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Economic Commission for Europe

Executive Body for the Convention on Long-range
Transboundary Air Pollution

**Steering Body to the Cooperative Programme for
Monitoring and Evaluation of the Long-range
Transmission of Air Pollutants in Europe**

Working Group on Effects

Tenth joint session

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Item 5 (a) of the provisional agenda

**Progress in activities of the Cooperative Programme for Monitoring and Evaluation of the Long-range
Transmission of Air Pollutants in Europe in 2024 and future work: Improvement and reporting of emission data
and adjustments under the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone**

Improving the efficiency of case referrals

Note by the Executive Body Bureau

Summary

The present note contains additional proposals for changes to the work of the Implementation Committee. It focusses on suggestions to further improve the efficiency of case referrals by 1) suggesting to alternate the review of the Protocols mentioned in the draft mandate, and 2) suggesting a different role for CEIP in the review process. These suggestions might require further changes to the draft mandate for the Implementation Committee as proposed in December 2023.

I. Introduction

1. The present note contains additional proposals for changes to the work of the Implementation Committee. The present note is to be presented in an informal document for the sessions of the EMEP Steering Body and the Executive Body in 2024. It focusses on suggestions to further improve the efficiency of case referrals by 1) suggesting to alternate the review of the Protocols mentioned in the draft mandate, and 2) suggesting a different role for CEIP in the review process. These suggestions might require further changes to the draft mandate for the Implementation Committee as proposed in December 2023.

2. It further takes note of the Convention's long-term strategy which states, among other things, that “The Implementation Committee should maintain its approach to compliance review with a focus on long-standing cases of non-compliance and should continue to support countries’ efforts to meet their emission reduction and reporting obligations.” Parties are encouraged to provide voluntary contributions to help with this work.

II. Rotational review of Protocols

3. The draft mandate for the Implementation Committee contains the proposal that the compliance review is conducted in accordance with the biannual workplan of the Convention. This gives Parties room to further focus the compliance review by means of the workplans. The Executive Body could decide to focus on the Gothenburg Protocol, as amended for the period of 2026-2027 and a different Protocol for the next time period, e.g., Heavy Metals for 2028-2029. Ways to implement the changes for 2025 should also be discussed.

(If the Parties decided to not exclude the NO_x and/or the first SO_x Protocols from the review (as currently suggested in the draft mandate, as both Protocols do not require a compliance review), those two Protocols would have to be added to the text of the draft mandate again.)

- **Focus** on the Gothenburg Protocol as amended for 2025-2027 for compliance cases; parties?

III. Role of CEIP

4. The main aim for this note is listing criteria for CEIP’s review of emission data reported by the Parties to the Convention, which supports the work of the Implementation Committee and the secretariat on case referrals to the Committee to improve the overall efficiency of case referrals. Note that in parallel, to clarify legal issues in case those arise, the Parties will be requested to provide a contact point [within the secretariat] [within the Implementation Committee].

A. Premises

5. Support the emission inventory reviews by sector for improvement of emission inventories across the UNECE region; and

6. Hold Parties accountable for their commitments as the overall goal is to bring Parties into compliance and to be transparent.

B. Items for consideration

7. **Restructure** the approach on case referrals by :

(a) Setting a **de minimis range** of within 2% for case referrals, meaning that CEIP still reports to the Implementation Committee and the secretariat on all non-compliance cases, but only cases above the de minimis range are further investigated;

(As this concerns the scope of review by the Committee, it should be added to the draft mandate.)

(b) For the new cases of non-compliance, asking CEIP to contact Parties allegedly in non-compliance first and clarify with the Parties, whether there has been a technical error or there is another explanation for non-compliance, and only after this clarification has been provided, have the secretariat or the Implementation Committee refer the case to the Committee:

- This would require a template for CEIP to use for contacting Parties; and
- This would be under the condition that CEIP – as a scientific body – would not decide on the compliance of Parties, but only clarify any technical issues that might have led to alleged non-compliance. *(This could be part of the 2026-2027 workplan.)*

(c) Using CEIPs annual reporting to the EMEP SB and the EMEP SB's annual reporting to the EB to introduce the option of delaying case referrals for Parties allegedly in non-compliance within a predefined timeline and under specific conditions:

- If a Party's data submitted for the current reporting year point to non-compliance, CEIP first assesses whether this alleged non-compliance is an exception or the trend derived from the Party's data points to a likelihood of continued non-compliance in the future;
- In the latter case, the case is immediately referred to the Implementation Committee as long as the trend is above the de minimis level;
- If the alleged non-compliance is likely to be an exception (typically if it occurs only for the current reporting year), the Party's case is not yet referred to the Committee but the case is assessed again in the next year;
- Only if the case is not resolved at that point in time, it is referred to the Implementation Committee. *(As this also affects the scope of review by the Committee, it should also be part of the draft mandate.)*
- Example:

<i>Year</i>	<i>Proposed Steps</i>
Year 1	1. CEIP identifies alleged non-compliance above the de minimis range 2. CEIP assesses this against the trend a. If trend points to probability of continued non-compliance: CEIP informs the secretariat; secretariat refers the case immediately to the IC b. If trend points to an exception, the referral is delayed by year (>> see year 2)
Year 2	CEIP analyses whether the Party is back in compliance a. If yes, no referral b. If not, CEIP informs the secretariat; secretariat refers the case to the IC (>> see year 3)
Year 3	IC reviews the delayed case