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**ECONOMIC COMMISSION FOR EUROPE**

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

Twenty-seventh session  
Geneva, 14–18 December 2009  
Item 10 of the provisional agenda

**COMPLIANCE WITH PROTOCOL OBLIGATIONS**

**RECOMMENDATIONS FROM THE IMPLEMENTATION COMMITTEE  
TO THE EXECUTIVE BODY**

1. In accordance with paragraph 9 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2), and based on its considerations in the review of progress towards compliance by certain Parties with their Protocol obligations (ECE/EB.AIR/2009/3) carried out at the request of the Executive Body at its twenty-sixth session in 2008, the Committee recommends that the Executive Body adopts draft decisions set out below.

**A. Draft decision concerning compliance by Greece with the Protocol on Nitrogen Oxides<sup>1</sup> (ref. 2/02)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. *Recalls* decisions 2002/6, 2003/5, 2004/7, 2005/4, 2006/5, 2007/3 and 2008/3;
2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2008/3 on compliance by Greece with its obligations under the Protocol on Nitrogen Oxides, based on the information provided by Greece in March and July 2009 (ECE/EB.AIR/2009/3, paras. 4–9), and in particular its conclusion that the information provided by Greece did not meet the requirements of decision 2005/4, as reiterated in decision 2008/3;
3. *Expresses its increasing disappointment* at the continuing failure of Greece to fulfil its obligation to adopt and implement effective measures to control and/or reduce its national annual emissions so that these do not exceed its emissions in 1987, and at its continuing non-compliance since 1998 with the emission reduction obligation under article 2.1 of the Protocol on Nitrogen Oxides;
4. *Notes with concern* that Greece has not provided the Implementation Committee with information meeting the requirements of paragraph 6 of decision 2005/4, as reiterated in paragraph 6 of decision 2008/3;
5. *Once again strongly urges* Greece to fulfil its obligation under article 2.1 of the Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligations;
6. *Reiterates* its requests to Greece as articulated in paragraphs 6 and 8 of decision 2005/4, namely to provide the Implementation Committee, through the secretariat, by 31 March of each year until compliance is achieved, with a report describing the progress it has made towards achieving compliance and listing the specific measures taken and scheduled, including the measures referred to in paragraph 5 of decision 2005/4, to fulfil its emission reduction obligations under the Protocol, setting out a timetable containing annual steps for the

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<sup>1</sup> 1988 Protocol Concerning the Control of Nitrogen Oxides or Their Transboundary Fluxes.

achievement of these measures and indicating the projected effects of each of these measures on its nitrogen oxide emissions per year up to and including the year of predicted compliance and, until such time as it achieves compliance, to make a presentation containing this information to the next annual session of the Executive Body, in any year in which it fails to provide that information to the Implementation Committee in time for its second session of the year;

7. *Requests* the Executive Secretary of the Economic Commission for Europe to bring this serious matter of continuing and long-lasting non-compliance to the attention of the Minister of Foreign Affairs and Minister of Environment of Greece;

8. *Also requests* Greece to invite the Implementation Committee in accordance with paragraph 6 (b) of decision 2006/2, and to undertake information-gathering regarding the compliance of Greece on the basis of decisions 2005/4, 2006/5, 2007/3 and 2008/3;

9. *Further requests* the Implementation Committee to review the progress and timetable of Greece, and to report to the Executive Body thereon at its twenty-eighth session.

**B. Draft decision concerning compliance by Spain with the Protocol on Nitrogen Oxides (ref. 4/02)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. *Recalls decisions* 2002/8, 2003/7, 2004/9, 2005/6, 2006/6, 2007/4 and 2008/4;
2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2008/4 on compliance by Spain with its obligations under the Protocol on Nitrogen Oxides, based on the information provided by Spain in March 2009 and the additional information presented during the information gathering mission to Spain carried out in accordance with paragraph 11 of decision 2008/4 in July 2009, (ECE/EB.AIR/2009/3, paras.10–17), and the conclusions drawn from this mission;
3. *Reiterates its increasing disappointment* at the continuing failure of Spain to fulfil its obligation to adopt and implement effective measures to control and/or reduce its national annual emissions so that these do not exceed its emissions in 1987, and at its continuing non-compliance with the emission reduction obligation under article 2.1 of the Protocol on Nitrogen Oxides since 1994;
4. *Once again strongly urges* Spain to fulfil its obligation under article 2.1 of the Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligation;
5. *Reiterates* its requests to Spain as articulated in paragraphs 5 and 7 of decision 2005/6 and as reiterated in paragraph 7 of decisions 2006/6 and 2007/4 and in paragraph 8 of decision 2008/4, and in addition requests Spain to complement the progress report as required by paragraph 5 of decision 2005/6 with following information:
  - (a) Progress in the revision of the Spanish national emission inventory and its impact on the national emission totals of Spain;
  - (b) Specific emission data and emission projections for the Canary Islands and the effects of planned policies and measures for these islands;

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

6. *Strongly* urges Spain to give significantly more attention than in previous years to drawing up its progress report in accordance with the requirements of paragraph 5 of decision 2005/6 and paragraph 5 above, in particular to provide the level of detail requested by paragraph 5 of decision 2005/6 and to avoid any inconsistencies in the reported data;

7. *Decides* to caution Spain that stronger measures will be reconsidered by the Executive Body at its twenty-eighth session unless, by the time of its twenty-sixth session, the Implementation Committee is satisfied that significant progress has been made towards bringing Spain into compliance;

8. *Requests* the *Implementation* Committee to review the progress and timetable of Spain, and report to the Executive Body thereon at its twenty-eighth session.

**C. Draft decision 2008/5 concerning compliance by Spain with the Protocol on Volatile Organic Compounds<sup>2</sup> (ref. 6/02)**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. Recalls decisions 2003/8, 2004/10, 2005/7, 2006/7, 2007/5 and 2008/5;
2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2008/5 on compliance by Spain with its obligations under the Protocol on Volatile Organic Compounds, based on the information provided by Spain in March 2009 and the additional information presented during the information gathering mission to Spain carried out in accordance with paragraph 11 of decision 2008/4 in July 2009, (ECE/EB.AIR/2009/3, paras.18–25), and the conclusions drawn from this mission;
3. *Reiterates its increasing disappointment* at the continuing failure of Spain to fulfil its obligation to adopt and implement effective measures to reduce its national annual emissions by at least 30 per cent by the year 1999, using 1988 as its base year and its continuing non-compliance with the emission reduction obligations under article 2.2(a) of the Protocol since 1999;
4. *Once again strongly urges* Spain to fulfil its obligation under article 2.2(a) of the Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligation;
5. *Reiterates* its requests to Spain as articulated in paragraphs 6 and 8 of decision 2006/7 and as reiterated in paragraph 7 of decision 2007/5 and in paragraph 8 of decision 2008/5, and in addition requests Spain to complement the progress report as required by paragraph 6 of decision 2006/7 with following information:
  - (a) Progress in the revision of the Spanish national emission inventory and its impact on the national emission totals of Spain;

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<sup>2</sup> 1991 Geneva Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes.

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

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

6. *Strongly urges* Spain to give significantly more attention than in previous years to drawing up its progress report in accordance with the requirements of paragraph 6 of decision 2006/7 and paragraph 5 above, in particular to provide the level of detail requested by paragraph 6 of decision 2006/7 and to avoid any inconsistencies in the reported data;

7. *Requests* the Executive Secretary of the Economic Commission for Europe to bring this serious matter of continuing and long-lasting non-compliance to the attention of the Minister of Foreign Affairs and Minister of Environment of Spain;

8. *Also requests* the Executive Secretary to present details of the non-compliance of Spain in its annual report to the Committee on Environmental Policy, to prepare an information note detailing the non-compliance of Spain, to send copies of it to each of the Parties to the Protocol and to publish it on the home page of the Convention and in the newsletter of the Commission;

9. *Calls on* Spain to make a presentation to the next annual session of the Executive Body specifically concerning the additional information requested in paragraph 5, and in particular to present its progress on the revision of the Spanish national emission inventory and its work on identifying activities or sectors where there is still potential to further reduce emissions;

10. *Requests* the Implementation Committee to review the progress and timetable of Spain, and to report to the Executive Body thereon at its twenty-eighth session.

**D. Draft decision concerning compliance by  
Denmark with the Protocol on Persistent Organic Pollutants<sup>3</sup> (ref. 1/06)**

*The Executive Body,*

*Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2);*

1. *Recalls decisions 2006/8 and 2007/6;*
2. *Notes the report provided by the Implementation Committee on the follow-up to decision 2008/6 on Denmark's compliance with its obligation under article 3.5(a) of the Protocol on Persistent Organic Pollutants, based on the information provided by Denmark on 23 March and 27 August 2009 (ECE/EB.AIR/2009/3, paras. 26–31), and in particular its conclusion that Denmark had failed to comply with the emission reduction obligation with regard to polycyclic aromatic hydrocarbons;*
3. *Remains concerned that, in spite of the efforts made, Denmark still fails to fulfil its obligation to reduce the emissions of polycyclic aromatic hydrocarbons listed in annex III of the Protocol from their level in 1990 by taking effective measures, as required by article 3.5(a) of the Protocol;*
4. *Expresses disappointment that Denmark has once again indicated that it will not achieve compliance for many years;*
5. *Urges Denmark once again to speed up the implementation and application of existing measures and to consider whether there are any further additional measures that could be taken in order to shorten the period of expected non-compliance with its obligation under the Protocol;*
6. *Requests Denmark to provide the Implementation Committee, through the secretariat, by 31 March 2010, with a report describing the progress made towards compliance, inter alia:*
  - (a) *Setting out a revised timetable that also specifies the year by which Denmark expects to be in compliance;*

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<sup>3</sup> 1998 Protocol on Persistent Organic Pollutants.



(b) Listing specific measures referred to in paragraph 5 to fulfil its emission reduction obligations under the Protocol;

(c) Indicating the quantitative and projected effects of each of these measures on its polycyclic aromatic hydrocarbons emissions up to and including the year of predicted compliance;

(d) Providing information on any more effective reduction scheme under consideration and the application of best available techniques to reduce polycyclic aromatic hydrocarbons emissions from residential combustion, taking into consideration annex V to the Protocol.

7. *Requests* the Implementation Committee to review the progress and timetable of Denmark, and to report to the Executive Body thereon at its twenty-eighth session.

**E. Draft decision concerning compliance by  
Cyprus with the Protocol on Nitrogen Oxides (ref. 1/08)**

*The Executive Body,*

*Acting under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),*

1. *Recalls* decision 2008/7;
2. *Notes* the report provided by the Implementation Committee (EB.AIR/ 2009/2, paras. 32–35) concerning the compliance of Cyprus with the requirements of paragraph 1 of article 2 of the Protocol on Nitrogen Oxides, 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 the failure of Cyprus to comply with the emission reduction obligation of the Protocol;
3. *Expresses* its concern at the failure by Cyprus to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions so that these do not exceed emissions in 1987, as required by paragraph 1 of article 2 of the Protocol;
4. *Notes* with concern that Cyprus does not expect to achieve compliance until 2013;
5. *Urges* Cyprus to fulfil its obligation under the Protocol as soon as possible;
6. *Requests* Cyprus to provide to the Implementation Committee through the secretariat by 31 March 2010 a report providing a revised base year inventory, and describing the progress made towards compliance by setting out an updated timetable that specifies the year by which Cyprus expects to be in compliance, updating the listing of the specific measures taken or scheduled to fulfil its emission reduction obligations under the Protocol, and setting out the projected effects of each of these measures on its nitrogen oxide emissions on an annual basis up to and including the year of compliance;
7. *Requests* the Implementation Committee to review the progress and timetable of Cyprus, and report to it thereon at its twenty-eighth session.

**F. Draft decision concerning compliance by Iceland with its obligations to report on emissions**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. *Recalls* decision 2008/11;
2. *Takes note* of the twelfth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the protocols, identified on the basis of information provided by the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (ECE/EB.AIR/2009/3, paras. 45–69 and tables 1–7);
3. *Regrets* that Iceland has still not reported final and complete emission data for 2007 and gridded data for 2005;
4. *Urges* Iceland to provide its missing annual data for 2007 and the gridded data for 2005 under the 1998 Protocol on Persistent Organic Pollutants without delay;
5. *Requests* the Implementation Committee to review the progress made by Iceland with regard to its emission reporting obligation, and to report thereon at its twenty-eighth session.
6. *Cautions* Iceland that if it continues to fail to comply with its reporting obligations, its compliance with the Protocol will be reconsidered.

**G. Draft decision concerning compliance by the Republic of Moldova with its reporting obligations**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. *Recalls* decisions 2008/11 and 2008/15;
2. *Takes note* of the twelfth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the protocols, identified on the basis of information provided by the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (ECE/EB.AIR/2009/3, paras. 45–69 and tables 1–7);
3. *Also takes note* of the twelfth report of the Implementation Committee with respect to compliance by Parties with their obligations to report on strategies and policies (ECE/EB.AIR/2009/3, paras. 70–76 and table 8);
4. *Regrets* that the Republic of Moldova has still not reported final and complete emission data for 2007 and gridded data for 2005;
5. *Also regrets* that the Republic of Moldova did not respond to the request in decision 2008/15 to provide replies to the 2008 questionnaire on strategies and policies and was thus in non-compliance with its obligation to report on strategies and policies under the 1998 Protocol on Persistent Organic Pollutants and the 1998 Protocol on Heavy Metals for 2008 and 2009;
6. *Urges* the Republic of Moldova to provide its missing annual data for 2007 and the gridded data for 2005 under the Protocol on Persistent Organic Pollutants and the Protocol on Heavy Metals without delay;
7. *Also urges* the Republic of Moldova to provide replies to the 2010 questionnaire on strategies and policies in a timely manner;
8. *Reminds* the Republic of Moldova of the importance of not only complying fully with its reporting obligations under the Protocols, but also of submitting its final and complete data and reports on time;

9. *Requests* the Implementation Committee to review the progress made by the Republic of Moldova with regard to its emission reporting obligations, and to report thereon at its twenty-eighth session.

**H. Draft decision concerning compliance by Estonia, France and Luxembourg with their obligations to report gridded emission data**

*The Executive Body,*

*Acting* under paragraph 11 of the structure and functions of the Implementation Committee (Executive Body decision 2006/2),

1. *Recalls* decisions 2008/9 and 2008/11;
2. *Takes note* of the twelfth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the Protocols, identified on the basis of information provided by the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (ECE/EB.AIR/2009/3, paras.45–69 and tables 1–7);
3. *Regrets* that Estonia, France and Luxembourg have still not reported all required gridded data up to 2005;
4. *Urges*:
  - (a) Estonia to provide the missing gridded data for hexachlorobenzene for 2005 under the 1998 Protocol on Persistent Organic Pollutants;
  - (b) France to provide the missing gridded data for 2005 under the 1994 Oslo Protocol on Further Reduction of Sulphur Emissions, the Protocol on Persistent Organic Pollutants and the 1998 Protocol on Heavy Metals;
  - (c) Luxembourg to provide its missing gridded data for 2000 and 2005 under the 1994 Oslo Protocol on Further Reduction of Sulphur Emissions and its missing data for 2005 under the Protocol on Persistent Organic Pollutants, the Protocol on Heavy Metals and the 1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone;
5. *Requests* the Implementation Committee to review the progress made by the above-mentioned Parties with regard to their emission reporting obligations, and to report thereon at its twenty-eighth session.

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