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Compliance with protocol obligations

Fifteenth report of the Implementation Committee*¹

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* The present document is being issued without formal editing.

¹ In accordance with Executive Body decision 2006/2 (ECE/EB.AIR/89, Add.1).

I. Introduction

1. At its twenty-eighth and twenty-ninth sessions, the Executive Body for the Convention on Long-range Transboundary Air Pollution elected the following members to the Convention's Implementation Committee: Mr. Manfred Ritter (Austria), Mr. Peter Meulepas (Belgium) (Chair), Mr. Ivan Angelov (Bulgaria), Mr. Emmanuel Fiani (France), Mr. Marcus Schroeder (Germany), Ms. Marta Munoz Cuesta (Spain), Ms. Jonna Carlson (Sweden), Mrs. Clare Hamilton (United Kingdom of Great Britain and Northern Ireland) and Mr. David Buchholz (United States of America).

2. The Implementation Committee held two meetings in 2012. Its twenty-ninth meeting was held from 18 to 20 April in Berlin, and its thirtieth meeting was held from 5 to 7 September in Geneva. The Convention secretariat participated in both meetings. Ms. Carlson resigned from the Committee between the twenty-ninth and thirtieth meeting.

II. Submissions and referrals concerning compliance by Parties with their protocol obligations

A. Follow-up to Executive Body decisions 2010/7, 2010/8, 2010/9, 2011/2, 2011/4, 2011/5, 2011/6, 2011/7 and 2011/8

3. Based on recommendations made by the Implementation Committee in its thirteenth report (ECE/EB.AIR/2010/2 and ECE/EB.AIR/2010/6), at its twenty-eighth session the Executive Body adopted decisions concerning compliance by Cyprus.

4. Based on recommendations made by the Implementation Committee in its Fourteenth report (ECE/EB.AIR/2011/2 and ECE/EB.AIR/2011/7), at its twenty-ninth session the Executive Body adopted decisions concerning compliance by Denmark, Estonia, Germany, Greece, Iceland, Italy, Latvia, Republic of Moldova and Spain.

1. Follow-up to Executive Body decision 2010/7 on compliance by Cyprus with the Protocol on Nitrogen Oxides (ref. 1/08) and Executive Body decision 2010/8 on compliance by Cyprus with the Protocol on Heavy Metals (ref. 1/10: cadmium)

Background

5. In its decision 2010/7 the Executive Body requested the Implementation Committee to review the progress and timetable of Cyprus for achieving compliance with article 2, paragraph 1, of the Protocol on Nitrogen Oxides (Protocol on NOx). In its decision 2010/8 the Executive Body requested the Committee to review Cyprus's progress and timetable for achieving compliance with article 3, paragraph 1, of the Protocol on Heavy Metals. In 2011, the Committee decided to postpone consideration of the cases until 2012, and requested the secretariat to invite Cyprus to provide additional information no later than 31 March, 2012. The secretariat informed the Committee that it had received a written report in response to its letter. The written report included an update of information that Cyprus provided in 2011.

6. Official correspondence in 2012:

21 February 2012	The secretariat informed Cyprus about the Committee's request for additional information in accordance with paragraph 27 of its fourteenth report
28 March 2012	Cyprus submitted a response

Consideration

7. The Committee noted that Cyprus was still in non-compliance with the Protocol on NOx and the Protocol on Heavy Metals. Its nitrogen oxides (NOx) emissions in 2010 were 18 kilotons (kt), which was above the emission level of 16 kt in the base year. Its cadmium (Cd) emissions were 0.071 megagrams (Mg) in 2010, which was above the emission level of 0.050 Mg in the base year.

8. The Committee noted that, due to a very unfortunate incident close to the largest power plant station in Cyprus, causing severe damage to it, Cyprus does not expect to reach compliance with respect to NOx and cadmium in the near future. Cyprus had to replace its power plant, on an emergency basis, with several temporary-mobile units and stand-by generation units. These units are expected to lead to higher NOx emissions and to prevent reductions of cadmium emissions. Cyprus had identified some measures towards the road transport sector which is the other major source of NOx. However, it did not provide any estimation on the projected effect of these measures.

9. The Committee noted that Cyprus had not provided information in response to the written questions sent by the secretariat in 2011. The Committee understood the fact that Cyprus had to focus on restoring its electricity capacity and hoped that Cyprus would be in a position to address these questions in the near future.

10. The Committee requested the secretariat to thank Cyprus for the information provided and to ask Cyprus to keep the Committee updated regularly, and no later than 31 March 2013, on the restoration schedule for its power plant station and its plans to reach compliance with respect to NOx and cadmium, including, as appropriate, answers to the additional questions sent on 7 July 2011.

2. Follow-up to Executive Body decision 2010/9 on compliance by Cyprus with the Protocol on Heavy Metals (ref. 8/10: mercury)

Background

11. In its decision 2010/9 the Executive Body requested the Implementation Committee to review Cyprus's progress for achieving compliance with article 3, paragraph 1, of the 1998 Heavy Metals Protocol. Cyprus had previously explained that its emissions of mercury were primarily due to its cement sector and it was replacing two old facilities with a new production plant that would help bring it into compliance. The Committee had kept the case open pending the receipt of emission data that would show the promised improvements.

Consideration

12. The latest data on mercury emissions from Cyprus showed that Cyprus's emissions in 2010 were 0.127 Mg, which was below the emission level of 0.148 Mg in the base year. The Committee noted that these emission data provided showed that Cyprus has achieved compliance with regard to its mercury emission reduction obligation.

3. Follow-up to decision 2011/2 on compliance by Greece with the Protocol on Nitrogen Oxides² (ref. 2/02)

Background

13. In decision 2011/2 the Executive Body requested the Implementation Committee to review Greece's timetable and progress towards achieving compliance with article 2.1 of the Protocol on NO_x. The secretariat informed the Committee that it had communicated the decision to Greece and had received a progress report in response to its letter.

14. Official correspondence in 2012:

21 February 2012	The secretariat informed Greece about decision 2011/2
30 March 2012	Greece submitted a response

Consideration

15. The Committee carefully considered the report submitted by Greece in March 2012, as requested by decision 2011/2. The Committee noted that emissions between 2009 and 2010 have gone down significantly, mainly due to the economic recession in the country. This reduction of approximately 50 kt, combined with the fact that Greece has informed the Committee about the revision of its base year emissions from 285 to 340 kt, has brought NO_x emissions for the year 2010 below the total NO_x emission level of the base year 1987. The Committee decided to keep the case open pending confirmation from the secretariat that Greece has formally reported its revised NO_x total for the base year. The Committee requested the secretariat to send a letter to Greece reminding Greece of the need to formally report the revised NO_x emission data for the base year 1987.

16. The Committee regretted that the projections provided in Greece's report have not been updated compared to the projections provided last year. Such an update would have given the Committee more confidence that Greece would remain in compliance after 2010.

4. Follow-up to Executive Body decision 2011/4 on compliance by Spain with the Protocol on Volatile Organic Compounds³ (ref. 6/02)

Background

17. In its decision 2011/4, the Executive Body requested the Implementation Committee to review Spain's progress and timetable for achieving compliance with article 2, paragraph 2 (a), of the Protocol on Volatile Organic Compounds (Protocol on VOC). The secretariat informed the Committee that it had communicated the decision to Spain and had received a progress report in response to its letter. The secretariat had further requested additional information on issues raised by the Committee at its twenty-ninth session, which Spain had provided.

18. Official correspondence in 2012:

21 February 2012	The secretariat informed Spain about decision 2011/4
29 March 2012	Spain submitted a response
22 May 2012	The secretariat requested further clarification of issues raised by the Committee at its 29th meeting
31 July 2012	Spain submitted additional information

² 1988 Protocol Concerning the Control of Nitrogen Oxides or Their Transboundary Fluxes.

³ The 1991 Geneva Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes.

Consideration

19. The Committee noted that Spain has made considerable progress in achieving compliance with its emission reduction obligation under the Protocol on VOC in the past few years and has reduced its exceedance of the volatile organic compounds (VOC) target in 2010 - according to the re-submission of its national emission inventory in June 2012 - to 2.6 % (or 24.5 kilotons in absolute terms), which is a slight improvement compared to the 3 % exceedance in 2009 as reported last year. The Committee also noted that Spain was according to its latest projection calculations expecting compliance by 2015, which was one year sooner than according to last year's reported projections and many years sooner than according to the reported projections before 2011, at which time compliance with the VOC target was not expected before 2020. It observed that the acceleration to achieve compliance has mainly been accomplished by improving and revising the VOC emission inventory, while at the same time the economic recession has also recently caused VOC emissions to go down.

20. The Committee was pleased to note that Spain is continuing to improve its national VOC emission inventory, in particular with respect to the 'solvent and other product use' category, and is envisaging additional measures to further reduce VOC emissions. It took note of Spain's announcement that new national projections for VOC are being developed by the end of this year, further incorporating recent improvements to the national VOC emission inventory and recently adopted VOC reduction measures. Spain believed that these projections would show compliance with the VOC target even before 2015.

21. Although the Committee welcomed the fact that the exceedance of the VOC target continued to decrease, it remained concerned about this continuing long-lasting non-compliance. By 2015, Spain would have been in non-compliance for more than 15 years. It regretted that submitted information at this time still did not provide quantified information on the effects of the recently adopted VOC emission reduction measures and additional measures in the pipeline.

22. Acknowledging the significant and continued progress Spain had made towards achieving compliance with its VOC target, the Committee agreed not to propose to the Executive Body to take stronger measures at present. The Committee, however, remained committed to reconsidering stronger measures again at its next meetings should it become clear that Spain's long-lasting non-compliance with its obligations under the VOC Protocol would not be resolved in the very near future or should Spain fail to provide adequate information to enable the Committee to assess whether the measures proposed by Spain were sufficient.

5. Follow-up to Executive Body decision 2011/5 on compliance by Denmark with the 1998 Protocol on Persistent Organic Pollutants (ref. 1/06)

Background

23. In its decision 2011/5, the Executive Body requested the Implementation Committee to review Denmark's progress and timetable for achieving compliance with article 3.5 (a) of the Protocol on Persistent Organic Pollutants (Protocol on POPs). The secretariat informed the Committee that it had communicated the decision to Denmark and had received a written report in response to its letter.

24. Official correspondence in 2012:

21 February 2012	The secretariat informed Denmark about decision 2011/5
30 March 2012	Denmark submitted a response

Consideration

25. The Committee noted that the latest officially submitted data showed that polycyclic aromatic hydrocarbon (PAH) emissions in Denmark in 2010 were 16.3 tons, which is more than twice the 1990 target level of 7 tons and a slight increase from the level estimated in 2009. Denmark explained that the increase in PAH emissions is mainly due to a slight increase in the emissions from residential wood burning.

26. Denmark reiterated its intention to reduce the particulate and PAH emissions in a cost-effective way through a wide range of measures (strengthening of regulations, information campaigns and supervision). The strengthening of Statutory Order no. 1432, which would give a reduction of PAH emissions of approximately 5 %, is expected to be in force from 2013. A system for taxes on wood and wood burning stoves is under development. In 2011, a new information campaign was launched for the correct use of wood burning stoves and boilers. Within the framework of this campaign, the Danish EPA has initiated a closer cooperation with chimney sweeps. Other measures referred to by Denmark were the checking of certificates for wood burning stoves and the promotion of new technologies.

27. Denmark explained that it was, in March 2012, not able to estimate when it would be in compliance with the Protocol on POPs. As long as the effect of the tax on wood is not known it was also not possible to provide the Implementation Committee with a report on further measures as requested in decision 2011/5.

28. The Committee noted the information Denmark provided on its efforts to comply with its obligation to reduce PAH emissions, but also noted that the situation of non-compliance has not improved and that Denmark did not provide all the information requested in decision 2011/5. The Committee observed that the system for taxes on wood and wood burning stoves, and its yet unknown effect, is a new explanation as to why Denmark cannot estimate when it will be in compliance.

29. The Committee noted with concern that, despite several Executive Body decisions and reports to the Implementation Committee, Denmark remained in non-compliance with its obligations under the Protocol on POPs. In this respect the Committee strongly regretted that Denmark did not accept the invitation of the Committee to participate in its thirtieth meeting in September 2012 (cf. paragraph 8 in decision 2006/2) to elaborate on the information requested in decision 2011/5.

30. The Committee noted Denmark's explanation that its increased emissions of PAH are partly due to efforts to combat climate change. The Committee felt that this issue deserved consideration by the Executive Body.

6. Follow-up to Executive Body decision 2011/6 on compliance by Estonia, Germany, Italy and Latvia with the Protocol on Persistent Organic Pollutants (refs. 2/10, 5/10, 10/10, 3/10 and 11/10)

Estonia*Background*

31. In its decision 2011/6 the Executive Body requested the Implementation Committee to continue to review, inter alia, the case of Estonia's compliance with article 3, paragraph 5 (a), of the 1998 Protocol on POPs in the light of additional information provided by Estonia and information obtained in response to decision 2011/13.

32. Official correspondence in 2012:

21 February 2012	The secretariat informed Estonia about decision 2011/6
31 August 2012	Estonia submitted a response

Consideration

33. The reported emissions data for 2012 showed that emissions of hexachlorobenzene (HCB) in Estonia for 2010 were 0.22 kilograms (kg), which was above the 0.12 kg that had been reported for the base year 1995. This was the fourth consecutive year in which reported emissions exceeded the base year figure. The primary issue continues to be emissions attributed to residential combustion, a source category for which Estonia has just completed a study designed to result in updated emissions factors for HCB and a series of other pollutants. Based on the results of the study, which are currently being summarized, Estonia plans to have recalculated data for HCB emissions to submit to the Committee in 2013.

34. The continued uncertainties with respect to Estonia's reported emissions caused the Committee to proceed cautiously with respect to preparing formal recommendations. Nevertheless, it also took note that Estonia's officially reported emissions had been above the base year emission level for four consecutive years, and thus it appeared that Estonia was in non-compliance with its emissions reduction obligations.

35. The Committee welcomed the near-completion of Estonia's study of emissions from residential combustion and believed it would be important that Estonia submit any recalculations that might be warranted as soon as possible and in any event no later than the schedule identified.

36. Given the doubts Estonia continued to express regarding the accuracy of the data it had reported, the potential utility of the forthcoming study results, and the interest of many Parties in the issue, the Committee decided to recommend to the Executive Body to request the Task Force on Emission Inventories and Projections, in accordance with paragraph 3 (c) of decision 2006/2, to review the recalculated emissions data to be provided by Estonia in order to ensure the quality and accuracy of those data. In particular, the Committee believed the Task Force should evaluate the reliability and accuracy of any new emission factors reported by Estonia. The Committee recommended the Executive Body request the Task Force to report its findings directly to the Committee to facilitate further consideration of the case at its thirty-second meeting.

Germany*Background*

37. In its decision 2011/6 the Executive Body requested the Implementation Committee to continue to review, inter alia, the case of Germany's compliance with article 3, paragraph 5 (a), of the 1998 Protocol on POPs in the light of additional information provided by Germany and information obtained in response to decision 2011/13.

38. Official correspondence in 2012:

21 February 2012	The secretariat informed Germany about decision 2011/6
15 August 2012	Germany submitted a response

Consideration

39. The reported emissions data for 2012 showed that emissions of HCB in Germany for 2010 were 3.5 kg, which was below the 5.3 kg that had been reported for the base year 1990. Additional information provided by Germany indicated that this significant improvement was caused by the inclusion of new estimates of HCB emissions for the

energy sector meaning that the HCB emissions for the energy sector in 1990 was revised from 0.6 kg to 3.8 kg; with the revised HCB emissions for the energy sector in 2010 being 1.5 kg. The Committee therefore decided that Germany appeared to be in compliance with its obligation under article 3, paragraph 5(a) of the 1998 Protocol and POPs and there was no need for further review of its compliance.

Italy

Background

40. In its decision 2011/6 the Executive Body requested the Implementation Committee to continue to review, inter alia, the case of Italy's compliance with article 3, paragraph 5 (a), of the 1998 Protocol on POPs in the light of additional information provided by Italy and information obtained in response to decision 2011/13.

41. Official correspondence in 2012:

21 February 2012	The secretariat informed Italy about decision 2011/6
29 August 2012	Italy submitted a response

Consideration

42. The Committee noted that Italy reported HCB emissions which indicate that Italy now appears to be in compliance. The Committee noted that this was largely due to the revision of HCB emissions in the base year. Although, there is still a significantly increasing trend for HCB emissions in the combustion of biomass, the recalculation of the emissions in the base year show a decreasing trend of overall emissions of HCB compared to the base year. The Committee noted that Italy recalculated the emissions of the base year mainly by adding previously disregarded HCB emissions from the use of pesticides to the emissions of the base year. The Committee decided that there was no need for further review of Italy's compliance with respect to its HCB emissions.

43. With regard to PAH emissions, the Committee noted that the PAH emissions continued to be above what had been reported for the base year 1990 and that Italy still doubted the accuracy of its emission estimates, especially in the field of combustion of biomass. Italy announced that further investigations are on going or under elaboration respectively. Those uncertainties caused the Committee to proceed cautiously with respect to preparing formal recommendations. Nevertheless, it also took note that Italy's officially reported emissions had been above the base year emission level for four consecutive years now, and thus it appeared that Italy was in non-compliance with its emissions reduction obligations.

44. The Committee believed it would be important that Italy complete its project to revise its PAH emission factors, and to make any recalculations that might be warranted as a result as soon as possible. Given the doubts Italy continued to express regarding the accuracy of the PAH emission data it had reported, the Committee decided to recommend to the Executive Body to request the Task Force on Emission Inventories and Projections, in accordance with paragraph 3 (c) of decision 2006/2, to review the reported PAH emissions in order to ensure the quality and accuracy of those data. The Committee recommended the Executive Body request the Task Force to report its findings directly to the Committee to facilitate further consideration of the case at its thirty-second meeting.

Latvia

Background

45. In its decision 2011/6 the Executive Body requested the Implementation Committee to continue to review, inter alia, the case of Latvia's compliance with article 3, paragraph 5 (a), of the 1998 Protocol on POPs in the light of additional information provided by Latvia and information obtained in response to decision 2011/13.

46. Official correspondence in 2012:

21 February 2012	The secretariat informed Latvia about decision 2011/6
	Latvia did not provide a response in time for consideration at the Committee's thirtieth meeting

Consideration

47. The Committee regretted that, as in 2011, Latvia had failed to reply to the secretariat's letters and had provided neither the information requested in decision 2010/10 nor the information requested in decision 2011/6 and had not provided an update on the outcome of the study or the measures that it had indicated would be taken in 2009. The Committee also noted that the latest emission data for 2010 showed that Latvia's emissions of all three substances still exceeded the emission level for the base year. The Committee therefore concluded that Latvia was in non-compliance with its obligations under article 3, paragraph 5 (a), of the Protocol on POPs. Based on the officially reported data, and given the repeated failure of Latvia to respond to requests for information, the Committee considered that it had no choice other than to recommend to the Executive Body that it find Latvia in non-compliance.

48. The Committee decided to recommend to the Executive Body to request the Task Force on Emission Inventories and Projections, in accordance with paragraph 3 (c) of decision 2006/2, to review the reported emissions of PAH, HCB and dioxins in order to ensure the quality and accuracy of those data. The Committee recommended the Executive Body request the Task Force to report its findings directly to the Committee to facilitate further consideration of the case at its thirty-second meeting.

7. Follow-up to Executive Body decision 2011/7 on compliance by Iceland with the 1998 Protocol on Persistent Organic Pollutants (ref. 6/10)

Background

49. In its decision 2011/7, the Executive Body requested the Implementation Committee to review Iceland's progress with and timetable for taking effective measures to control and/or reduce its national annual emissions of PAH so that these do not exceed emissions in 1990 in accordance with article 3, paragraph 1(a) of the Protocol on POPs; or alternatively to demonstrate that the exemption granted under article 3, paragraph 7, is still valid. The secretariat informed the Committee that it had communicated the decision to Iceland and had received information in response to its letter.

50. Official correspondence in 2012:

6 February 2012	The secretariat informed Iceland about decision 2011/7
2 April 2012	Iceland submitted a response
22 May 2012	The secretariat requested further clarification of issues raised by the Committee at its twenty-ninth meeting
15 August 2012	Iceland submitted additional information

Consideration

51. Iceland's reported emissions in 2012 showed an exceedance of 103% compared to the base year. In its response, Iceland indicated that the reason for the increase in emissions from industrial processes is the establishment of a new aluminium plant and an enlargement of another aluminium plant, resulting in an increase in aluminium production after expansion of the production capacity in 2006 and 2007. Iceland indicated that due to its application of best available techniques (BAT) to these installations, it had fulfilled its obligations under article 3, paragraph 5(b) and should therefore continue to benefit from the exemption under article 3, paragraph 7.

52. The Committee noted that according to the officially reported emissions data in 2012, aluminium production only accounts for about 15% of emissions of PAH, whereas previously the contribution of the aluminium industry was more significant. The Committee noted that the four major sources of PAH emissions identified in Iceland's officially reported emissions data for 2012 are aluminium production, ferroalloys production, 'other waste' and 'mobile sources', with the latter three being responsible for 80% of Iceland's total emissions of PAH.

53. To enable an adequate assessment of the applicability of the exemption under article 3 paragraph 7, the Committee requested additional information on the application of BAT or other effective measures to stationary and mobile sources.

54. In response to this request Iceland clarified that the BAT applied to primary aluminium production are those set out in the Guidance Document on Best Available Techniques to Control Emissions of Persistent Organic Pollutants from Major Stationary Sources (ECE/EB.AIR/2009/14) and the 2001 *IPPC, Reference Document on Best Available Techniques in the Non Ferrous Metals Industries*, along with unspecified PARCOM recommendations. Iceland also indicated that legislation is in place to control emissions from mobile sources, which contributes to minimising emissions of PAH. Iceland clarified that the category of 'other waste', which accounts for 44.7% of Iceland's emissions of PAH, concerns emissions from accidental fires, noting that the data on this source was uncertain as it had not been possible to estimate emissions from these sources and that therefore Danish emissions estimates had been scaled to Icelandic data. Legislation on fire controls in buildings and fire brigades had been put in place in 2012 and was expected to contribute to reducing emissions from this source category, but the effect was not quantified.

55. The Committee noted the information provided by Iceland. However, on the basis of the information provided to it, the Committee was not convinced that Iceland has sufficiently demonstrated that it has complied with its obligation to reduce total annual emissions of PAHs in accordance with article 3.5(a) or that it has properly applied BAT, emission limit values (ELVs) and effective measures, as appropriate, in accordance with article 3.5(b).

56. The Committee therefore requested the secretariat to send a letter to Iceland to provide information on:

(a) the observed PAH emission levels that are achieved for the aluminium production plant and the ferrosilicon plant including comparison with emission levels that can be achieved through the implementation of BAT measures for those plants, taking into consideration the guidance adopted pursuant to decision 2009/4 or other relevant guidance documents on BAT;

(b) the measures set out in regulation 788/1999 and other effective measures to control PAH emissions from mobile sources; and

(c) the methodology used to scale the emission estimates on accidental fires; whether there are any plans to improve the accuracy of this estimate; and the expected quantified effect of the legislation on fire controls in buildings and fire brigades.

8. Follow-up to Executive Body decision 2011/8 on compliance by the Republic of Moldova with the 1998 Protocol on Persistent Organic Pollutants (ref. 6/10)

Background

57. In its decision 2011/8 the Executive Body requested the Republic of Moldova to provide information 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. In this decision the Executive Body requested the Committee to review the progress and timetable of the Republic of Moldova for achieving compliance with the Protocol. The Republic of Moldova submitted a response on 20 April 2012, after the deadline of 31 March 2012. In addition, the Republic of Moldova had not reported its emission data for 2010 for POPs by the time of the twenty-ninth meeting notwithstanding the legally binding deadline of 15 February. Emission data for 2010 were reported on 24 July 2012.

58. Official correspondence in 2012:

6 February 2012	The secretariat informed the Republic of Moldova about decision 2011/8
20 April 2012	The Republic of Moldova submitted a response

Consideration

59. Latest officially reported emission data seem to show compliance for both emissions of dioxins/furans and PAH. For 2010 the Republic of Moldova reported dioxins/furans emissions of 3.9 grams (g) which is below the reported emission of 14 g in the base year. The Republic of Moldova reported PAH emissions of 8.6 tons in 2010 which is below the reported emission of 16.7 tons in the base year.

60. In its response of 20 April the Republic of Moldova indicated that mistakes in emission calculations for dioxins/furans and PAH were made and emission data for these pollutants were being re-examined. The recalculated data, reported on 24 July, show a significant decrease in the emissions of these pollutants compared to previous reported data. To be able to close the case, the Committee felt that it would need more details on the recalculation of the emission data including on the extension of the recalculations to the base year and requested the secretariat to ask the Republic of Moldova for such information.

61. The Committee regretted that the Republic of Moldova did not accept the invitation of the Committee to participate in its thirtieth meeting in September 2012 (cf. paragraph 8 in decision 2006/2).

62. Given the doubts the Republic of Moldova had expressed regarding the accuracy of the data it had previously reported, the Committee also decided to recommend to the Executive Body to request the Task Force on Emission Inventories and Projections, in accordance with paragraph 3 (c) of decision 2006/2, to specifically review the emissions data provided by the Republic of Moldova in order to ensure the quality and accuracy of that data and to continue to review the case at its next meeting.

9. Recommendations to the Executive Body

63. On the basis of the above considerations (outlined in sections 1 to 8), the Committee recommends that the Executive Body adopt the draft decisions contained in document ECE/EB.AIR/2012/4.

B. Submissions by the Parties / referrals by the secretariat

64. No new referrals to the Committee were made by the secretariat in 2012. No submissions by Parties were brought before the Committee in 2012.

III. Compliance with reporting obligations

A. Follow-up to Executive Body decisions 2011/9, 2011/10, 2011/11 and 2011/12

65. In its decision 2011/9, the Executive Body urged Luxembourg to provide, as a matter of urgency, its missing annual and gridded data. It also reiterated its strong concern that Luxembourg had been in non-compliance with its obligation to report on strategies and policies for the fourth consecutive reporting round and urged Luxembourg to provide responses to the questionnaire on strategies and policies in a timely manner. The secretariat informed the Committee that Luxembourg has submitted missing data in 2012, but that, as of 5 September 2012, Luxembourg has not provided yet its annual data for 2008, 2009 and 2010 under the Protocol on Heavy Metals and its gridded data under the 1994 Protocol on Sulphur, the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol. Nor has Luxembourg submitted responses yet to the 2010 questionnaire.

66. In its Decision 2011/10, the Executive Body noted that France, Latvia and the European Union had not replied to the 2010 questionnaire and that the Russian Federation had replied to all the questions for two protocols to which it is a Party (1985 Sulphur and 1988 NO_x), except to question 4 for the Protocol on NO_x. The secretariat informed the Committee that France had replied to the questionnaire 2010 on 29 March 2012 and had provided the necessary replies to the questions for the Protocols to which it is a Party, except to question 61 for the Gothenburg Protocol. The Committee noted with regret that all four Parties remained in non-compliance with their reporting obligation on strategies and policies.

67. In its Decision 2011/11 the Executive Body urged Albania, Iceland and the former Yugoslav Republic of Macedonia to provide their missing data. The Secretariat informed the Committee that Iceland has provided its missing annual totals for 2009 and that Albania provided its missing annual totals under the 1985 Protocol on Sulphur and the Protocol on Nitrogen Oxides, but that, as of 5 September 2012, Albania has not provided its base year

data under the 1985 Protocol on Sulphur and the Protocol on Nitrogen Oxides and the former Yugoslav Republic of Macedonia has not provided its base year data under the 1985 Protocol on Sulphur, the Protocol on Nitrogen Oxides, the Protocol on Volatile Organic Compounds and the Protocol on POPs.

68. In its Decision 2011/12 the Executive Body urged the Republic of Moldova to provide its missing annual data for 2007 and gridded data for 2005 under the Protocol on POPs and the Protocol on Heavy Metals without delay. The Secretariat informed the Committee that the Republic of Moldova has provided its missing annual data for 2007, but that, as of 5 September 2012, gridded data for 2005 are still missing.

B. Compliance with emission data reporting obligations

69. As requested by the Executive Body in item 1.2 of its workplan for 2012-2013 (ECE/EB.AIR/109/Add.2), the Committee evaluated compliance with the emission data reporting obligations under the seven Protocols in force⁴ on the basis of information provided by the secretariat. The evaluation covered the completeness and timeliness of reporting, but not its quality. The information provided by the secretariat is presented in informal document 3 and covers the data reported up to 5 September. Tables 1-7 included in informal document 3 give an overview of the status of emission data reporting under the seven protocols in force in 2010. The tables include columns for the reporting of annual totals for 2010 and preceding years for which reporting has not been completed and base years. The tables also include columns for the reporting of gridded data where applicable.

70. The Committee took the view that the emission reporting obligations for annual and base year emission data took effect as of the date of entry into force for a certain Party. For 2005 gridded data, the Committee was of the view that if the Protocol entered into force for a Party after 2005, there was no obligation to report gridded data for 2005. Likewise, the obligation to report 2010 gridded data was not applicable for a Party for which the protocol entered into force after 2010.

1. 1985 Sulphur Protocol:⁵ compliance with article 4, concerning reporting of annual emissions

71. Table 1 in informal document 3 gives an overview of emission data reported by the Parties to the 1985 Sulphur Protocol and shows that reporting under the Protocol is not yet complete. Twenty-four of the twenty-five Parties to which the reporting obligation applied have submitted complete emission data for 2010. No data for 2010 were received from Albania. In addition Albania and the former Yugoslav Republic of Macedonia have not reported the base year emission data yet for 1980.

72. The Committee concluded that, as of 5 September 2012, Albania was not in compliance with the emission data reporting obligations under article 4 of the 1985 Protocol on Sulphur. Albania and the former Yugoslav Republic of Macedonia were not in compliance for reporting the base year emission data.

⁴ i.e., the seven protocols with reporting obligations. An eighth protocol to the Convention concerns the long-term financing of EMEP

⁵ 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent.

2. Protocol on Nitrogen Oxides: compliance with article 8, concerning emission data reporting

73. Table 2 in informal document 3 gives an overview of emission data reported by the Parties to the Protocol on Nitrogen Oxides and shows that reporting under the Protocol is not yet complete. Thirty-three of the thirty-four Parties to which the reporting obligation applied have submitted complete emission data for 2010. No data for 2010 were received from Albania. In addition Albania, Croatia and the former Yugoslav Republic of Macedonia have not reported the base year emission data yet for 1987.

74. The Committee concluded that, as of 5 September 2012, Albania was not in compliance with the emission data reporting obligations under article 8 of the Protocol on Nitrogen Oxides. Albania, Croatia and the former Yugoslav Republic of Macedonia were not in compliance for reporting the base year emission data.

3. Protocol on Volatile Organic Compounds: compliance with article 8, paragraph 1, concerning emission data reporting

75. Table 3 in informal document 3 gives an overview of emission data reported by the Parties to the Protocol on VOCs and shows that all twenty-four Parties to the Protocol to which the obligation applied have submitted complete annual emission data for 2010. Belgium, Croatia and the former Yugoslav Republic of Macedonia have not reported the base year emission data yet for 1988.

76. The Committee concluded that, as of 5 September 2012, Belgium, Croatia and the former Yugoslav Republic of Macedonia were not in compliance for reporting the base year emission data under article 8 of the Protocol on Volatile Organic Compounds.

4. 1994 Sulphur Protocol:⁶ compliance with article 5, paragraphs 1 (b) and 2, concerning emission data reporting

77. Table 4 in informal document 3 gives an overview of emission data reported by the Parties to the 1994 Sulphur Protocol (including annual totals, and gridded data for EMEP⁷ Parties for 2000, 2005 and 2010) and shows that reporting under the Protocol is complete with respect to the reporting of annual totals for 2010, but not with respect to the reporting of gridded data.

78. All twenty-eight Parties to which the reporting obligation applied for annual data have submitted emission data for 2010 under the Protocol, but one Party (European Union) has submitted its emission data for 2010 after its legally binding deadline of 30 April 2012.

79. Nineteen of the twenty-six Parties to which the reporting obligation applied for gridded data have submitted gridded data for 2010 by 5 September 2012. Six Parties of these nineteen have submitted their gridded data for 2010 after the legally binding deadline: Austria, Czech Republic, Greece, Ireland, Slovenia and the European Union. No gridded data for 2010 were received from France, Hungary, Italy, Luxembourg, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom. Luxembourg has in addition not submitted its gridded data yet for 2000 and 2005.

80. The Committee noted that one Party outside the geographic scope of EMEP (Canada) had also submitted annual data.

⁶ 1994 Protocol on Further Reduction of Sulphur Emissions.

⁷ EMEP stands for the United Nations Economic Commission for Europe Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe

81. The Committee concluded that thirteen Parties were not in compliance with their emission reporting obligations under the 1994 Protocol on Sulphur by the legally binding deadline. As of 5 September 2012 seven Parties remained in non-compliance with respect to the reporting of gridded data for 2010: France, Hungary, Italy, Luxembourg, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom. Luxembourg also remained in non-compliance for gridded data for 2000 and 2005.

5. Protocol on Persistent Organic Pollutants: compliance with article 9, paragraph 1 (b), concerning emission data reporting

82. Table 5 in informal document 3 gives an overview of the emission data reported by Parties to the Protocol on POPs (including annual totals, and gridded data for EMEP Parties for 2005 and 2010) and shows that reporting under the Protocol is not yet complete with respect to the reporting of annual totals and gridded data.

83. Twenty-three of the thirty Parties to which the reporting obligation for annual data applied have submitted annual emission data for 2010 for all three of the reported POPs by the legally binding deadline (30 April for the European Union; 15 February for all other Parties). Six Parties submitted annual data for 2010 after the legally binding deadline: Iceland, Italy, Liechtenstein, Luxembourg, Republic of Moldova and the European Union. No annual data for 2010 were received from the former Yugoslav Republic of Macedonia. The Czech Republic has not reported its base year emission data yet for HCB (1990) and the former Yugoslav Republic of Macedonia has not reported yet its base year emission for all three POPs.

84. Thirteen of the twenty-seven Parties to which the reporting obligation for gridded data applied have submitted gridded data for 2010 for all three of the reported POPs by the legally binding deadline (30 April for the European Union; 1 March for all other Parties). Five Parties submitted gridded data for 2010 after the legally binding deadline: Austria, Czech Republic, Iceland, Slovenia and the European Union. No gridded data for 2010 were received from France, Hungary, Italy, Latvia, Luxembourg, Republic of Moldova, Romania, Switzerland and the United Kingdom. Luxembourg and the Republic of Moldova have in addition not submitted their gridded data yet for 2005.

85. The Committee noted that one Party outside the geographic scope of EMEP (Canada) had also submitted annual data on all three POPs. The Committee also noted that Spain, which ratified the protocol in 2011, had also submitted gridded data for the three POPs for 2005 and 2010.

86. The Committee concluded that sixteen Parties were not in compliance with their emission reporting obligations under the Protocol on POPs by the legally binding deadline. As of 5 September 2012, the former Yugoslav Republic of Macedonia remained in non-compliance with respect to the reporting of its annual emission data for 2010 and France, Hungary, Italy, Latvia, Luxembourg, Romania, the Republic of Moldova, Switzerland and the United Kingdom remained in non-compliance with respect to the reporting of gridded data for 2010.

87. Two Parties (Luxembourg and the Republic of Moldova) remained in non-compliance for gridded data for 2005. The Czech Republic was not in compliance for reporting the base year emission data for HCB and the former Yugoslav Republic of Macedonia was not in compliance for reporting the base year emission data for all three pollutants.

6. Protocol on Heavy Metals: compliance with article 7, paragraph 1 (b), concerning emission data reporting

88. Table 6 in informal document 3 gives an overview of the emission data reported by Parties to the Protocol on Heavy Metals (including annual totals, and gridded data for EMEP Parties for 2005 and 2010) and shows that reporting under the Protocol is not yet complete with respect to the reporting of annual totals and gridded data.

89. Twenty-four of the twenty-eight Parties to which the reporting obligation for annual data applied have submitted annual emission data for 2010 by the legally binding deadline (30 April for the European Union; 15 February for all other Parties). Three Parties submitted annual data for 2010 after the legally binding deadline: Liechtenstein, Republic of Moldova and the European Union. No annual data for 2010 were received from Luxembourg. In addition Luxembourg has not submitted its annual data yet for 2008 and 2009.

90. Twelve of the twenty-five Parties to which the reporting obligation for gridded data applied have submitted gridded data for 2010 by the legally binding deadline (30 April for the European Union; 1 March for all other Parties). Five Parties submitted gridded data for 2010 after the legally binding deadline: Austria, Czech Republic, Norway, Slovenia and the European Union. No gridded data for 2010 were received from France, Hungary, Latvia, Luxembourg, the Republic of Moldova, Romania, Switzerland and the United Kingdom. Luxembourg and the Republic of Moldova have in addition not submitted their gridded data yet for 2005.

91. The Committee noted that one Party outside the geographic scope of EMEP (Canada) had also submitted annual data for 2010.

92. The Committee concluded that thirteen Parties were not in compliance with their emission reporting obligations under the Protocol on Heavy Metals by the legally binding deadline. As of 5 September 2012, Luxembourg remained in non-compliance with respect to the reporting of its annual emission data for 2010 and following Parties remained in non-compliance with respect to the reporting of gridded data for 2010: France, Hungary, Latvia, Luxembourg, the Republic of Moldova, Romania, Switzerland and the United Kingdom.

93. Luxembourg remained in non-compliance for annual data for 2008 and 2009. Luxembourg and the Republic of Moldova remained in non-compliance for gridded data for 2005.

7. Gothenburg Protocol:⁸ compliance with article 7, paragraph 1 (b), concerning emission data reporting on sulphur, nitrogen oxides, ammonia and volatile organic compounds

94. Table 7 in informal document 3 gives an overview of the emission data reported by Parties to the Gothenburg Protocol (including annual totals, and gridded data for EMEP Parties for 2005 and 2010) and shows that reporting under the Protocol is complete with respect to the reporting of annual totals for 2010, but not with respect to the reporting of gridded data.

95. Twenty-three of the twenty-four Parties to which the reporting obligation for annual data applied have submitted annual emission data for 2010 by the legally binding deadline (30 April for the European Union; 15 February for all other Parties). One Party (European Union) submitted annual data for 2010 after the legally binding deadline.

⁸ 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone.

96. Thirteen of the twenty-four Parties to which the reporting obligation for gridded data applied have submitted gridded data for 2010 by the legally binding deadline (30 April for the European Union; 1 March for all other Parties). Four Parties submitted gridded data for 2010 after the legally binding deadline: Czech Republic, Portugal, Slovenia and the European Union. No gridded data for 2010 were received from France, Hungary, Latvia, Luxembourg, Romania, Switzerland and the United Kingdom. Luxembourg has in addition not submitted its gridded data yet for 2005.

97. The Committee noted that one Party outside the geographic scope of EMEP (the United States) had also submitted annual data for 2010.

98. The Committee concluded that eleven Parties were not in compliance with their emission reporting obligations under the Gothenburg Protocol by the legally binding deadline. As of 5 September 2012, France, Hungary, Latvia, Luxembourg, Romania, Switzerland and the United Kingdom remained in non-compliance with respect to the reporting of gridded data for 2010.

99. Luxembourg remained in non-compliance for gridded data for 2005.

8. Conclusions

100. Fourteen Parties have not yet fully complied with their emission reporting obligations through the 2012 reporting round: Albania, Belgium, Croatia, Czech Republic, France, Hungary, Italy, Latvia, Luxembourg, the former Yugoslav Republic of Macedonia, the Republic of Moldova, Romania, Switzerland and United Kingdom.

C. Compliance with obligations to report on strategies and policies for air pollution abatement

101. The Committee's workplan for 2012-2013, as approved by the Executive Body, calls on the Committee to evaluate the reporting by Parties on their strategies and policies, as required under the Protocols in force. The Executive Body, however, did not approve a new questionnaire for distribution in 2012. No Party provided the information required under the Protocols outside the framework of the questionnaire. Therefore, the Committee focused on follow up to decisions 2011/9 and 2011/10, which address compliance by Parties to the 2010 questionnaire on strategies and policies. Those decisions identified five Parties that did not fully comply with their obligations to report on strategies and policies: France, Latvia, Luxembourg, the Russian Federation, and the European Union.

102. Since the Executive Body issued these decisions, one Party (France) has replied to the 2010 questionnaire. France has replied to all questions to the Protocols to which it is a Party, except for question 61 related to the Gothenburg Protocol. The status of the other four Parties is unchanged. The Secretariat has prepared an updated table - Table 8 in informal document 3 - giving an overview of the reporting on strategies and policies up to 31 July 2012 by all the Parties to the Protocols that are in force.

103. The Committee concluded that, as of 31 July 2012, five Parties remain in non-compliance with their reporting obligations under the seven Protocols. Latvia, Luxembourg, and the European Union had not replied to the questionnaire 2010 and therefore were not in compliance with in respect of all of the Protocols to which they are a Party. France had not replied to question 61, and was therefore in non-compliance with its reporting obligation under the Gothenburg Protocol. The Russian Federation had not replied to question 4, and was therefore in non-compliance with its reporting obligation under the Protocol on NO_x. The Committee further noted that Latvia and Luxembourg had also not replied to prior questionnaires and were in non-compliance for six and eight years respectively.

104. The Committee further noted, however, that its ability to review compliance by the Parties with their reporting obligations on strategies and policies was severely limited by lack of access to the Parties' reports. The electronic database in which the Parties' reports were formerly housed has been inaccessible to the Committee for over a year. At the time of the Committee's twenty-ninth session, the secretariat reported that the data still exist, that the access issues were being addressed, and that access should be restored soon.

D. Recommendations to the Executive Body

105. In view of the fact that certain Parties have not complied with their reporting obligations, the Committee recommends that the Executive Body adopt the draft decisions as contained in document ECE/EB.AIR/2012/4.

106. To address the issue of reporting on strategies and policies in the future, the Committee recommends the Executive Body update the questionnaire on strategies and policies with a view to its adoption at its thirty-second session in 2013. The Committee also recommends that the Executive Body follow up if the access issues have not been resolved by the time of its thirty-first session.

IV. Review of reporting under the Protocol on Persistent Organic Pollutants

107. In its decision 2011/13 the Executive Body requested the Implementation Committee to continue to review the reporting of emission of persistent organic pollutants.

108. The Committee welcomed the information received from EMEP and its subsidiary technical bodies on this matter and noted that several activities under the EMEP umbrella - organized, started or continued this year - are addressing the POP reporting issue, inter alia:

(a) the launch of a substantial update of the EMEP/EEA Guidebook, including packages addressing POPs;

(b) in depth reviews of inventories as part of the centralized stage 3 reviews, although these reviews partially lack focus on POP substances;

(c) the organization of a POPs workshop by the Task Force on Emission Inventories and Projections (TFEIP) in May of this year, leading to the set-up of several initiatives, including a POP information network and improved sharing of methodologies.

109. The Committee also welcomed the fact that many Parties provided information on POP inventories to the TFEIP in response to the request of paragraph 3 of decision 2011/13.

110. In its considerations of above activities and information received from the Parties, EMEP, TFEIP and the Centre on Emission Inventories and Projections (CEIP), the Committee decided to recommend that the Executive Body:

(a) request that all Parties to the POPs Protocol and EMEP continue to raise the priority on POP reporting in line with the requests and instructions of the Executive Body decision 2011/13;

(b) request that the stage 3 in-depth reviews give more priority to POP inventories;

(c) invite all Parties in line with request above to support EMEP's in-depth reviews and to nominate POP review experts.

V. Improving the compliance mechanism

Background

111. Paragraph 16 of the Long Term Strategy for the Convention and its Protocols⁹ sets out the strategic priorities and goals for the Convention and its Protocols. Paragraph 16(b) refers to the issue of compliance and the work of the Implementation Committee, and commits to give the work of the Implementation Committee a “very high priority” and to improve the compliance mechanism set out in decision 2006/2.

112. Decision 2011/14 sets out the Action Plan for the Implementation of the Long Term Strategy. The Implementation Committee has, under the Action Plan, been assigned the task to “identify and evaluate systemic and other barriers to achieving compliance and identify options for improvements” and to report thereon, for approval by the Executive Body.

113. The Implementation Committee held a first discussion on this issue at its twenty-ninth meeting in April 2012 and continued its discussions at its thirtieth meeting in September 2012.

Systemic and other barriers to achieving compliance

114. The Committee identified a difference between ‘barriers’ to achieving compliance – which it determined to be largely outwith the control of a Party and potentially affecting more than one Party – and ‘reasons’ for non-compliance – which it determined to be within the control of a Party. A case of non-compliance could be caused either by a barrier to compliance, or there could be a specific reason for the non-compliance. In addition, a case could include elements that are both within and outwith a Party’s control. The Committee noted, however, that systemic barriers to achieving compliance do not exempt Parties from their obligations under the Convention and its Protocols.

115. The following were identified by the Committee as ‘systemic barriers’ to achieving compliance (i.e. issues that could affect more than one Party and could be outwith the control of a single Party):

- (a) inaccurate obligations in the Protocols / obligations for which there are no measures that can be taken or no cost-effective measures that can be taken;
- (b) linkage of obligations to old base years that can no longer be calculated;
- (c) insufficiency of the reporting guidance; and
- (d) outdated / obsolete emissions factors where there is no or insufficient information to improve estimates or make them more reliable.

116. The Committee noted that where ‘reasons’ for non-compliance are asserted that are within the control of a Party, these should be dealt with by the Implementation Committee. Where, however, a systemic barrier to achieving compliance is identified as the sole or main cause of possible non-compliance, the Committee should refer it to the Executive Body for resolution along with any recommendations it deems appropriate.

117. The Committee will commence an evaluation of the identified systemic barriers at its thirty-first and thirty-second meetings in 2013 and report thereon to the Executive Body, in accordance with decision 2011/14.

⁹ ECE/EB.AIR/106/Add.1

Improving the functioning of the Implementation Committee

118. A number of possible options for improving the functioning of the Implementation Committee were identified by the Committee, namely:

- (a) improving communications with other bodies under the Convention to ensure that the Implementation Committee receives expert advice where needed without necessarily having to first refer matters to the Executive Body;
- (b) increasing the understanding of other bodies under the Convention of the importance of compliance / implementation (as identified by the Long-term Strategy (ECE/EB.AIR/106/Add.1) and Action Plan for the implementation of the long-term strategy of the Convention) and ensuring other bodies are aware of the role they play in terms of compliance / implementation;
- (c) working with other bodies under the Convention to ensure that targeted capacity building activities are provided where these have been identified by the Implementation Committee as being necessary;
- (d) addressing the issue of inadequate and incomplete reporting by improving the strategies and policies reporting format and the awareness of Parties regarding what is required in terms of responses;
- (e) making Party reports available to the Committee;
- (f) improving the mechanisms by which a potential case of non-compliance could be brought to the attention of the Committee; and
- (g) ensuring sufficient secretariat support so that referrals are made, cases are followed up and there is sufficient preparation of documents for Implementation Committee meetings, in accordance with the emphasis placed on implementation and compliance in the long term strategy.

119. A number of other improvements to decision 2006/2 were discussed by the Committee, including the expertise of committee members, geographical representation, consistency with the rules of procedure¹⁰, the role of the secretariat and clarification that referrals can concern any of a Party's obligations under a Protocol and are not limited to emission reduction commitments and reporting obligations.

120. It was also suggested that, consistent with the priorities expressed in the Long Term Strategy and the decision of the Executive Body to include within the revised Gothenburg Protocol a provision on termination of the earlier Protocols, that members of the Committee should be a Party to at least one of the POPs Protocol, the Heavy Metals Protocol or the Gothenburg Protocol. The basis for this suggestion was threefold:

- (a) when the provision was introduced into the structure and functions of the Implementation Committee that required members of the Committee to be a Party to at least one Protocol, there were fewer Protocols than is now the case and no decision had been taken on prioritisation of those Protocols;

¹⁰ amendment to paragraph 1 extending the term of office of the Chair, consistent with Rule 17 of the Rules of Procedure; new paragraph 2bis setting out functions of the Secretariat, consistent with Rules 4, 5, 7, 10 and 23 of the Rules of Procedure; amendment to paragraph 10 to provide that matters must be referred to the Executive Body if there are more than 5 (rather than 6) Committee Members that are non-Parties to the Protocol under consideration, consistent with Rule 29 of the Rules of Procedure.

(b) the majority of new cases brought before the Committee are likely to come from these three Protocols and there is already a rule in decision 2006/2 providing that only Parties to a Protocol may consider issues of compliance with that Protocol; and

(c) Parties to a Protocol will be more familiar with its requirements and thus have the expertise needed to review cases of non-compliance with that Protocol.

121. Possible amendments to decision 2006/2 to cover all of these issues are set out in the Annex to the draft decision on improving the functioning of the Implementation Committee, as contained in document ECE/EB.AIR/2012/4. The Committee recommends the Executive Body to adopt this draft decision.

122. The Committee also discussed the question of the participation of Committee members from Parties in non-compliance in the discussions and considerations of such Parties' cases and determined that paragraph 8 of decision 2006/2 is sufficient to enable the Committee to deal with this matter when it arises without the need for amendment to that paragraph.

VI. Further work

123. The Implementation Committee will continue in 2013 to undertake the tasks identified for it in the workplan 2012-2013, as adopted by the Executive Body (see document ECE/EB.AIR/109/Add.2). In addition the Implementation Committee will continue its work on action 2 of the Action Plan for the implementation of the long-term strategy of the Convention.
