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#### Compliance with protocol obligations

### Recommendations from the Implementation Committee to the Executive Body concerning protocol obligations

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## Recommendations

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/2011/2) carried out at the request of the Executive Body at its twenty-eighth session in 2010, the Committee recommends that the Executive Body adopt the 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* its decisions 2002/6, 2003/5, 2004/7, 2005/4, 2006/5, 2007/3, 2008/3, 2009/6 and 2010/3;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2010/3 on compliance by Greece with its obligations under the Protocol Concerning the Control of Nitrogen Oxides or Their Transboundary Fluxes (Protocol on Nitrogen Oxides), based on the information presented by Greece during the information-gathering mission to Greece in November 2010, carried out in accordance with paragraph 8 of decision 2009/6, and the additional information provided by Greece in March 2011 (ECE/EB.AIR/2011/2, paras. 5–10), and in particular the Committee's conclusion regarding the failure of Greece to comply with the emission-reduction obligation of the Protocol;

3. *Reiterates* 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, paragraph 1, of the Protocol on Nitrogen Oxides;

4. *Welcomes* the progress made by Greece in the past year and the measures that allow Greece to predict that it can achieve compliance by 2013 or 2015;

5. *Notes with concern* the conclusion of the Implementation Committee's expert review team that Greece is currently not considering additional measures to achieve compliance sooner than 2013, although such measures are technically available;

6. *Once again strongly urges* Greece to fulfil its obligation under article 2, paragraph 1, of the Protocol as soon as possible, and to adopt and effectively implement the measures necessary to achieve compliance with its obligations;

7. *Requests* Greece, in accordance with the recommendations of the expert review team, to:

- (a) Speed up the pace of complying with its obligations;
- (b) Further improve its emission inventory and reporting routines; and

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

(c) Make further efforts for planning and implementing effective policy measures directed towards controlling nitrogen oxides emissions, in particular from mobile sources and large combustion plants;

8. *Reiterates* its request to Greece as articulated in paragraph 6 of decision 2005/4 to continue to report annually on its progress towards achieving compliance, with a special focus on the issues referred to in paragraph 7 above;

9. *Calls on* Greece to make a presentation specifically concerning the issues referred to in paragraph 7 above to the next annual session of the Executive Body;

10. *Requests* the Implementation Committee to review the progress and timetable of Greece, and to report to the Executive Body thereon at its thirtieth session in 2012.

## **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* its decisions 2002/8, 2003/7, 2004/9, 2005/6, 2006/6, 2007/4, 2008/4, 2009/7 and 2010/4;

2. *Notes* the report provided by the Implementation Committee on the progress made by Spain, based on the information provided by Spain on 1 April 2011 (ECE/EB.AIR/2011/2, paras. 11–13) and in particular its conclusions that in 2009 Spain was in compliance with its emission-reduction obligation under the Protocol on Nitrogen Oxides;

3. *Welcomes* the achievement by Spain of compliance with its emission-reduction obligation for nitrogen oxides after 14 years of non-compliance;

4. *Notes* the concern of the Implementation Committee as to whether the compliance achieved would continue after 2009, since some of the improvement was caused by economic recession and might be temporary;

5. *Decides* that there is currently no reason for the Implementation Committee to continue to review Spain's compliance with its obligation under article 2, paragraph 1, of the Protocol on Nitrogen Oxides.

## **C. Draft decision 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* its decisions 2003/8, 2004/10, 2005/7, 2006/7, 2007/5, 2008/5, 2009/8 and 2010/5;

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

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2010/5 on compliance by Spain with its obligations under the Protocol on Volatile Organic Compounds, based on the information provided by Spain in March and July 2011 (ECE/EB.AIR/2011/2, paras. 14–17), and in particular the Committee's conclusion regarding the failure of Spain to comply with the emission-reduction obligation of the Protocol;

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, paragraph 2 (a), of the Protocol since 1999;

4. *Once again strongly urges* Spain to fulfil its obligation under article 2, paragraph 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, to continue to report annually on its progress towards achieving compliance, and in addition reiterates its requests to Spain to complement the progress report with information as articulated in paragraph 5 of decision 2009/8;

6. *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;

7. *Decides* to caution Spain that stronger measures will be considered again by the Executive Body at its thirtieth session if the Implementation Committee is not satisfied that further sufficient progress has been made by the time of the Committee's thirtieth session or should Spain fail to provide adequate information to enable the Committee to assess whether the measures proposed by Spain are sufficient;

8. *Requests* the Implementation Committee to review the progress and timetable of Spain, and to report to the Executive Body thereon at its thirtieth session in 2012.

#### **D. Draft decision concerning compliance by Denmark with the Protocol on Persistent Organic Pollutants (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 its* decisions 2006/8, 2007/6, 2008/6, 2009/9 and 2010/6;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2010/6 on Denmark's compliance with its obligation under article 3, paragraph 5 (a), of the Protocol on Persistent Organic Pollutants (Protocol on POPs), based on the information provided by Denmark in April 2011 (ECE/EB.AIR/2011/2, paras. 18–23), and in particular its conclusion that, on the basis of information provided by Denmark, and in the continued absence of the action plan and further measures Denmark has indicated it will take, that Denmark remains in non-compliance with its obligations under the Protocol on POPs and that article 3, paragraph 7, of the Protocol is not applicable;

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 (PAHs)

listed in annex III of the Protocol from their level in 1990 by taking effective measures, as required by article 3, paragraph 5 (a), of the Protocol;

4. *Urges* Denmark once again to speed up the implementation of envisaged 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;

5. *Requests* Denmark to provide the Implementation Committee, through the secretariat, by 31 March 2012, with a report describing the progress towards compliance, by:

(a) Setting out a revised timetable that also specifies the year by which Denmark expects to be in compliance;

(b) Listing specific measures to fulfil its emission reduction obligations under the Protocol, regardless of the progress on developing an action plan; and

(c) Indicating the quantitative and projected effects of further and more effective measures to reduce its PAH emissions up to and including the year of predicted compliance;

6. *Requests* the Implementation Committee to review the progress and timetable of Denmark, and to report to the Executive Body thereon at its thirtieth session in 2012.

#### **E. Draft decision concerning compliance by Estonia, Germany, Italy and Latvia with the Protocol on Persistent Organic Pollutants (refs. 2/10, 10/10 and 11/10)**

*The Executive Body,*

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

1. *Recalls* decision 2010/10;

2. *Notes* the report provided by the Implementation Committee on the follow-up to decision 2010/10 concerning the compliance of Estonia, Germany, Italy, and Latvia with the requirements of article 3, paragraph 5 (a), of the Protocol on POPs (ECE/EB.AIR/2011/2, paras 34–56), following the referrals by the secretariat pursuant to paragraph 5 of the structure and functions of the Implementation Committee, and in particular the Committee's finding that on the basis of the officially reported emission data, Estonia, Germany, Italy and Latvia appear to be in non-compliance with their obligations under article 3, paragraph 5 (a), of the Protocol on POPs;

3. *Notes with regret* that Latvia did not provide any of the information as requested in Decision 2010/10 and requests the Executive Secretary to bring this matter to the attention of the Minister of Environment of Latvia;

4. *Reiterates its concern* at the uncertainty regarding emissions factors appropriate for reporting of emissions of POPs, especially, but not exclusively, in the sector of residential combustion;

5. *Requests* the Task Force on Emission Inventories and Projections of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), in accordance with paragraph 3 (c) of decision 2006/2, to review the emissions data provided by Estonia, Germany, Italy and Latvia in order to ensure the quality and accuracy of that data;

6. *Welcomes and encourages* the plans of Estonia, Germany and Italy to review and improve their emission inventories for POPs and urges Latvia to speed up the review and revision of its emission inventories for POPs;

7. *Urges* Estonia, Germany, Italy and Latvia to consider the implementation of additional measures where needed;

8. *Requests* Estonia, Germany, Italy and Latvia to provide to the Implementation Committee, through the secretariat, by 31 August 2012, information concerning the status and details of their work to improve their emission inventories for the POPs in question and any recalculated emissions data;

9. *Calls on* Estonia, Germany, Italy and Latvia to make presentations to the next annual session of the Executive Body specifically concerning the information requested in paragraph 8 above;

10. *Invites* all Parties to the Protocol on POPs to:

(a) Raise the priority on POP reporting;

(b) Improve and complete the emission inventories of POPs, in particular for HCB, where needed; and

(c) Provide to the EMEP Steering Body detailed information on their national methods for estimating POP emissions or plans to revise these methods;

11. *Requests* the secretariat to write a letter to all Parties to the Protocol on POPs informing them about the considerations of the Implementation Committee regarding its review of the reporting under the Protocol, and reminding them of the invitation in paragraph 10 above;

12. *Reiterates* its instruction to EMEP to provide assistance to the Implementation Committee upon its request;

13. *Instructs* EMEP to raise the priority of POP reporting and in particular:

(a) To start an in-depth review of reported POP emissions by Parties to the Protocol on POPs with, inter alia, attention to:

(i) The completeness of the POP emission inventories;

(ii) The reliability of current national methods (including accuracy of emission factors) used to estimate POP emissions;

(iii) The different use of notation keys among Parties;

(iv) The consistency of reported POP emission estimates with the reporting guidelines, the *EMEP/EEA<sup>3</sup> Air Pollutant Emission Inventory Guidebook* and among Parties;

(b) To elaborate a programme to initiate the update of the EMEP/EEA Guidebook with further and more adequate guidance on POPs, in particular for residential combustion;

(c) To provide a progress report and timetable to the next annual session of the Executive Body concerning the requests in (a) and (b) of this paragraph;

(d) To consider organizing a workshop on improving emission estimation from key sources of POP emissions (hexachlorobenzene, PAH, dioxins), with a special focus on

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<sup>3</sup> European Environment Agency.

the residential combustion sector and engaging participants from other relevant expert groups and task forces under the Convention

14. *Requests* the Implementation Committee to continue to review these cases in light of the information provided, and to report to it thereon at its thirtieth session in 2012.

## **F. Draft decision concerning compliance by Iceland with the Protocol on Persistent Organic Pollutants (ref. 6/10)**

*The Executive Body,*

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

1. *Notes* the report provided by the Implementation Committee concerning the compliance of the Iceland with the requirements of article 3, paragraph 5 (a), of the Protocol on POPs (ECE/EB.AIR/2011/2, paras. 62–68), 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 Iceland to demonstrate that it continues to benefit from the exemption under article 3, paragraph 7, of the Protocol granted by virtue of its decision 2006/9 and its failure to fulfil its obligations under article 3, paragraph 5(a), as demonstrated by the emission data for 2007 and 2008;

2. *Expresses its concern* at the failure by the Iceland to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions of PAH so that these do not exceed emissions in 1990, as required by article 3, paragraph 5 (a), of the Protocol or to demonstrate that the exemption granted under article 3, paragraph 7, is still valid;

3. *Urges* Iceland to fulfil its obligation under the Protocol as soon as possible;

4. *Requests* Iceland to provide to the Implementation Committee, through the secretariat, by 31 March 2012, a report describing the reasons why the article 3, paragraph 7, exemption continues to be valid, or alternatively the reasons for its non-compliance and the progress towards compliance by:

(a) Setting out a timetable that specifies the year by which Iceland expects to be in compliance;

(b) Listing the specific measures taken or scheduled to fulfil its emission-reduction obligations under the Protocol; and

(c) Setting out the projected effects of each of these measures on its PAH emissions on an annual basis up to and including the year of compliance;

5. *Requests* the Implementation Committee to review the progress and timetable of Iceland, and to report to it thereon at its thirtieth session in 2012.

## **G. Draft decision concerning compliance by the Republic of Moldova with the Protocol on Persistent Organic Pollutants (ref. 14/10)**

*The Executive Body,*

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

1. *Notes* the report provided by the Implementation Committee concerning the compliance of the Republic of Moldova with the requirements of article 3, paragraph 5 (a) of the Protocol on POPs (ECE/EB.AIR/2011/2, paras. 75–78), 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 the Republic of Moldova to comply with the emission-reduction obligation of the Protocol;

2. *Expresses its concern* at the failure by the Republic of Moldova to fulfil its obligation to take effective measures to control and/or reduce its national annual emissions of dioxins/furans and PAH so that these do not exceed emissions in 1990, as required by article 3, paragraph 5 (a), of the Protocol;

3. *Urges* the Republic of Moldova to fulfil its obligation under the Protocol as soon as possible;

4. *Notes with concern* that the Republic of Moldova did not submit any information as requested;

5. *Requests* the Republic of Moldova to provide to the Implementation Committee through the secretariat, by 31 March 2012, a report describing the reasons for its non-compliance and the progress towards compliance, setting out a timetable that specifies the year by which the Republic of Moldova expects to be in compliance, listing 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 dioxins/furans or PAH emissions on an annual basis up to and including the year of compliance;

6. *Requests* the Implementation Committee to review the progress and timetable of the Republic of Moldova, and to report to it thereon at its thirtieth session in 2012.

## **H. Draft decision concerning compliance by Luxembourg 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* its decisions 2008/9, 2008/12, 2009/13 and 2010/16;

2. *Takes note* of the fourteenth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the Convention's Protocols, identified on the basis of information provided by EMEP (ECE/EB.AIR/2011/2, paras. 84–97 and tables 1–7 in informal document 2);

3. *Also takes note* of the fourteenth report of the Implementation Committee with respect to compliance by Parties with their obligations to report on strategies and policies (paras. 98–100 and table 8 in informal document 2);



4. *Reiterates its regret* that Luxembourg has still not reported its missing gridded data for 2000 and 2005 under the 1994 Protocol on Further Reduction of Sulphur Emissions, and its missing gridded data for 2005 under the Protocol on POPs, the Protocol on Heavy Metals and the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol);

5. *Regrets* that Luxembourg has also not reported annual emission data for 2008 and 2009 under all the Protocols to which it is a Party;

6. *Reiterates its strong concern* that Luxembourg did not provide responses to the 2010 questionnaire on strategies and policies and is thus in non-compliance with its obligation to report on strategies and policies for the fourth consecutive reporting round;

7. *Strongly urges* Luxembourg to provide, as a matter of urgency:

(a) Its missing gridded data for 2000 and 2005 under the 1994 Protocol on Sulphur and its missing data for 2005 under the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol; and

(b) Annual data for 2008 and 2009 under all the Protocols to which it is a Party;

8. *Also strongly urges* Luxembourg to provide complete responses to the 2012 questionnaire on strategies and policies in a timely manner;

9. *Requests* the Executive Secretary of the Economic Commission for Europe to bring this serious matter of long-lasting non-compliance with its obligation to report on strategies and policies to the attention of the Minister of Foreign Affairs and the Minister of Environment of Luxembourg;

10. *Calls on* Luxembourg to make a presentation at the thirtieth session of the Executive Body on the reasons for its failure to comply with its reporting obligations;

11. *Reminds* Luxembourg 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;

12. *Requests* the Implementation Committee to review the progress made by Luxembourg with regard to its reporting obligations, and to report thereon at its thirtieth session in 2012.

## **I. Draft decision concerning compliance by France, Latvia, the Russian Federation and the European Union with their obligations to report on strategies and policies**

*The Executive Body,*

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

1. *Recalls* decisions 2010/11, 2010/12 and 2010/13;

2. *Takes note* of the fourteenth report of the Implementation Committee with respect to compliance by Parties with their obligations to report on strategies and policies for air pollution abatement (ECE/EB.AIR/2011/2, paras. 98–100 and table 8 in informal document 2);

3. *Notes* that the Russian Federation replied to the 2010 questionnaire on strategies and policies with regard to the 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent and the Protocol on

Nitrogen Oxides, but that these replies were not complete and thus it did not fully comply with its obligations to report on strategies and policies for 2010;

4. *Notes with regret* that France, Latvia and the European Union did not reply to the 2010 questionnaire and thus are not in compliance with their strategies and policies reporting obligations for 2010;

5. *Reiterates its concern* that Latvia failed on three consecutive reporting rounds to provide responses to the strategies and policies questionnaire and has thus remained in non-compliance with its obligations to report on strategies and policies for six years;

6. *Strongly urges* France, Latvia, the Russian Federation and the European Union to provide complete responses to the 2012 questionnaire on strategies and policies in a timely manner;

7. *Reminds* all Parties of the importance not only of complying fully with their obligations to report on their strategies and policies, as required under the Protocols, but also of submitting their reports on time;

8. *Requests* the Implementation Committee to review the progress made by the above-mentioned Parties with regard to their reporting on strategies and policies and to report to it thereon at its thirtieth session in 2012.

## **J. Draft decision concerning compliance by Albania, Iceland and the former Yugoslav Republic of Macedonia with their 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. *Takes note* of the fourteenth report of the Implementation Committee with respect to compliance by Parties with their emission data reporting obligations under the Convention's Protocols, identified on the basis of information provided by EMEP (ECE/EB.AIR/2011/2, paras. 84–97 and tables 1–7 in informal document 2);

2. *Notes* that Albania and Iceland have not reported their annual emission data for 2009 under the Protocols to which they are Parties;

3. *Notes* that Albania and the former Yugoslav Republic of Macedonia have still not reported their base year data under all of the Protocols to which they are Parties and to which the obligation to report base year data applies;

4. *Urges:*

(a) Albania to provide its annual data for 2009 and its base year data under the 1985 Protocol on Sulphur and its annual data for 2009 under the 1988 Protocol on Nitrogen Oxides without delay;

(b) Iceland to provide its annual data for 2009 under the Protocol on Persistent Organic Pollutants; and

(c) The Former Yugoslav Republic of Macedonia to provide its missing base year data under the 1985 Protocol on Sulphur, the Protocol on Nitrogen Oxides, the Protocol on Volatile Organic Compounds, the Protocol on POPs and the Protocol on Heavy Metals, without delay;

5. *Reminds* Albania, Iceland and the former Yugoslav Republic of Macedonia of the importance of not only complying fully with their emission reporting obligations under the Protocols, but also of submitting the final and complete data on time;

6. *Requests* the Implementation Committee to review the progress made by Albania, Iceland and the former Yugoslav Republic of Macedonia with regard to their emission reporting obligations, and to report to it thereon at its thirtieth session in 2012.

**K. Draft decision concerning compliance by the Republic of Moldova 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* its decisions 2008/11, 2008/15, 2009/12 and 2010/14;

2. *Takes note* of the fourteenth 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 EMEP (ECE/EB.AIR/2011/2, paras. 84–97 and tables 1–7 in informal document 2);

3. *Reiterates its regret* that the Republic of Moldova has still not reported its annual emission data for 2007 and gridded data for 2005 under the Protocol on POPs and the Protocol on Heavy Metals;

4. *Urges* the Republic of Moldova to provide its missing annual data for 2007 and the gridded data for 2005 under the Protocol on POPs and the Protocol on Heavy Metals without delay;

5. *Reminds* the Republic of Moldova of the importance of not only complying fully with its emission reporting obligations under the Protocols, but also of submitting its final and complete data on time;

6. *Requests* the Implementation Committee to review the progress made by the Republic of Moldova with regard to its reporting obligations, and to report to it thereon at its thirtieth session in 2012.

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