

**Background information concerning Parties' emission reporting obligations under the Protocols to the Convention on Long-range Transboundary Air Pollution**

- Note prepared by the secretariat -

The following note has been prepared by the secretariat of the Convention on Long-range Transboundary Air Pollution (CLRTAP) in advance of the thirty-second session of the Executive Body to provide background information to Parties regarding their reporting obligations. It sets out the main reporting obligations regarding annual total emission data, gridded emission data and data on emission projections, as stipulated by the respective Protocols and as currently specified by various Executive Body Decisions on reporting (decisions 2002/10, 2005/1, 2008/16) as well as the "Guidelines for reporting emission data under the Convention" (ECE/EB.AIR/97). It further outlines the secretariat's rationale and actions taken with regard to the initiation of correspondence with Parties in potential non-compliance with their reporting obligations and the subsequent referral of such cases to the Implementation Committee in 2013.

The periodic review of compliance by Parties with the reporting requirements of the protocols has been among the functions of the Implementation Committee since its establishment in 1997 and has been carried out based on information provided by the secretariat and the Centre on Emission Inventories and Projections (CEIP). Following the adoption of Executive Body Decision 2012/25 on improving the functioning of the Implementation Committee the secretariat has, in addition to following up on Executive Body decisions on reporting, engaged in requesting necessary information from Parties where the secretariat had become aware of a possible non-compliance with Parties' reporting obligations under one of the Protocols, upon receipt of information from CEIP. In the case that no response was received or if the matter had not been resolved, the non-compliance by Parties with their reporting obligations had subsequently been referred by the secretariat to the Implementation Committee for its consideration, in accordance with the Terms of Reference for the "Implementation Committee, its functions and procedures for review" set out in the Annex to Decision 2012/25 (ECE/EB.AIR/113/Add.1)<sup>1</sup>. In 2013, the secretariat reviewed and analyzed the data received from CEIP regarding Parties' obligations to report annual total emission data, gridded data and projections data.

The respective references to the provisions contained in the CLRTAP protocols setting out the reporting obligations for emissions data as well as the different decisions on reporting are indicated below along with their content, structured by the type of emissions data (annual, gridded, projections). The reporting obligations are explained along with the rationale for the initiation of correspondence by the secretariat with Parties and the subsequent referrals of non-resolved cases to the Implementation Committee. One additional section provides further information with regard to the use of notation keys for all types of data (annual, gridded, projections). Furthermore, information is provided on the considerations by the Implementation Committee with regard to non-

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<sup>1</sup> Paragraph 5 of the Annex to Decision 2012/25 stipulates that: "Where the secretariat, in particular upon reviewing the reports submitted in accordance with a protocol's reporting requirements or on receipt of information from a technical body or centre under the Convention, becomes aware of possible non-compliance by a Party with any of its obligations, it shall promptly request the Party concerned to furnish necessary information about the matter. If there is no response or the matter is not resolved within three months or such longer period as the circumstances of the matter may require, the secretariat shall bring the matter to the attention of the Committee." (ECE/EB.AIR/113/Add.1).

compliance by Parties with their reporting obligations, which is also outlined in the sixteenth report by the Implementation Committee to the Executive Body (ECE/EB.AIR/2013/3).

## 1. Reporting of annual national total emission data

### References:

a) Obligations set out in the respective Protocols:

- i) 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent (1985 Sulphur Protocol), Article 4
- ii) 1988 Protocol concerning the control of Emissions of Nitrogen Oxides or their Transboundary Fluxes (Protocol on NO<sub>x</sub>), Article 8
- iii) 1991 Protocol concerning the control of emissions of Volatile Organic Compounds or their Transboundary Fluxes (Protocol on VOCs), Article 8
- iv) 1994 Protocol on Further Reduction of Sulphur Emissions (1994 Sulphur Protocol), Article 5
- v) 1998 Protocol on Heavy Metals, Article 7
- vi) 1998 Protocol on Persistent Organic Pollutants (Protocol on POPs), Article 9
- vii) 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol), Article 7

b) EB Decisions on reporting:

- i) Decision 2002/10 on emission data reporting under the Convention and the protocols in force: VOC and 1994 Sulphur Protocol (ECE/EB.AIR/77/Add.1)
- ii) Decision 2005/1 on emission data reporting under the Protocol on Heavy Metals, the Protocol on POPs and the Gothenburg Protocol: for the Protocols on Heavy Metals, POPs and the Gothenburg Protocol (EVE/EB.AIR/87/Add.1)

### Content:

The articles indicated above introduce obligations to report annual national total emission data for the following pollutants:

1985 Sulphur Protocol	Protocol on NO <sub>x</sub>	Protocol on VOCs	1994 Sulphur Protocol	Protocol on Heavy Metals*	Protocol on POPs*	Gothenburg Protocol*
Sulphur			Sulphur			Sulphur
	Nitrogen oxides					Nitrogen oxides
		Volatile Organic Compounds				Volatile Organic Compounds
				Cadmium, Lead, Mercury		
					Polycyclic aromatic hydrocarbons (PAH), Hexachlorobenzene (HCB), Dioxins and Furans	
						Ammonia
		Additionally also reporting for Tropospheric ozone management areas (TOMA) (Canada, Norway)		Reporting obligation only for Parties within the geographical scope of EMEP**	Reporting obligation only for Parties within the geographical scope of EMEP (except for base years)	Reporting obligation only for Parties within the geographical scope of EMEP

\*This refers to the Protocols currently in force (non-amended).

\*\* The Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission for Air Pollutants in Europe (EMEP)

**Rationale:**

National total emission data shall be reported under all protocols for the respective pollutants as stipulated in the articles indicated above (see 1a, i-vii). The provision of this data shall be annual as specified in decisions 2002/10 and 2005/1 (see 1b, i-ii). While the obligations to report annual emission data relate to all Parties to the 1985 Sulphur Protocol, the Protocol on NO<sub>x</sub>, the Protocol on VOCs and the 1994 Sulphur Protocol, the three most recent protocols, namely the Protocol on Heavy Metal, the Protocol on POPs and the Gothenburg Protocol contain the limitation that reporting annual emission data applies to “Parties within the geographical scope of EMEP”. However, the text of these three protocols sets out the following addition: “Parties in areas outside the geographical scope of EMEP shall make available similar information to the Executive Body if requested to do so.” The Protocol on POPs further stipulates that “each Party shall provide information on the levels of emissions of the substances listed in annex III for the reference year specified in that annex” (PAH, HCB, Dioxins). Therefore, with regard to the provision of base years, no exemption exists for Parties outside the geographical scope of EMEP under the Protocol on POPs. In addition to the reporting obligation of a Party to provide annual emissions, the Protocol on VOCs contains reporting obligations for “Tropospheric ozone management areas” (TOMAs). TOMAs have been defined for Norway and Canada, but Canada has so far not acceded to the Protocol. The 1994 Sulphur Protocol and the Gothenburg Protocol also introduce similar specific management areas (“Sulphur Oxide Management Areas” (SOMAs) for the 1994 Sulphur Protocol and “Pollutant Emissions Management Areas” (PEMAs) for the Gothenburg Protocol).

**2. Reporting of gridded emission data**

**References:**

- a) Obligations as set out in the different Protocols:
  - i) Protocol on VOCs, Article 8
  - ii) 1994 Sulphur Protocol, Article 5
  - iii) Protocol on Heavy Metals, Article 7
  - iv) Protocol on POPs, Article 9
  - v) Gothenburg Protocol, Article 7
- b) Decision 2002/10 on emission data reporting under the Convention and the protocols in force, parts:
  - B. Decision under the 1991 Protocol on VOCs and
  - C. Decision under the 1994 Sulphur Protocol
- c) Guidelines for Reporting Emission Data under the CLRTAP (ECE/EB.AIR/97)

**Content:**

The articles indicated under (a) above for the different Protocols stipulate obligations to report gridded data for the following pollutants:

Protocol on VOCs	1994 Sulphur Protocol	Protocol on Heavy Metals	Protocol on POPs	Gothenburg Protocol
Volatile Organic Compounds				Volatile Organic Compounds
	Sulphur			Sulphur
		Cadmium, Lead, Mercury		
			Polycyclic aromatic hydrocarbons (PAH), Hexachlorobenzene (HCB), Dioxins and Furans	
				Nitrogen oxides
				Ammonia
Reporting obligation only for Parties within the geographical scope of EMEP				

**Rationale:**

The obligation to report gridded emission data applies to those Parties within the geographical scope of EMEP that are Parties to the 1994 Sulphur Protocol, the Protocols on Heavy Metals and POPs, the Gothenburg Protocol as well as the Protocol on VOC.

The articles of the Protocols indicated under 2a above contain references to obligations concerning the reporting of gridded data with the specification that the data shall be reported with the temporal and spatial resolution as specified by the Steering Body of EMEP. The uniform reporting framework are the “Guidelines for Reporting Emission Data under the CLRTAP” elaborated by the EMEP Steering Body and approved by the Executive Body (ECE/EB.AIR/97, currently under review, see 2 c above). These guidelines as well as decision 2002/10, parts B and C (see 2b above) contain the above-mentioned specifications regarding temporal (every 5 years) and spatial resolution (EMEP grid).

The Implementation Committee has so far considered compliance of Parties with their reporting obligations for gridded data under the 1994 Sulphur Protocol, the Protocol on Heavy Metals, the Protocol on POPs and the Gothenburg Protocol for Parties within the geographical scope of EMEP. Compliance with the obligation to report gridded data under the Protocol on VOCs, as outlined in Article 8, para 3 and specified in Decision 2002/10, has so far not been specifically reviewed. As of the next reporting round the secretariat plans to initiate correspondence and subsequently refer unresolved matters to the Implementation Committee, whenever it comes across the non-compliance of Parties to the Protocol on VOCs with regard to the provision of gridded data.

### 3. Reporting of projections

#### 1) Reporting of projections under the Gothenburg Protocol

**References and Content:**

i) Article 7, para 1(b) of the Gothenburg Protocol

*“(b) Each Party within the geographical scope of EMEP shall report, through the Executive Secretary of the Commission, to EMEP, on a periodic basis to be determined by the Steering Body of EMEP and approved by the Parties at a session of the Executive Body, the following information: (i) Levels of emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds using, as a minimum, the methodologies and the temporal and spatial resolution specified by the Steering Body of EMEP; (ii) Levels of emissions of each substance in the reference year (1990) using the same methodologies and temporal and spatial resolution; (iii) Data on projected emissions and current reduction plans; “*

ii) Decision 2008/16 Emission data reporting under the Convention and its protocols (ECE/EB.AIR/96/Add.1); D. “Decision under the 1998 Protocol on Heavy Metals, the 1998 Protocol on Persistent Organic Pollutants and the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone”

*“Acting under article 7, paragraph 1 (b), of the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol),*

*Recalling the Executive Body’s decision 2005/1 on Emission Data Reporting under the Protocol on Heavy Metals, the Protocol on Persistent Organic Pollutants and the Gothenburg Protocol, and in particular paragraph 1 of decision 2005/1,*

*Approves the decision by the EMEP Steering Body at its thirty-second session that, in addition to the emission projections for 2010, 2015 and 2020 as specified in decision 2005/1, Parties within the geographical scope of EMEP shall also report their data on emission projections for 2030 and longer-term projections if available (for example, 2050).”*

**Rationale:**

Article 7, para 1(b) of the Gothenburg Protocol introduces the obligations to report on projected emissions and decision 2008/16 (see above) introduces the obligation to provide the projections data for the years (2010), 2015 and 2020.

The secretariat has, as of 2013, reviewed the reporting by Parties of projections data under the Gothenburg Protocol on the basis of information received from CEIP, in line with Decision 2012/25. It had contacted and subsequently referred Parties in potential non-compliance with their reporting obligations under the Gothenburg Protocol concerning the non-reporting of projections data for the years 2015, 2020 and 2030 to the Implementation Committee, with due consideration of decision 2008/16 (see above). At its thirty-second meeting in September 2013, the Committee examined the exact wording of decision 2008/16 (see above) and considered that “if available” applied to longer-term projections and also to emission projections for 2030. Consequently, the Committee concluded that it would not further consider the referrals made by the secretariat regarding 2030 projections data.

**II) Reporting of projections under the 1994 Sulphur Protocol****References and Content:**

i) Decision 2002/10 on Emission data reporting under the Convention and the Protocols in force (ECE.EB.AIR/77/Add.1, Annex XI) :

*“5. Approves the decision by the EMEP Steering Body that the periodic basis, determined in accordance with article 5, paragraph 2, of the 1994 Oslo Protocol for the reporting by Parties within the geographic scope of EMEP:*

*a) Shall be annual and that submissions should reach the secretariat before 15 February, for data other than gridded data, on inventories for the calendar year that ended 13 months prior to that date and, if necessary, for updates to data for earlier years and to the emission projections;”*

ii) Guidelines for reporting emission data under the Convention on long-range transboundary air pollution (ECE/EB.AIR/97)

In the part of the Guidelines on “General instructions”, Annex IV, the deadline of 15 February is indicated for the provision of projections by aggregated NFR for the years 2015, 2020, 2030, 2050 and target years specified in protocols.

**Rationale:**

Decision 2002/10 (see above) indicates 15 February of each year as a deadline for the submission of updates to the emission projections for the 1994 Sulphur Protocol. It does, however, not indicate the respective years these projections should be submitted for. The “General instructions” of Annex IV of the “Guidelines for reporting emission data under the Convention” (ECE/EB.AIR/97) refer to the years 2015, 2020, 2030, 2050 as well as target years specified in the protocols.

As the 1994 Sulphur Protocol, like the Gothenburg Protocol, contains emission ceilings that have been established on the basis of projected data, the secretariat had, in addition to the referrals made concerning projections data under the Gothenburg Protocol, also contacted and subsequently referred Parties in potential non-compliance with the 1994 Sulphur Protocol regarding the provision of projections data for the years 2015, 2020 and 2030 to the Implementation Committee. At its thirty-second meeting in September 2013, the Committee decided that it would not pursue such referrals under the 1994 Sulphur Protocol as there was no provision for reporting sulphur

projections in the Protocol text and reference to reporting sulphur projections was only contained separately in Executive Body decision 2012/10, as well as the Guidelines for reporting.

### **III) Reporting of projections under the Protocols on POPs and Heavy Metals**

#### **Reference:**

Decision 2008/16 Emission data reporting under the Convention and its protocols (ECE/EB.AIR/96/Add.1); D. "Decision under the 1998 Protocol on Heavy Metals, the 1998 Protocol on Persistent Organic Pollutants and the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone"

#### **Content:**

*"Recalling the Executive Body's decision 2005/1 on Emission Data Reporting under the Protocol on Heavy Metals, the Protocol on Persistent Organic Pollutants and the Gothenburg Protocol, and in particular paragraph 1 of decision 2005/1, [The EB] Approves the decision by the EMEP Steering Body at its thirty-second session that, in addition to the emission projections for 2010, 2015 and 2020 as specified in decision 2005/1, Parties within the geographical scope of EMEP shall also report their data on emission projections for 2030 and longer-term projections if available (for example, 2050)."*

#### **Rationale:**

Decision 2008/16 stipulates that Parties to the Protocols on POPs and Heavy Metals, in addition to Parties to the Gothenburg Protocol, shall report emission projections for 2010, 2015 and 2020 as well as 2030 and longer-term if available. However, the current reporting templates do not contain reporting templates for projections under the Protocol on POPs and Heavy Metals despite the clear reference to such an obligation in decisions 2008/16 and 2005/1.

As part of its correspondence with Parties in potential non-compliance with their reporting obligations in 2013, the secretariat informed those Parties also of their obligations to report projections under the Protocol on POPs and Heavy Metals, by indicating that it had noted that the Parties concerned did not provide such data. The secretariat intended to raise the awareness of Parties with regard to these reporting obligations. In its review of data, the secretariat identified that overall, only four of the Parties to each of the two Protocols had provided data on projections for POPs and/or Heavy Metals. None of these Parties, however, had provided complete projection data covering all pollutants and all of the required years (2015, 2020 and 2030). Several Parties asked the secretariat to clarify where such obligations to report projections data under these two Protocols were stipulated.

### **4. Reporting of notation keys instead of national total emission data under all Protocols**

#### **Reference and Content:**

- Guidelines for reporting emission data under CLRTAP (ECE/EB.AIR/97), Section V., B., para 32-34

*"32. ... Parties should complete the tables at the requested level of aggregation. Where values for individual NFR categories or aggregated NFR categories are not available, the notation keys described in section II.C of annex I to these Guidelines should be used.*

*33. If a Party considers that a disproportionate amount of effort would be required to collect data for sources or a pollutant for a specific source that would be insignificant in terms of the overall level and trend in national emissions, the Party should list in its IIR all sources excluded on these grounds, together with a justification in terms of the likely level of emissions and an identification of the category as "Not Estimated", using the notation key "NE" in the reporting tables.*

*34. Where Parties do not have sufficient detail in their inventory, they may report aggregated emissions. Aggregated emissions may be reported under "other" or under the most significant single sector within the aggregation. Where aggregated emissions are reported, the available notes columns should be annotated to explain which detailed sectors are included and the notation key "IE" should be used for sectors that have emissions reported elsewhere. A rationale for reporting aggregated emissions should be included in the IIR."*

**Rationale:**

Paragraphs 32 to 34 of the "Guidelines for reporting emission data under the CLRTAP" indicate that the use of notation keys is appropriate for individual sectors or aggregated sectors. However, several Parties use notation keys not only for individual sectors or aggregated sectors but in lieu of national total emission data, also for the base year. As emission reduction obligations under the Protocols apply with reference to the relevant base year, especially the absence of base year data implies that a Party's compliance with its emission reduction obligations cannot be evaluated.

Currently, such cases include the following:

- the former Yugoslav Republic of Macedonia which indicated "NE" for the base years under the Protocol on POPs,
- Norway which indicated "NE" for the base year and all following years for HCB under the Protocol on POPs
- Romania which indicated "NE" for the base years under the Protocol on POPs and Heavy Metals.

Moreover, cases exist in which Parties report a notation key in lieu of national total emission data as a consequence to an EB Decision requesting the provision of the missing data (e.g. Romania provided "NE" for its 2010 gridded data during the 2013 reporting round under the Heavy Metals Protocol following EB decision 2012/22).

In the past, the Implementation Committee had considered the use of a "notation key" as reported. This had resulted in a situation where some Parties which reported notation keys in lieu of base year emission data had neither been reviewed regarding their obligations to report data nor regarding their emission reduction obligations as the latter could not be evaluated.

On the basis of the above, the secretariat has, in cooperation with CEIP, considered that the reporting of notation keys in lieu of national total emission data is to be interpreted as a case of non-reporting as it implies a potential non-compliance with a Party's emission reduction obligation. Consequently, the secretariat referred these cases for the further consideration by the Implementation Committee at its thirty-second meeting. The Implementation Committee agreed with the interpretation by the secretariat and CEIP and considered the reporting of notation keys in lieu of national total emission data as cases of non-compliance by Parties with their obligations to report emissions data.