes with concern that Spain has not provided the Implementation Committee with the further information requested in paragraph 5 of decision 2002/8;

(e) Urges Spain to fulfil its obligation under the NOx Protocol as soon as possible;

(f) Calls on Spain, unless it has provided the information pursuant to paragraph 5 of decision 2002/8 to the Implementation Committee through the secretariat no later than 31 July 2004, to make a presentation containing such information to the Executive Body at its twenty-second session;

(g) Requests the Implementation Committee to review Spain's progress and timetable, and report to it thereon at its twenty-second session.

B. Referral by the secretariat concerning compliance by Luxembourg with the 1991 VOC Protocol (ref. 5/02)

Background

46. At its tenth meeting, the Committee took note of the referral by the secretariat concerning Luxembourg and decided to consider it at the eleventh meeting. At the Committee's eleventh

meeting, the secretariat informed it that on 22 April 2003 it had received a submission from Luxembourg in response to the referral. This was circulated to the Committee.

47. The secretariat's referral stated that VOC emissions for 1990 (the base year) and for 1999 and 2000 were the following (EB.AIR/2002/2, para. 45):

1990	1999	2000
19 kt	14.92 kt	14.92 kt

48. Mr. F. THEWES, on behalf of Luxembourg, attended part of the eleventh meeting. He informed the Committee about the situation in his country, and responded to questions put to him. He apologized for Luxembourg's delay in providing the information that had been promised before the end of 2002. Based on recent estimates, Luxembourg's emission data for 1999 had been updated. The most important changes related to the residential and commercial sectors, distribution of natural gas, handling of PVC and undersealing of motor vehicles. In addition, a new model had been used to estimate transport emissions. The 1990 data had not been recalculated. Biogenic emissions were subtracted from the total emissions for the purpose of comparison with the base year emission (1990) and to calculate the reduction of 29.98%. The submission stressed the uncertainties that governed VOC emission inventories, especially with regard to emissions from the use of products containing organic solvents.

49. The submission also listed measures to reduce VOC emissions taken in Luxembourg since 1991. Measures taken included the requirement to apply best available technology not entailing excessive cost (BATNEEC) when granting permits for major stationary sources, measures to enhance the introduction of three-way catalysts, incentives to replace old heating installations, a requirement for vapour recovery systems at petrol storage installations and filling stations, information for firms about techniques to reduce VOC emissions, and other economic and fiscal instruments. Further product-related measures could, it was argued, only be meaningful if taken at the international level.

50. In conclusion, Mr. Thewes stated that the 30% reduction had in effect been achieved in 1999. The secretariat's referral had been based on data available at that time, which had now been updated. The Committee thanked Luxembourg for the presentation as well as for the helpful written submission and the thorough analysis it contained.

Consideration

51. The Committee carefully considered the secretariat's referral, the information – oral and written – provided by Luxembourg, and the pertinent provisions of the Protocol. It noted that revised data were available only for 1999, but were also needed for 2000 and, above all, for 1990, the base year. If no further satisfactory information was forthcoming from Luxembourg, the Committee might need to consider initiating a review of the data quality in line with its functions under paragraph 3 (c) of its terms of reference (Executive Body decision 1997/2, annex).

52. The Committee requested the secretariat to write to Luxembourg and ask for the additional data to be submitted by 31 July. The letter should recall that article 2, paragraph 2 (a), of the VOC Protocol required Luxembourg to take effective measures to reduce its national annual emissions of VOCs by at least 30% by the year 1999, using 1990 levels as a basis, and that this implied that the data had to be comparable. It should also explain that the emission reporting guidelines specified that: “where the methodology or manner in which underlying activity data and emission factors are gathered have changed significantly, each Party should recalculate all inventory data for the base and subsequent years to the extent practicable. However, in some cases activity data or other data may be missing for some historical years, including the base year. In this case, emissions for these years may need to be estimated with alternative methodologies. In these instances, each Party should demonstrate that the time series is consistent.” (EB.AIR/GE.1/2002/7, paras. 15-16). The secretariat should furthermore point out that it would also be helpful to have comparable data, calculated on the basis of the same methodology, for 2001.

53. The Committee discussed Luxembourg’s exclusion of non-anthropogenic emissions. It noted that the Protocol defined “volatile organic compounds”, or “VOCs”, as “all organic compounds of anthropogenic nature” (art. 1, para. 9). Concerning the exclusion of emissions from managed forests, the Committee recognized that past practice treated these emissions as biogenic, and this was supported by the emission reporting guidelines. This could be taken as an indication for interpreting the term “anthropogenic” and, therefore, the exclusion of emissions of a non-anthropogenic nature from the obligations of the Protocol seemed justified.

54. Finally, the Committee noted that Luxembourg had used a different methodology to most other Parties for estimating transport emissions. It was based on vehicle distances travelled. On this basis, it made some simplifications concerning transit traffic and transport by national vehicles abroad. The Committee agreed, however, that Luxembourg was free to choose an effective method appropriate to its national circumstances, though it was important in this context that the data for 1990 and for 1999 onwards were consistent.

55. In a letter dated 28 July 2003, Luxembourg responded to the request for additional data, including VOC data for 2000 and 2001. The letter indicated that the emission reductions for 2000 and 2001 were 31.8% and 35.6%, and also that the 1990 base year inventory data had been revised “to make the series of inventories consistent”. However, since there remained some unresolved questions concerning the consistency of the base year (1990) data with the rest of its emission data series, the Implementation Committee decided not to finalize its work on this submission until its next meeting.

C. Referral by the secretariat concerning the compliance by Spain with the 1991 VOC Protocol (ref. 6/02)

Background

56. At its tenth meeting, the Committee had taken note of the referral by the secretariat concerning Spain and decided to consider it at the eleventh meeting. Since that meeting, no information had been received from Spain in response to the referral. At the eleventh meeting the secretariat provided the Committee with the most recent VOC emission data submitted by Spain. Its emissions in the base year were 1510 kt. They had increased by about 1% in 1999 and had decreased by about 1% in 2000 and by about 2% in 2001 in relation to the base year.

57. The reported VOC emissions for 1988 (the base year) and the period from 1999 to 2001 are as follows:

1988	1999	2000	2001
1510 kt	1532 kt	1496 kt	1480 kt

Consideration

58. The Committee considered carefully the secretariat's referral, its additional information and the pertinent provisions of the Protocol. It noted that there had been no reported increases in Spain's VOC emissions since 2000, but that Spain was still far from the 30% VOC emission reduction required by the Protocol. It concluded that Spain appeared to be in non-compliance with its obligation under article 2, paragraph 2 (a), of the 1991 VOC Protocol in 1999, 2000 and 2001. According to this provision, Spain had an obligation to take effective measures to reduce its national annual emissions by at least 30% by 1999 using 1988 as its base year.

59. At the request of the Committee, the secretariat wrote to Spain to invite it to present information to the secretariat by 31 July 2003. The Committee requested, in particular, a timetable specifying 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 these measures on its VOC emissions up to and including the year of compliance. The participation of an expert from Spain who was knowledgeable about the matters raised by referral 6/02 and who could respond to questions by the Committee would be very useful.

60. Spain did not submit the information that the Committee had asked for and did not send any expert to present information on the matters raised in referral 6/02 to the Committee. In the absence of additional information provided by Spain, there was no legal reason to doubt Spain's failure to comply with its obligation under paragraph 2 of article 2 of the 1991 VOC Protocol in the years 1999 to 2001.

61. The Committee noted with particular concern that the relevant authorities in Madrid had not responded to the secretariat's letters and that the secretariat had not even been able to establish contact with those authorities.

Recommendation to the Executive Body

62. Based on the above consideration, the Implementation Committee recommends to the Executive Body that it adopt the following decision:

The Executive Body,

Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 1997/2, annex, as amended in 2001, ECE/EB.AIR/75, annex V),

(a) Notes the report provided by the Implementation Committee (EB.AIR/2003/1, paras. 56-61) concerning Spain's compliance with the requirements of paragraph 2 (a) of article 2 of the VOC Protocol in 1999, 2000 and 2001 following the referral by the secretariat pursuant to paragraph 5 of the structure and functions of the Implementation Committee, and in particular the Committee's conclusion regarding Spain's failure to comply with the emission reduction obligation of the Protocol in those years;

(b) Expresses its concern at the failure by Spain to fulfil its obligation to take effective measures to reduce its national annual emissions by at least 30% using 1988 as its base year, as required by paragraph 2 (a) of article 2 of the VOC Protocol;

(c) Urges Spain to fulfil its obligation under the VOC Protocol as soon as possible;

(d) Requests Spain to provide the Implementation Committee through the secretariat by 31 March 2004 with a report describing the progress made towards compliance and setting out a timetable that specifies the year by which Spain expects 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 these measures on its VOC emissions up to and including the year of compliance;

(e) Requests the Implementation Committee to review Spain's progress and timetable, and report to it thereon at its twenty-second session.

Note

Chapters II to VI are contained in EB.AIR/2003/1/Add.1.