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**ECONOMIC COMMISSION FOR EUROPE**

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

**REPORT OF THE EXECUTIVE BODY ON ITS TWENTY-SIXTH  
SESSION HELD IN GENEVA FROM 15 TO 18 DECEMBER 2008**

**Part One : Proceedings**

CONTENTS<sup>1</sup>

	<i>Paragraphs</i>	<i>Page</i>
Introduction ..	1 – 7	4
I. Adoption of the agenda.....	8 – 9	5
II. Adoption of the report of Executive Body on its twenty-fifth session.....	10 – 13	5
III. Accreditation of non-governmental organizations.....	14 – 15	5
IV. Matters arising from meetings of the Economic Commission for Europe and other related meetings. ....	16 – 17	6
V. Progress in core activities .....	18 – 23	6
A. Cooperative Programme for Monitoring and Evaluation the Long-range Transmission of Air Pollutants in Europe .....	18 – 20	6
B. Effects of major air pollutants on human health and the environment.....	21 – 23	8

<sup>1</sup> Chapters I–XIX of this document correspond to agenda items 1–19 of the provisional agenda (ECE/EB.AIR/95).  
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**CONTENTS** (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
VI. Review and revision of protocols and other strategy activities .....	24 – 49	10
A. Persistent organic pollutants .....	25 – 31	10
B. Heavy metals.....	32 – 38	12
C. 1999 Gothenburg Protocol.....	39	14
D. Exchange of information, communication and the Action Plan for Eastern Europe, Caucasus and Central Asia .....	40 – 47	14
E. Ad hoc group of legal experts .....	48 – 49	16
VII. Revision of the Protocol on Persistent Organic Pollutants .....	50 – 55	17
VIII. Negotiations on further obligations to reduce emissions following review of the 1999 Gothenburg Protocol .....	56 – 58	18
IX. Compliance with protocol obligations .....	59 – 77	20
X. Strategies and policies of Parties and Signatories to the Convention for the abatement of air pollution.....	78 – 80	24
XI. Guidelines for estimating and reporting emissions.....	81 – 83	25
XII. A long-term strategy for the Convention .....	84 – 86	26
XIII. Air pollution and climate change: developing a framework for integrated co-benefits strategies .....	87 – 91	27
XIV. Activities of bodies under the Economic Commission for Europe and international organizations relevant to the Convention .....	92 – 99	28
XV. 2009 workplan for the implementation of the Convention .....	100 – 101	30
XVI. Financial requirements for implementation of the Convention.....	102 – 113	30
XVII. Other business.....	114	33
XVIII. Election of officers.....	115 – 117	33
XIX. Adoption of decisions taken at the twenty-sixth session .....	118	34

**Part Two: Decisions adopted by the Executive Body**

*For practical reasons, part two of the present report is issued in a separate addendum (ECE/EB.AIR/96/Add.1).*

## Decision

- 2008/1 Reporting of the monitoring and modelling of air pollution effects under the Convention and its protocols
- 2008/2 Compliance by Norway with its obligations under the 1991 Protocol Concerning the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes (ref. 1/01)
- 2008/3 Compliance by Greece with its obligations under the 1988 Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (ref. 2/02)
- 2008/4 Compliance by Spain with its obligations under the 1988 Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (ref. 4/02)
- 2008/5 Compliance by Spain with its obligations under the 1991 Protocol Concerning the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes (ref. 6/02)
- 2008/6 Compliance by Denmark with its obligations under the 1998 Protocol on Persistent Organic Pollutants (ref. 1/06)
- 2008/7 Compliance by Cyprus with its obligations under the 1988 Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (ref. 1/08)
- 2008/8 Compliance by Liechtenstein with its obligations to report on emissions
- 2008/9 Compliance by Luxembourg with its obligations to report on emissions
- 2008/10 Compliance by Greece and Romania with their obligations to report on emissions
- 2008/11 Compliance by certain Parties with their obligations to report on emissions
- 2008/12 Compliance by Liechtenstein and Luxembourg with their obligations to report on strategies and policies
- 2008/13 Compliance by Greece, Latvia and the European Community with their obligations to report on strategies and policies
- 2008/14 Compliance by Estonia, France, Italy and Monaco with their obligations to report on strategies and policies
- 2008/15 Compliance by the Republic of Moldova and the Russian Federation with their obligations to report on strategies and policies
- 2008/16 Emission data reporting under the Convention and its protocols

**Part Three: 2008 workplan for the implementation of the Convention**

*For practical reasons, part three of the present report is issued in a separate addendum (ECE/EB.AIR/96/Add.2).*

## INTRODUCTION

1. The twenty-sixth session of the Executive Body for the Convention on Long-range Transboundary Air Pollution was held from 15 to 18 December 2008 in Geneva. It was attended by representatives of the following Parties to the Convention: Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Monaco, Kazakhstan, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and the European Community.
2. The following States not party to the Convention were represented: Ghana, Israel and Japan.
3. A representative from the United Nations Environment Programme (UNEP) Regional Office for Asia and the Pacific attended, as did representatives from the World Meteorological Organization (WMO) and the World Federation of United Nations Associations.
4. The Arctic Monitoring and Assessment Programme (AMAP) and the Stockholm Environment Institute (SEI) were represented. The Meteorological Synthesizing Centre-East (MSC-East), the Centre for Integrated Assessment Modelling (CIAM) and the Centre on Emission Inventories and Projections of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) were also represented.
5. Representatives of the following non-governmental organizations (NGOs) attended: the Bromine Science and Environmental Forum (BSEF), the European Association of Internal Combustion Engine Manufacturers (EUROMOT), the European Environmental Bureau (EEB), the Georgian Association of Refrigerating, Cryogenic and Air-Conditioning Engineers (GARCAE), the Global Atmospheric Pollution Forum, the Union of the Electricity Industry (EURELECTRIC) and the World Chlorine Council (WCC).
6. Mr. M. Williams (United Kingdom) chaired the meeting.
7. Mr. M. Keiner, Director, Environment, Housing and Land Management Division, United Nations Economic Commission for Europe (UNECE), noted the challenges facing the Convention, including the review and revision of its protocols, the implementation of capacity-building for countries with economies in transition and the importance of outreach to other regions. He also noted the continued expansion of activities and the need to ensure that the

UNECE secretariat could provide the required support.

### **I. ADOPTION OF THE AGENDA**

8. The Chair introduced the provisional agenda (ECE/EB.AIR/95).
9. The agenda was adopted on the understanding that newly proposed substances for the 1998 Protocol on Persistent Organic Pollutants (POPs) would be discussed under agenda item 6.

### **II. ADOPTION OF THE REPORT OF THE EXECUTIVE BODY ON ITS TWENTY-FIFTH SESSION**

10. The Chair noted that, in keeping with current agreed procedures, the Executive Body adopts only its decisions taken at the end of its session. Therefore, the Executive Body still needed to adopt the complete report of its twenty-fifth session.
11. The secretariat noted a number of amendments to the report:
  - (a) Paragraph 1 should refer to the twenty-fifth session of the Executive Body held from 10 to 13 December 2007;
  - (b) Paragraph 16 should refer to decision 2006/11;
  - (c) In paragraph 36 (e), documents ECE/EB.AIR/WG.5/2004/1 and ECE/EB.AIR/WG.5/2005/1 should read documents EB.AIR/WG.5/2004/1 and EB.AIR/WG.5/2005/1.
12. The secretariat noted that, in accordance with the mandate of the Bureau of the Executive Body (ECE/EB.AIR/91/Add.1, annex I), the workplan of the Executive Body had been amended by the Bureau in 2008. This was recorded in the document on activities of the Bureau (ECE/EB.AIR/2008/5) prepared by the secretariat.
13. The Executive Body adopted the report of its twenty-fifth session (ECE/EB.AIR/91) as amended.

### **III. ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS**

14. The secretariat informed the Executive Body that the International Union of Air Pollution Prevention and Environmental Protection Associations (IUAPPA) had applied for accreditation. The Bureau had discussed the application in the light of the information available and had agreed to recommend acceptance.

15. The Executive Body decided that IUAPPA should be accredited to attend meetings of the Executive Body and its subsidiary bodies. It also decided that its decision 2006/11 should no longer be provisional.

#### **IV. MATTERS ARISING FROM MEETINGS OF THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE AND OTHER RELATED MEETINGS**

16. The secretariat noted that the Economic Commission for Europe had not held a session in 2008. It also noted that the fifteenth session and a special session of the Committee on Environmental Policy (ECE/CEP/148 and ECE/CEP/150) had been held in April and October 2008, respectively. The Committee was reviewing the “Environment for Europe” process and would hold another special session in January 2009 to enable submission of proposals to the sixty-third session of the Commission at the end of March 2009.

17. The Executive Body took note of the information presented.

#### **V. PROGRESS IN CORE ACTIVITIES**

##### **A. Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe**

18. Mr. S. Vidič (Croatia), Chair of the EMEP Steering Body, reported on EMEP activities, including the results of the Steering Body’s thirty-second session in September 2008, noting the items reported at that session (ECE/EB.AIR/GE.1/2008/2). She noted the ongoing work to revise the EMEP strategy for 2010–2019 and welcomed the work of the new Centre for Emission Inventories and Projections (CEIP). She reported on voluntary stage 3 in-depth reviews of the emission inventories of four Parties (France, Norway, Portugal and Sweden) that had taken place in October 2008, as well as plans for compulsory reviews starting in 2009. She stressed the need to avoid delays in the publication of the reports of stage 3 emission inventory reviews on the CEIP website, and proposed their publication prior to presentation to the Steering Body. She also stressed the importance of Parties nominating committed and independent experts for the roster of review experts and financially supporting the participation of experts from Eastern Europe, the Caucasus and Central Asia (EECCA) in this work.

19. The delegation of the Russian Federation stressed the importance of EECCA countries being Party to the EMEP Protocol<sup>2</sup>. The Chair of the EMEP Steering Body recommended that those countries which had not yet done so begin taking the necessary steps, starting by

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<sup>2</sup> 1984 Geneva Protocol on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe.

implementing the EMEP monitoring strategy, in consultation with the Chemical Coordinating Centre (CCC), and submit emission data to gain feedback from CEIP. These countries should also attend meetings and workshops on the work of EMEP.

20. The Executive Body:

(a) Thanked the outgoing Chair of the EMEP Steering Body, Mr. J. Schneider (Austria), for his valuable contribution to the work of EMEP, and welcomed the election of Ms. Vidič as the new Chair;

(b) Took note of the report of the thirty-second session of the EMEP Steering Body (ECE/EB.AIR/GE.1/2008/2);

(c) Took note of the contributions of the EMEP centres and task forces to the review of the Gothenburg Protocol<sup>3</sup>;

(d) Noted the progress made with respect to the modelling and monitoring of heavy metals, POPs and particulate matter (PM);

(e) Took note of the progress made with respect to integrated assessment modelling, and requested all Parties in the EMEP domain to provide updated projections energy and activity projections compatible with climate change policies by 31 May 2009;

(f) Thanked the outgoing Chair of the Task Force on Emission Inventories and Projections, Ms. K. Rypdal (Norway), for her dedicated work, and Norway for having acted as a lead country for the Task Force; and approved the offer of the United Kingdom to take on the lead-country responsibilities as well as its nomination of Mr. C. Dore as the new Chair;

(g) Welcomed the efficient transfer of responsibilities for emission work from MSC-West to the new EMEP Centre on Emission Inventories and Projections hosted by Umweltbundesamt Vienna, as well as the work of CEIP in collecting and reviewing emissions and projections submitted during the 2008 reporting round;

(h) Welcomed the stage 3 in-depth reviews of emission inventories to improve the quality of emission data reporting, and invited Parties to nominate experts for the roster of review experts as well as to provide financial support to enable participation of experts from EECCA in the reviews;

(i) Decided that reports of stage 3 reviews of emission inventories of individual Parties should be published on the CEIP website immediately after they were finalized in consultation with the experts of the reviewed Party;

(j) Noted the request of the EMEP Steering Body and its Bureau made to the secretariat inviting the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) to provide the necessary data to CEIP to improve stage 2 emission inventory review results and help fill current data gaps and insufficiencies in the UNECE region;

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<sup>3</sup> 1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone.

(k) Invited the EMEP Steering Body and the Working Group on Effects to continue their close cooperation in implementing the priority tasks of the Convention;

(l) Welcomed the continued and useful cooperation of EMEP with other international organizations;

(m) Took note with satisfaction of the work accomplished by CIAM that was partially funded by the trust fund for core activities not covered by the EMEP Protocol, agreed on keeping the total budget of CIAM for 2009 at US\$395,000, and on keeping the provisional budgets for 2010 and 2011 at the same level, and called upon Parties to make every effort to provide the necessary funding for work on integrated assessment modelling to be conducted as foreseen in the workplan;

(n) Invited the EMEP centres to support the upcoming negotiation of the revised Gothenburg Protocol with in-depth information about PM size-specific emission inventories, source categories, dispersion modelling and source-receptor relationships;

(o) Noted the efforts being made by the Steering Body to develop monitoring and emission reporting in EECCA countries and in South-Eastern Europe (SEE), but recognized that there were still problems to be addressed and more work to be done to promote EMEP activities in some Parties to the Convention.

## **B. Effects of major pollutants on human health and the environment**

21. Mr. T. Johannessen (Norway), Chair of the Working Group on Effects, reported on effects-oriented activities, including the results of the Working Group's twenty-seventh session (Geneva, 24–26 September 2008; ECE/EB.AIR/WG.1/2008/2). He reported on the recent overall assessment of air pollution effects in the consolidated report (ECE/EB.AIR/2008/14). He also presented a tentative indicator relating nitrogen deposition to biodiversity loss that had been developed by the Coordination Centre for Effects (CCE), and emphasized that the Working Group had amended its draft workplan in response to requests made by the Executive Body and the Working Group on Strategies and Review.

22. Delegations of the Netherlands and Switzerland welcomed the progress made in providing up-to-date, relevant information on effects through the consolidated report. They also noted that the proposed guidelines for reporting effects would support the further development of indicators.

23. The Executive Body:

(a) Took note of the report of the twenty-seventh session of the Working Group on Effects (ECE/EB.AIR/WG.1/2008/2);



(b) Noted the further progress in developing the effects-oriented activities and the important results achieved by the International Cooperative Programmes (ICPs) and the Task Force on Health<sup>4</sup>) in implementing the Convention (ECE/EB.AIR/WG.1/2008/3), and welcomed the concerted action using workplan items common to all programmes, in particular their reporting in the consolidated report on air pollution effects (ECE/EB.AIR/WG.1/2008/15);

(c) Took note of recent developments and findings from effects-oriented research that indicated that implementation of existing legislation would not attain the ambition levels set out in article 2 of the Gothenburg Protocol, which were based on annexes that were not up to date scientifically. In particular, the legislation would not provide for a significant reduction in effects of ozone on health and vegetation, and policies aiming only at health effects would not protect vegetation in large areas of Europe;

(d) Decided that the latest scientific knowledge and data should be used, and in particular that ozone effects on vegetation should be incorporated in integrated assessment modelling, especially in work for the revision of the Gothenburg Protocol, and recommended that flux-based methods be used;

(e) Confirmed that the new 2008 European critical and target load data and maps compiled by CCE (ECE/EB.AIR/WG.1/2008/11) might be used for work under the Convention, in particular in the revision of the Gothenburg Protocol;

(f) Noted with satisfaction the continued progress achieved in the application of dynamic modelling (ECE/EB.AIR/WG.1/2008/13) and the need for guidance for the development of better ways to display policy-relevant, meaningful, time-dependent information, of particular guidance to CCE and CIAM with respect to setting the necessary goals for analyses with dynamic modelling;

(g) Welcomed the increasing links with integrated assessment modelling activities and encouraged communications with the Task Force on Reactive Nitrogen;

(h) Adopted the draft Guidelines for reporting on the monitoring and modelling of air pollution effects (ECE/EB.AIR/WG.1/2008/16) in accordance with decision 2008/1 (see ECE/EB.AIR/95/Add.1);

(i) Took note of the progress made in developing policy-relevant effects indicators, and encouraged continuation of the work taking into account the guidelines on reporting effects;

(j) Welcomed the progress achieved in outreach activities and cooperation between the bodies under the Convention, and in particular invited the Working Group on Effects and the EMEP Steering Body to continue their close cooperation in implementing the priority tasks of the Convention;

(k) Reiterated the importance of active participation by all Parties to the Convention, as well as of effective cooperation among the programmes, task forces and coordinating centres and their close collaboration with the Steering Body to EMEP, and welcomed the further development of close links with relevant institutions and organizations outside the Convention;

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<sup>4</sup> Joint Task Force on Health Aspects of Long-range Transboundary Air Pollution.

- (l) Reiterated its invitation to Parties to nominate national focal centres for those effects-oriented activities/programmes in which they did not yet actively participate;
- (m) Noted the importance of continuing communication of the results and findings of effects-oriented activities to the scientific community, policymakers and the general public, both nationally and internationally;
- (n) Took note of the long-term strategy up to 2015 of ICP Forests<sup>5</sup>, reconfirmed that the Working Group had an existing long-term strategy for the period 2005–2015 (EB.AIR/WG.1/2005/15/Rev.1), and welcomed preparations to amend this;
- (o) Decided on the following additional standing mandates for the documents for sessions of the Working Group on Effects:
  - (i) Technical documents from recent research results of its bodies as identified in the workplan;
  - (ii) Reports from workshops relevant for effects-oriented activities as identified in the workplan or as requested by the Executive Body or its main subsidiary bodies;
  - (iii) Reports of specific topics as identified in the workplan;
  - (iv) Documents related to the mandate or operation of the Working Group to be prepared by the Bureau;
  - (v) Documents to support the Executive Body's review or revision of the Convention or its protocols;
- (p) Took note with satisfaction the work accomplished by ICPs and the Task Force on Health and partially funded by the trust fund (ECE/EB.AIR/WG.1/2008/5).

## **VI. REVIEW AND REVISION OF PROTOCOLS AND OTHER STRATEGY ACTIVITIES**

24. The Chair of the Working Group on Strategies and Review, Mr. R. Ballaman (Switzerland), reported on activities of the Working Group at its forty-first and forty-second sessions (ECE/EB.AIR/WG.5/90 and Corr.1 and ECE/EB.AIR/WG.5/92, respectively), noting that some issues were to be discussed under other agenda items.

### **A. Persistent organic pollutants**

25. As decided by the Executive Body, under this agenda item the session discussed new proposals, submitted in accordance with article 14 to the Protocol on POPs, for adding substances to annexes to the Protocol.

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<sup>5</sup> International Cooperative Programme on Assessment and Monitoring of Air Pollution Effects on Forests.

26. The secretariat reported on proposals for adding substances received from the European Commission, on behalf of the European Community and the European Union (EU) Member States that were Parties to the Protocol (endosulfan, dicofol, pentachlorophenol and trifluralin) and from Norway (hexabromocyclododecane (HBCDD)). In line with article 14, paragraph 2, the secretariat had circulated both proposals at least 90 days in advance of the session.

27. In accordance with the Executive Body decision 1998/2, it is required for the Parties to the Protocol, at a meeting of the Executive Body, to consider the submissions and agree that the risk profiles were deemed acceptable prior to initiating technical review of the proposals. In this light, and in accordance with the proposal by the Working Group on Strategies and Review at its thirty-sixth session (EB.AIR/WG.5/78, para. 32 (j)), the secretariat reported that the submitted dossiers contained material relevant to each element in decision 1998/2, paragraph 1 (a)–(d), and therefore could be deemed acceptable.

28. In the ensuing discussions, the delegation of Canada noted its reservations about the adequacy of the information in the dossiers submitted by the EU on trifluralin and dicofol. It believed that each Party should conduct its own review of the information and that the Executive Body should give them consideration. The Chair pointed out that this was not in line with previous decisions taken by the Executive Body on how substances should be deemed acceptable for review. Canada withdrew its reservations so as to enable the technical review to proceed, but announced that it would submit comments to the secretariat on the dossiers' deficiencies. The delegation of the United States expressed its concerns about the lack of information in the pentachlorophenol dossier, including on alternative uses available, but did not oppose the technical review.

29. The HBCDD industry representative considered the nomination of HBCDD as unjustified. The Russian Federation supported this view and reserved its opinion. The Chair stressed it was for the technical review to consider the adequacy of the information submitted.

30. WCC proposed examining possibilities to increase synergies and coordination between work under the Stockholm Convention on POPs and the Protocol on POPs. The Executive Body welcomed any suggestions for future action to enhance cooperation and avoid duplication of effort.

31. The Parties to the Protocol represented at the session of the Executive Body:

(a) Decided that the proposal by the European Community and EU Member States to add endosulfan, trifluralin, pentachlorophenol and dicofol to annex I to the Protocol on POPs, as well as the proposal by Norway to add HBCDD to the annex, contained material in accordance with Executive Body decision 1998/2 and that the risk profiles were deemed acceptable;

(b) Requested the Task Force on POPs to prepare the technical elements for track A and B review of the five proposed substances, in line with the generic guidelines for the technical review of the dossiers of new substances, taking account of any additional material submitted to the secretariat, and to report to the Working Group on Strategies and Review at its forty-fifth session in September 2009;

(c) Urged Parties to nominate experts with relevant expertise for the peer reviews of the proposed substances by the end of January 2009;

(d) Invited MSC-East to make available additional information for the review on the potential of long-range transboundary atmospheric transport and the overall persistence of the proposed substances.

## **B. Heavy metals**

32. The Chair of the Working Group on Strategies and Review drew attention to the work on heavy metals by the Working Group at its forty-second session (ECE/EB.AIR/WG.5/92), highlighting the results of the fifth meeting of the Task Force on Heavy Metals (London 4–6 June 2008, and the workshop to promote the ratification of the Protocol on Heavy Metals across the entire UNECE region (Yerevan, 14–16 May 2008; ECE/EB.AIR/WG.5/2008/9). He noted that the Task Force had finalized its technical work on options for the updating of best available techniques (BAT) in line with state-of-the-art technologies for all sources covered by the Protocol and for the updating of source categories in the Protocol. This would allow for the updating of the emission limit values (ELVs) in annex V to the Protocol. In addition, the Task Force proposed options for including flexibility in the Protocol, so as to facilitate implementation and ratification by EECCA and SEE countries.

33. The Chair of the Task Force on Heavy Metals, Ms. K. Kraus (Germany), expressed her appreciation to Armenia for hosting the Yerevan workshop as well as to the experts who had participated in the event. She noted plans to organize future workshops to promote ratification of the Protocol, starting with a joint workshop with the Expert Group on Techno-economic Issues provisionally scheduled to be held from 26 to 28 October 2009 in Saint Petersburg, Russian Federation.

34. The secretariat noted that in line with article 13 of the Protocol it had received and circulated a proposal from the European Community for amending the Protocol on Heavy Metals by adding mercury-containing products to its annex VI.

35. The delegation of Canada stressed that technical reviews of proposals should be conducted in line with decision 1998/1 using the generic guidelines for technical review of

additional metals, product measures or product groups (EB.AIR/WG.5/2005/2, annex IV) as had been agreed by the Executive Body at its twenty-third session (ECE/EB.AIR/87, para. 41 (e)).

36. Some delegations proposed that the Working Group on Strategies and Review be mandated to start negotiations to revise the Protocol on Heavy Metals using the options developed by the Task Force. Other delegations believed that it was more important to encourage ratification and implementation of existing obligations.

37. The Parties to the Protocol on Heavy Metals:

(a) Considered that the proposal, by the European Community and EU Member States that were Parties to the Protocol on Heavy Metals, to add mercury-containing products to annex VI to the Protocol on Heavy Metals, and decided that it contained material in accordance with Executive Body decision 1998/1 and that the risk profile was deemed acceptable;

(b) Requested the Task Force on Heavy Metals to prepare the technical elements for a review of the above proposal in line with the paragraph 5 of Executive Body decision 1998/1 and following procedures outlined in the generic guidelines for technical review of additional metals, product measures or product groups (EB.AIR/WG.5/2005/2, annex IV), and to report to the Working Group on Strategies and Review at its forty-fifth session in September 2009.

38. The Executive Body:

(a) Took note of the report of the Working Group on Strategies and Review (ECE/EB.AIR/WG.5/92) and of the conclusions and recommendations of the Task Force on Heavy Metals (ECE/EB.AIR/WG.5/2008/8) on:

(i) Options for relaxing basic obligations of the Protocol on Heavy Metals to promote its ratification;

(ii) Technical options for updating BAT in annex III of the Protocol, as well as the potential implications of these on other annexes to the Protocol;

(b) Thanked Germany for financing and organizing the workshop to promote the ratification of the Protocol on Heavy Metals across the entire UNECE region held in Yerevan, and Armenia for hosting the event;

(c) Welcomed and took note of the conclusions and recommendations from the Yerevan workshop regarding problems encountered and possible solutions for increasing ratification of the Protocol on Heavy Metals by countries in EECCA and SEE, including through adding flexibility to the timescales for implementation, as well as through providing bilateral support and capacity-building activities for countries in EECCA and SEE;

(d) Welcomed plans to hold, in collaboration with the Expert Group on Techno-economic Issues, another workshop on heavy metals in EECCA in 2009, and urged delegations to explore opportunities to contribute to its financing;

(e) Requested its Bureau, assisted by a drafting group nominated from delegations present at the session, to decide upon a mandate for further work on heavy metals by the Working Group on Strategies and Review in advance of the forty-third session of the Working Group scheduled for March 2009.

### **C. 1999 Gothenburg Protocol**

39. The Executive Body decided to discuss all issues related to the Gothenburg Protocol under agenda item 8.

### **D. Exchange of information, communication and the Action Plan for Eastern Europe, Caucasus and Central Asia**

40. The Chair of the Working Group on Strategies and Review presented progress in the implementation of the revised EECCA Action Plan, stressing in particular the importance of bilateral projects undertaken by donor countries in cooperation with EECCA countries.

41. The delegation of the Russian Federation reported on discussions held between its Ministry of Natural Resources and Environment, a delegation from the Bureau of the Executive Body and the secretariat. It highlighted its efforts to report its emission inventories and made proposals for a project aimed at helping EECCA countries ratify the Convention's protocols. The secretariat agreed that the idea of the project was good, but considered the funds involved to be larger than those currently available from the trust fund. Delegations from other EECCA countries found the proposal interesting, but wished that it be discussed further.

42. In addition, the Russian Federation proposed holding a special session of the Executive Body in Saint Petersburg in April 2010 to mark the thirtieth anniversary of the Convention. The delegation of Armenia offered to host the twenty-seventh session of the Executive Body in December 2009.

43. The delegation of the Republic of Moldova informed the Executive Body about the upcoming start, in January 2009, of a project funded by the Czech Republic aiming at supporting the country's implementation of the requirements of the Gothenburg Protocol.

44. The secretariat noted its plans to hold the first meeting, tentatively scheduled for the end of February 2009 in Belgrade, of a project to support the five SEE countries in implementing the three most recent protocols to the Convention. This project was being funded by the Netherlands.

45. The delegation of Georgia briefed the session on the start of a project (“Air Quality Governance”, funded by the EU European Neighbourhood Policy) to support the implementation of the Convention and in particular the Gothenburg Protocol in six EECCA countries. The project was to be implemented over four years, starting in 2009, with funds amounting to \$7 million.

46. The delegation of the Czech Republic noted that cooperation with EECCA and SEE would be one of the priorities of the Czech Presidency of the EU in the first half of 2009. It wished to discuss with the secretariat and the Chair of the Working Group on Strategies and Review possibilities for organizing a special segment of the Working Group’s spring session.

47. The Executive Body:

(a) Welcomed the progress achieved in implementing the Action Plan for EECCA as presented in document ECE/EB.AIR/WG.5/2008/11, and urged all Parties and Convention bodies to address those items of the Action Plan that required stronger efforts;

(b) Took note of the progress in the project funded by the Netherlands aimed at assisting five SEE countries to implement and accede to the three most recent protocols to the Convention;

(c) Took note of the start of the project, funded by the Czech Republic, to support the Republic of Moldova in the implementation of the Convention and specifically with regard to the requirements of the Gothenburg Protocol, so as to facilitate accession to it;

(d) Took note of the “Air Quality Governance” project due to start in 2009 under the EU European Neighbourhood Policy, which aimed to support six EECCA countries’ implementation of the Convention, and in particular the Gothenburg Protocol;

(e) Noted the discussions between officials of the Russian Federation and the Chair of the Executive Body, the Chair of the Working Group on Strategies and Review and the secretariat that had taken place in Moscow in December;

(f) Welcomed the Russian Federation’s proposal to lead a regional, Russian-language project for EECCA countries aimed at promoting accession to the Protocols to the Convention; noted the intention to determine, in 2009, the objectives, instruments, schedule and financing sources as well as to identify those countries wishing to participate in the regional project and to identify and reflect their needs; invited the secretariat to follow up on the proposal, draw up a more detailed plan and investigate possibilities for financing;

(g) Noted the offer of the Russian Federation to hold a special session of the Executive Body in Saint Petersburg in April 2010 to promote the active participation of EECCA countries and to highlight the Convention's thirtieth anniversary, and invited the Bureau and secretariat to follow up on this offer by exploring any financial and practical implications and discussing these with the Russian Federation in spring 2009 so that any plans for a special session could be agreed as soon as possible;

(h) Noted the offer of Armenia to host the twenty-seventh session of the Executive Body in December 2009, and invited the Bureau and secretariat to explore the possibilities for holding this session outside of Geneva;

(i) Welcomed the financial contributions being made by some Parties to contribute to the work under the EECCA Action Plan, as well as the contributions made by Parties engaged in bilateral projects, and invited all Parties to investigate ways of securing funds for future activities;

(j) Invited the Convention bodies working on the revision of the protocols to consider flexibility in terms of the reduction levels of emissions and the deadlines for achieving the reduction levels for the EECCA countries;

(k) Invited the Working Group on Strategies and Review to report on progress achieved in this area of work at the next session of the Executive Body in December 2009.

#### **E. Ad hoc group of legal experts**

48. The Chair of Working Group on Strategies and Review stressed the importance of the work that had been done by ad hoc groups of legal experts and proposed a mechanism for convening such groups to tackle problems identified by the Working Group.

49. The Executive Body decided:

(a) To establish a list of legal experts that might be called upon purely in their legal expert capacity as an ad hoc group of experts to address matters of a legal nature identified by the Working Group on Strategies and Review;

(b) Invited Parties to nominate experts for the list, and requested the secretariat to maintain the list for future use;

(c) Noted the importance of having a rapporteur or rapporteurs for such an ad hoc group of experts, and invited Parties to nominate candidates for this, and invited the rapporteur(s), in collaboration with the secretariat and Chair of the Working Group, to select available persons from the list when legal questions needed to be considered.



## VII. REVISION OF THE PROTOCOL ON PERSISTENT ORGANIC POLLUTANTS

50. The Chair of Working Group on Strategies and Review reported on the discussions and decisions of the Working Group at its forty-first and forty-second sessions (ECE/EB.AIR/WG.5/90 and Corr.1 and ECE/EB.AIR/WG.5/92, respectively) and drew attention to the working document on options for revising the Protocol on POPs (ECE/EB.AIR/2008/12). He also noted the informal documents reporting on the work of an ad hoc technical expert group on POPs held in parallel to the Working Group's forty-first and forty-second sessions.

51. The secretariat reported that, following discussions by the Working Group in September 2008 and in line with article 14 of the Protocol, it had received two amendment proposals: one from France on behalf of the European Community and EU Member States that were Parties to the Protocol, and one from Norway. The EU proposal covered amendments to articles 14 and 16 of the Protocol as well as to its annexes I, II, III, IV, V, VII and VIII. The proposal from Norway concerned amendments to annexes I and II to the Protocol. Both proposals had been circulated, as required, 90 days in advance of the current Executive Body session.

52. The Executive Body decided to establish a breakout group to discuss, in parallel to its session, the amendments to the annexes to the Protocol proposed by the European Community and Norway. The breakout group reported on progress made vis-à-vis reaching consensus on the proposed amendments, and identified areas for future discussion.

53. Following the deliberations of an ad hoc group of legal experts, a member of the group reported on its proposals for editorial changes on the proposed draft amendments to the article 14, ("Amendments"). It recommended finalized texts of articles 14 and 16 to the Parties to the Protocol on POPs.

54. The Executive Body:

(a) Took note of the report of the Working Group on Strategies and Review on its forty-second session (ECE/EB.AIR/WG.5/92) and of the working document on options for revising the Protocol on POPs (ECE/EB.AIR/2008/12), as well as of the informal documents reporting on the work of the ad hoc technical expert group on POPs held in parallel with the session of the Working Group;

(b) Welcomed the work of the breakout group on seeking consensus on the proposed amendments to the annexes to the Protocol submitted by the European Community and Norway. It noted that there was consensus for some amendments but that the group had identified some parts of the proposed amendments that required further discussion. It invited the secretariat to reflect the output of the group in a document to be submitted to the forty-third session of the

Working Group in March 2009, and requested the Working Group to address only those unresolved items;

(c) Requested its Bureau, assisted by a drafting group nominated from delegations present at the session, to decide on a mandate for further work on POPs by the Working Group in advance of the Working Group's forty-third session, scheduled for March 2009.

55. The Parties to the Protocol on POPs, meeting within the Executive Body:

(a) Expressed their appreciation to the ad hoc group of legal experts for their editorial proposals;

(b) Adopted the amendments to articles 14 and 16 to the Protocol as set out in the annex to this report.

#### **VIII. NEGOTIATIONS ON FURTHER OBLIGATIONS TO REDUCE EMISSIONS FOLLOWING REVIEW OF THE 1999 GOTHENBURG PROTOCOL**

56. The Chair of Working Group on Strategies and Review introduced the updated draft plan for the revision of the Gothenburg Protocol (ECE/EB.AIR/2008/13). He informed the Executive Body that the Working Group had invited the countries to revise their energy projections, including links to climate change abatement, and to present them to the meeting of the Task Force on Integrated Assessment Modelling in June 2009. He noted the importance of using the latest scientific knowledge in the preparatory work, including the latest critical load data and ecosystem-specific deposition. He reminded the Executive Body of the need to discuss flexibility to ensure that countries with economies in transition were able to accede to any new or revised instrument and that such flexibility could be targeted to selected subregions.

57. In the following discussion, several delegations raised topics that would need to be included in an updated document on options to revise the Gothenburg Protocol. These would be discussed at the Working Group's forty-fourth session in April 2009, inter alia:

(a) Evaluating all environmental problems addressed by the Gothenburg Protocol, and to include fine PM (PM<sub>2.5</sub>), in particular due to its effects on human health;

(b) Using the latest scientific knowledge on critical loads, reactive nitrogen, ozone, effects on human health and developments in controlling emissions from shipping;

(c) Aiming at high ambition levels with appropriate up-to-date tools such as BAT and ELVs, and considering offering more flexibility to selected subregions;

(d) Urging the submission of comparable country energy scenarios, which would include commitments to climate change abatement, not later than May 2009; this would provide

a consistent baseline scenario for the integrated modelling work whilst noting that non-compliance with the deadline would result in considerable delays;

(e) Considering a metric to indicate co-benefits of air pollution controls to climate change abatement;

(f) Updating the individual steps in the schedule for the revision work.

58. The Executive Body:

(a) Noted the importance of the work by the Task Force on Integrated Assessment Modelling and CIAM; urged Parties within the geographic scope of EMEP to ensure that national emission, energy projections and activity data, including climate change policy measures, were provided by 15 February 2009, and that any revised data for integrated assessment modelling work be provided to CIAM, wherever possible, not later than 31 May 2009; and invited Parties to present their data to the meeting of the Task Force on Integrated Assessment Modelling in June 2009;

(b) Welcomed the ongoing bilateral cooperation projects between individual EECCA and SEE countries and other Parties to the Convention, and invited Parties to continue and expand such initiatives;

(c) Took note of the work done by the Expert Group on Techno-economic Issues in updating the technical annexes and the guidance documents to the Protocol, and urged it to complete this work in accordance with the plan;

(d) Took note of the work carried out by the Task Force on Reactive Nitrogen and invited it to provide information useful for the negotiations within the time frame proposed by the Working Group, in particular input for revision of annex IX to the Protocol (which is only applicable to Parties within the geographic scope of EMEP), as well as updating, where necessary, of the Framework Code on Good Agricultural Practice. This should take into consideration the guidance document on ammonia adopted by the Executive Body at its twenty-fifth session in 2007;

(e) Noted with appreciation the recent work under the Working Group on Effects, in particular the consolidated report on air pollution effects, the guidelines for reporting on the monitoring and modelling of air pollution effects, and the work by CCE on new biodiversity indicators on species richness;

(f) Invited the Task Force on Integrated Assessment Modelling, in cooperation with the Working Group on Effects, to discuss and present the merits of the different options for target-setting for 2020 and the aspirational non-binding targets for 2050 for Parties within the geographic scope of EMEP. They should use the most recent critical loads and levels data and bear in mind that the ambition level for the revision of the Gothenburg Protocol should be defined according to the objective set out in the Protocol's article 2 ;

(g) Welcomed the progress made by the Working Group on Strategies and Review in developing a revised Protocol, and invited it to prepare a plan for concluding negotiations for presentation to the Executive Body's twenty-seventh session;

(h) Noted the amended timetable for the main outputs for the revision of the Protocol as agreed by the Working Group (ECE/EB.AIR/2008/13, annex), agreed to take this into account in its future workplan and urged all bodies concerned to adhere to this timetable;

(i) Invited the secretariat and Bureau of the Working Group to prepare, in collaboration with additional experts as needed and taking note of suggestions proposed by Parties, a working document exploring the options for revision of the Gothenburg Protocol. This should include, inter alia, the addition of PM, the implications of developments in other forums including co-benefits and potential tradeoffs of climate change policies, and the introduction of flexibility to promote ratifications by EECCA and SEE countries. The document should be presented to the Working Group's forty-fourth session in April 2009.

## **IX. COMPLIANCE WITH PROTOCOL OBLIGATIONS**

59. The Chair of the Implementation Committee, Mr. A. Fretheim (Norway), introduced that body's eleventh report (ECE/EB.AIR/2008/3) on compliance by Parties with their protocol obligations, including the results of the Committee's twenty-first and twenty-second meetings, held in 2008. He drew attention to the report's recommendations, in particular those which proposed decisions concerning compliance by two Parties (Norway and Spain) with respect to their obligations under the Protocol on Volatile Organic Compounds<sup>6</sup> (VOCs); by three Parties (Cyprus, Greece and Spain) with respect to their obligations under the Protocol on Nitrogen Oxides<sup>7</sup>; and by one Party (Denmark) with respect to its obligations under the Protocol on POPs.

60. The Chair of the Implementation Committee highlighted the results of the Committee's annual review of Parties' compliance with reporting obligations and drew attention to the review's recommendations concerning non-compliance by certain Parties (ECE/EB.AIR/2008/3, para. 87). He noted that, although timeliness in the reporting could still be improved, there was continuing improvement in the completeness of emission data reported, including gridded data, under the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol. The Committee had also noted a slight improvement in compliance with the reporting of strategies and policies in 2008 as compared to 2006, although there remained room for improvement.

61. The Chair noted that the Committee had started its in-depth reviews of the Protocol on POPs and the Protocol on Heavy Metals with a view to completing them in 2009. It had also continued its deliberations on possible stronger measures in cases of long-lasting

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<sup>6</sup> 1991 Protocol Concerning the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes.

<sup>7</sup> 1988 Protocol Concerning the Control of Nitrogen Oxides or Their Transboundary Fluxes.

non-compliance, as requested by the Executive Body at its twenty-fifth session in 2007, in particular with respect to the long-lasting non-compliance in the cases of Spain and Greece.

62. In accordance with paragraph 6 of decision 2005/4, the delegation of Greece made a presentation on its efforts to decrease nitrogen oxide (NO<sub>x</sub>) emissions. It noted that Greece would be in compliance with its emission reduction obligations in 2010 and outlined the measures the country was taking, or intended to take, in order to remain in compliance after 2010. It also drew attention to an overestimation of the emission projections from the energy sector.

63. In accordance with paragraph 7 of decision 2005/6, the delegation of Spain made a presentation on the measures taken by the Spanish Government to decrease NO<sub>x</sub> and VOCs emissions. It noted that for NO<sub>x</sub> emissions there was a decreasing trend according to emission projections for the years 2005–2020. With regard to VOCs, it noted that, in spite of a decreasing trend of emission projections for the immediate future, this trend could not be sustained in the period 2012–2020 with the existing and additional measures envisaged by the Spanish Government.

64. The Executive Body thanked the delegations of Greece and Spain for their interventions. It requested the Implementation Committee to carefully consider the additional information provided at its upcoming meeting to be held from 31 March to 2 April 2009.

65. The delegation of Cyprus drew attention to the discrepancy between its obligations for NO<sub>x</sub> emissions arising from the Protocol on NO<sub>x</sub> and the Gothenburg Protocol. With regard to the former, Cyprus should reduce its emissions below those in 1987 (estimated at 16,000 tons); for the Gothenburg Protocol, the ceiling for 2010 was 23,000 tons. Cyprus stressed the need for a clear, consistent picture of obligations under the various protocols. It believed that the Gothenburg Protocol, ratified by Cyprus in 2007, should take precedence, as the limit specified in it better represented the actual emissions in Cyprus. It requested the Executive Body to discuss and clarify the issue.

66. The delegation of the United Kingdom referred to article 30, paragraph 4, of the 1969 Vienna Convention on the Law of Treaties, which provided that, where the parties to a later treaty, e.g. the Gothenburg Protocol, were different from the parties to an earlier treaty dealing with the same subject matter, e.g. the Protocol on NO<sub>x</sub>, the obligations in the earlier protocol continue to apply with respect to those States that are only parties to the earlier treaty. Attention was drawn to an informal document prepared by a previous ad hoc group of legal experts, which provided an explanation of the relationship between successive protocols to the Convention.

67. In the ensuing discussion, it was pointed out that for the biennium 2005–2006 the obligation under the Protocol on NO<sub>x</sub> was only applicable for Cyprus while it remained Party to that Protocol, and that the target year for emission ceilings under the Gothenburg Protocol was 2010 and these would not be reviewed until 2012. One delegation noted that EU accession countries often had to ratify a protocol to meet EU requirements without having explored the implications for its compliance and implementation. The Executive Body concluded that this issue was of general interest to Parties and requested the ad hoc group of legal experts to look into it and present a paper to Executive Body's twenty-seventh session in 2009.

68. The delegation of Denmark reiterated the commitment of the Danish Government to tackle its non-compliance with the Protocol on POPs. It outlined its latest efforts to cut emissions of polycyclic aromatic hydrocarbons through a new comprehensive strategy to improve air quality, as well as through legislative and financial measures. In 2009, Denmark would provide more information about the expected date of achieving compliance with the Protocol and would also assess possibilities for using the exemption provisions of article 3.7 of the Protocol.

69. With reference to paragraph 74 of the Implementation Committee's report, the delegation of Denmark noted it had submitted gridded data for 2005 for sulphur, POPs, except for hexachlorobenzene (HCB) and heavy metals. The delegation of the European Community noted that it had submitted gridded data for sulphur for 2000 and had fulfilled its obligation under the 1994 Protocol on Further Reduction of Sulphur Emissions. The Executive Body agreed to take these into account in adopting its decisions.

70. With regard to paragraph 6 of the report, the delegation of Norway expressed its satisfaction with the recommendation of the Implementation Committee concerning Norway's achieving compliance with its obligations under article 2.2(b) of the Protocol on VOCs.

71. The secretariat drew attention to a letter received from Liechtenstein indicating that its report on emissions and its responses to the 2008 questionnaire on strategies and policies were under way and would be submitted in 2009. The secretariat had also been informed that the emission inventory report of the Russian Federation would be sent shortly.

72. The delegation of Canada recommended that in the future the footnotes to tables 1 to 7 in the Implementation Committee's report specify the names of Parties outside the geographic scope of EMEP.

73. With reference to paragraphs 12, 16, 20, 25 and 30 of the report, the Chair of the Executive Body requested the Parties concerned to provide the required information well in

advance of the deadline of 31 March 2009, and if possible in early March, in view of the rescheduled meeting of the Implementation Committee (31 March–2 April 2009).

74. The Executive Body took note of the eleventh report of the Implementation Committee (ECE/EB.AIR/2008/3) and expressed its appreciation to the members of the Committee for their work over the past year. It adopted the following decisions<sup>8</sup>:

- (a) Decision 2008/2 on compliance by Norway with its obligations under the 1991 Protocol on VOCs;
- (b) Decision 2008/3 on compliance by Greece with its obligations under the Protocol on NOx;
- (c) Decision 2008/4 on compliance by Spain with its obligations under the Protocol on NOx;
- (d) Decision 2008/5 on compliance by Spain with its obligations under the 1991 Protocol on VOCs;
- (e) Decision 2008/6 on compliance by Denmark with its obligations under the Protocol on POPs;
- (f) Decision 2008/7 on compliance by Cyprus with its obligations under the Protocol on NOx;
- (g) Decision 2008/8 on compliance by Liechtenstein with its obligations to report on emissions;
- (h) Decision 2008/9 on compliance by Luxembourg with its obligations to report on emissions;
- (i) Decision 2008/10 on compliance by Greece and Romania with their obligations to report on emissions;
- (j) Decision 2008/11 on compliance by certain Parties with their obligations to report on emissions;
- (k) Decision 2008/12 on compliance by Liechtenstein and Luxembourg with their obligations to report on strategies and policies;
- (l) Decision 2008/13 on compliance by Greece, Latvia and the European Community with their obligations to report on strategies and policies;
- (m) Decision 2008/14 on compliance by Estonia, France, Italy and Monaco with their obligations to report on strategies and policies;
- (n) Decision 2008/15 on compliance by the Republic of Moldova and the Russian Federation with their obligations to report on strategies and policies.

75. The Executive Body requested the secretariat to communicate these decisions to the Ministries of Foreign Affairs of the Parties in question.

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<sup>8</sup> See ECE/EB.AIR/96.Add 1.

76. The Executive Body requested that the ad hoc group of legal experts to further discuss the issue of relationship between the protocols, in particular in the case of conflicting obligations arising from different protocols and the options available to Parties for dealing with such conflicting obligations, and to present a paper on the outcome of its discussions to the Executive Body's twenty-seventh session.

77. With regard to the membership of the Implementation Committee, the Executive Body:

(a) Noted that Ms. J. Forest (Canada), Mr. Fretheim (Norway), Ms. Hamilton (United Kingdom), Mr. H. Hojesky (Austria), Ms. A. Karjalainen (Finland), Mr. C. Lindemann (Germany) and Mr. L. Olsson (Sweden) would remain on the Committee for another year;

(b) Expressed its appreciation to Ms. Vidič for her contribution to the work of the Committee;

(c) Re-elected Mr. P. Meulepas (Belgium) for a second term of two years;

(d) Elected Mr. I. Angelov (Bulgaria) for a term of two years;

(e) Re-elected Mr. Fretheim as Chair of the Implementation Committee.

## **X. STRATEGIES AND POLICIES OF PARTIES AND SIGNATORIES TO THE CONVENTION FOR THE ABATEMENT OF AIR POLLUTION**

78. The secretariat provided information on Parties' responses to the 2008 questionnaire (ECE/EB.AIR/2007/5) covering protocol-related questions, noting that replies submitted up to 30 June 2008 (three months past the deadline) had been forwarded to the Implementation Committee so that it could assess Parties' compliance with reporting obligations under the seven protocols relating to strategies and policies. Of the 38 Parties with an obligation to report on their strategies and policies under one or more of the seven relevant Protocols in force, 11 Parties were not in compliance.

79. The secretariat also described plans for preparing the 2010 draft questionnaire. This would be done in consultation with the Implementation Committee, taking into account comments from an ad hoc group previously convened to consider the questionnaire. The questionnaire would be submitted for approval to the Executive Body at its twenty-seventh session in 2009. As previously decided, the 2010 questionnaire would comprise both protocol-related and general policy questions. Replies to the 2010 questionnaire would be reported to the Executive Body at its twenty-eighth session in 2010.

80. The Executive Body:

(a) Welcomed the information in the responses to the 2008 questionnaire, and noted the increased number of responses received;



(b) Requested the secretariat, taking account of the feedback of delegations, the ad hoc expert group convened in 2007 to work on the 2008 questionnaire and the Implementation Committee, to prepare the draft 2010 questionnaire comprising protocol-related as well as general policy questions, and to submit it to the Executive Body at its twenty-seventh session.

## **XI. GUIDELINES FOR ESTIMATING AND REPORTING EMISSIONS**

81. The Chair of the Working Group on Strategies and Review reported that the Working Group had completed its work on the Guidelines for Reporting Emission Data (ECE/EB.AIR/2008/4). The Guidelines had previously been revised by the Task Force on Emission Inventories and Projections, and the EMEP Steering Body, at its thirty-first session in 2007, had approved the technical aspects of the Guidelines. He noted that the language of the revised Guidelines had been made more concise and explicit as well as more consistent with the provisions in the protocols. The Working Group had recommended their adoption by the Executive Body with a view to providing the basis for reporting in 2009. He also noted that certain elements or parts of the Guidelines could be made legally binding for Parties, but only through specific treaty provisions giving them such effect. He referred to the draft decision on emission data reporting under the Convention and its protocols that the Working Group had submitted for adoption. This had linked elements of the Guidelines to existing enabling clauses in the protocols (ECE/EB.AIR/WG.5/90, annex, and Corr.1). Should the Parties wish to create more legally binding reporting obligations, they would have to negotiate amendments to the relevant provisions in the Convention and its protocols.

82. France, speaking on behalf of the European Community, proposed adoption of the Guidelines and the draft Executive Body decisions, but with the further amendments that had been circulated to the delegations in advance of the meeting. These amendments aimed: (a) to clarify the reporting of emissions from aviation and shipping; (b) to increase consistency between national emission totals for the Gothenburg protocol and the EU National Emissions Ceilings Directive<sup>9</sup>; and (c) to ensure comparability and consistency of reporting of the same air pollutants to UNFCCC and, for EU Member States, reporting under Decision 280/2004/EC.

83. Following discussion, the Executive Body took note of the information presented and:

(a) Welcomed the further work of the Working Group on Strategies and Review and noted with appreciation the work of the ad hoc group of legal experts and the Co-Chairs of the Task Force on Emission Inventories and Projections in revising the Guidelines for Reporting Emission Data;

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<sup>9</sup> 2001/81/EC.

(b) Approved the Guidelines for Reporting Emission Data as amended at the session (ECE/EB.AIR/97), while noting that the amendments did not involve changes to the text for subparagraph 9 (a), which would remain as originally contained in ECE/EB.AIR/2008/4;

(c) Requested the secretariat to make the Guidelines available for use by the Convention's Parties after the incorporation of the final changes, and requested the Centre on Emission Inventories and Projections to make the associated annexes to the Guidelines available on its website ([www.ceip.at](http://www.ceip.at));

(d) Requested the Working Group on Strategies and Review to further examine the amendments adopted at the session, if necessary;

(e) Adopted decision 2008/16 on emission data reporting under the Convention and its protocols as proposed in ECE/EB.AIR/WG.5/90, annex I (see ECE/EB.AIR/96/Add.1);

(f) Called upon Parties within the geographic scope of EMEP to report emission data during the 2009 reporting round according to the revised Guidelines, as adopted.

## **XII. A LONG-TERM STRATEGY FOR THE CONVENTION**

84. The Chair introduced the Bureau's document on a long-term strategy for the Convention (ECE/EB.AIR/2008/6) and summarized the background to its preparation. The Chairs of the Working Group on Effects and the EMEP Steering Body noted their own bodies' efforts in preparing long-term strategies and the importance of linking all three strategies in a coordinated way.

85. Delegations welcomed the initiative of the Bureau and were broadly supportive of the outline strategy. A number of delegations provided specific comments on important issues to be included in the strategy and made suggestions for future work to further the Convention. It was proposed that the Bureau's draft strategy be developed by first inviting written comments from Parties, to be followed by redrafting by the Bureau of the Executive Body and the Bureau of the Working Group on Strategies and Review.

86. The Executive Body:

(a) Took note of the draft outline strategy prepared by the Bureau, and decided that a long-term strategy for the Convention would provide a useful basis for future work;

(b) Took note of the comments made at the session, and invited delegations and Convention bodies to provide written comments on the draft outline strategy to the secretariat by 31 March 2009;

(c) Requested its Bureau, together with the Bureau of the Working Group on Strategies and Review and the secretariat, to draw up a revised draft strategy based on the draft outline and comments received;

(d) Further requested that the revised draft strategy be made available as an official document to the Working Group on Strategies and Review, the Working Group on Effects and the Steering Body of EMEP at their sessions in September 2009. The draft document and the comments from the main subsidiary bodies – or, if appropriate, a redrafted document amended to take account of the comments – would be made available for further consideration at the Executive Body's twenty-seventh session.

### **XIII. AIR POLLUTION AND CLIMATE CHANGE: DEVELOPING A FRAMEWORK FOR INTEGRATED CO-BENEFITS STRATEGIES**

87. The delegation of Sweden noted it had hosted a conference and workshop on this topic in Stockholm in September 2008 under the auspices of the Convention and UNEP. It noted that in the second half of 2009, when it would hold the EU Presidency, it would host a further international conference on the topic in Sweden.

88. Representatives of the SEI and IUAPPA, representing the Global Atmospheric Pollution Forum, which had organized the conference, presented the results and next steps (ECE/EB.AIR/2008/10). They invited the Executive Body to forward the report to the UNFCCC secretariat so that the results of the conference might be considered in that body's future deliberations. They suggested that the results be widely disseminated by the Convention, and noted actions that might be taken by the Global Atmospheric Pollution Forum.

89. Delegations welcomed the results presented, noted the implications of considering co-benefits and integrated strategies, and drew attention to various initiatives of their own in this area of work. All agreed that consideration of co-benefits was very important, although one delegation felt that the timing of next steps was premature.

90. The Convention secretariat noted that it had been provided with the opportunity to present the work under the Convention to the Task Group on Scenarios for Climate and Impact Assessment of the Intergovernmental Panel on Climate Change (IPCC). The links and synergies of the Convention's interests in co-benefit strategies had been noted, and the IPCC secretariat had proposed consideration of further links through joint activities.

91. The Executive Body:

(a) Welcomed the conclusions of the workshop "Air pollution and climate change: developing a framework for integrated co-benefits strategies" held in September 2008 in Stockholm;

(b) Noted the relevance of many of the workshop conclusions to the future work of the Convention, and decided to take these into account in its future workplan;

(c) Recognized the potential importance of the workshop conclusions to the work of UNFCCC, and decided to invite the Executive Secretary of UNECE to submit the conclusions to the Executive Secretary of UNFCCC so that they might be taken into account in the latter Convention's future deliberations;

(d) Noted the interest of the IPCC Task Group Scenarios for Climate and Impact Assessment in the co-benefits activities of the Convention, recognized that certain scientific and technical work under the Convention was of special relevance to IPCC, and noted with appreciation the steps taken by the secretariat to highlight this work to IPCC;

(e) Invited the secretariat to explore ways of promoting stronger scientific and technical cooperation with IPCC, including possibilities for exchange of information and joint activities, through further discussions with the IPCC secretariat as appropriate, and requested the secretariat to keep the Bureau informed of progress achieved.

#### **XIV. ACTIVITIES OF BODIES UNDER THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE AND INTERNATIONAL ORGANIZATIONS RELEVANT TO THE CONVENTION**

92. A representative of WMO reported that her organization had moved to results-based management and had been restructured as of 1 January 2008. The department that included the Global Atmosphere Watch programme had been joined together with the World Climate Research Programme to form the new research department, integrating environmental, atmospheric and climate research. Reporting of activities had changed from programmes to expected results. She described: (a) a pilot project for the exchange of ozone and aerosol data; (b) a project on atmospheric input of nitrogen, iron and phosphorus to the oceans; and (c) the WMO Sand and Dust Storm Advisory Warning and Assessment System (SDS-WAS). She noted that WMO was pleased to be continuing to co-chair the Task Force on Measurements and Modelling and to participate in Task Force on Hemispheric Transport of Air Pollution.

93. Ms. Wiechmann-Fiebig (Germany), reporting on behalf of the Helsinki Commission<sup>10</sup> (HELCOM), noted that HELCOM had adopted a Baltic Sea Action Plan aiming at, inter alia, a Baltic Sea unaffected by eutrophication. For this, a substantial cut in the annual nitrogen load was needed. She noted that 25 per cent of the current load was from the atmosphere. The Implementation Group for the Action Plan, led by Germany, had expressed a wish to liaise with the Task Force on Reactive Nitrogen in order to develop common strategies, e.g. in the context of revising the Gothenburg Protocol.

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<sup>10</sup> Baltic Marine Environment Protection Commission.

94. The secretariat drew attention to the work of the European Environment Agency (EEA) that had been reported to the EMEP Steering Body in September and to its institutional reorganization of the work on air pollution and greenhouse gas emissions, which would become effective as of 1 January 2009. EEA had invited the Convention secretariat to draw attention to its report and reassure Parties that the institutional changes would not affect the good cooperation between EEA and the Convention.

95. A representative of the UNEP Regional Office for Asia and the Pacific briefed the session on UNEP activities related to regional air pollution in Asia. The presentation included updates on the Malé Declaration on Control and Prevention of Air Pollution and Its Likely Transboundary Effects for South Asia, the Acid Deposition Monitoring Network in East Asia (EANET), the Project Atmospheric Brown Cloud and the Global Atmospheric Pollution Forum. He noted that collaboration between UNEP activities and the Convention had increased in 2008, with two joint meetings being organized.

96. Mr T. Johannessen, speaking on behalf of AMAP, drew attention to AMAP work on, inter alia, mercury assessment, climate change effects and setting up monitoring stations in Siberia. While AMAP would have difficulties contributing to the revision of the Gothenburg Protocol, it felt that there were areas where it might do so, e.g. with its assessment report on acidification and haze. There was a need to consider how AMAP could provide information in an effective way, and it was noted that EMEP and the secretariat were looking into the issue to see how AMAP might provide input to the Executive Body's twenty-seventh session.

97. The representative of IUAPPA, speaking on behalf of the Global Atmospheric Pollution Forum, drew attention to the Forum's interest in climate change and air pollution co-benefits strategies. He noted Forum activities in Latin America and Africa, where regional agreements on air pollution were being developed. He reported that following the Executive Body's twenty-fifth session in 2007, the Forum had agreed to develop an overview paper on areas of cooperation with the Convention. While not yet complete, the overview paper would be available for consideration in the development of the Convention's long-term strategy.

98. The delegation of the European Commission drew attention to work sponsored by the Commission that provided support to the Convention, in particular activities at the global and hemispheric scales to further the work of the Task Force on Hemispheric Transport of Air Pollution, climate change interlinkages, effects on crops and human health, and an integrated approach to nitrogen.

99. The Executive Body thanked the organizations for providing relevant information and agreed to take it into consideration when discussing its 2009 workplan.

## **XV. 2009 WORKPLAN FOR THE IMPLEMENTATION OF THE CONVENTION**

100. The secretariat introduced the draft workplans forwarded by the main subsidiary bodies (ECE/EB.AIR/2008/7, ECE/EB.AIR/2008/8 and ECE/EB.AIR/2008/9) and the draft workplan of the Implementation Committee (ECE/EB.AIR/2008/3, annex). It also introduced the provisional list of meetings for 2009.

101. The Executive Body adopted its workplan as amended, instructing the secretariat to append the workplan to its report and post the report on the Convention's website.

## **XVI. FINANCIAL REQUIREMENTS FOR IMPLEMENTATION OF THE CONVENTION**

102. The secretariat introduced the note on the financial requirements for the implementation of the Convention (ECE/EB.AIR/2008/2), presenting, inter alia, the detailed budget of EMEP for 2009 and its provisional budgets for 2010 and 2011.

103. The secretariat provided updated information on the EMEP trust fund and the status of payment of the mandatory contributions required under the EMEP Protocol (ECE/EB.AIR/2008/2, chapter I), stressing that as of 15 December all but five Parties (Malta, Montenegro, Romania, Serbia and Sweden) had paid at least part of their contributions for 2008.

104. The secretariat drew attention to the arrears of Ukraine, amounting to \$316,194, to be contributed in kind through the implementation of two separate projects. In 2007, Ukraine had announced that it had secured financing for the implementation of the projects and that it planned to proceed with their full implementation. Following identification of a location meeting all the criteria for an international EMEP monitoring station (Trudovoye), the implementation of the first project to cover Ukraine's arrears for the period 1996–2001, amounting to \$175,205, could proceed. Regarding the second project to cover Ukraine's arrears for the period 1992–1995 (equivalent to \$140,989), originally aimed at developing a national model for environmental impact assessment of heavy metals, the EMEP Steering Body had concluded in 2008 that this project was no longer of the same relevance and had requested Ukraine to propose a new focus for the project at the Executive Body's twenty-sixth session. In the event that no agreement was reached on changing the project, the EMEP Steering Body had recommended that Ukraine be requested to pay its arrears in cash. The secretariat noted that the delegation of Ukraine, which was not represented at the current Executive Body session, had not provided the requested information in writing.

105. The delegation of Germany expressed its reservations regarding the increase of the EMEP budget and its contribution for 2009, which in Germany's view represented a disproportionate share of the budget.

106. The Executive Body:

(a) Decided on the detailed use of resources in 2009 as set out in ECE/EB.AIR/2008/2, table 2, and on the scale of mandatory contributions as set out in table 3 (last two columns);

(b) Supported the EMEP Steering Body's call made to the Parties to the EMEP Protocol to consider making additional voluntary contributions (in kind or in cash through the trust fund) to ensure that the work, including the work on integrated assessment modelling and especially the difficult tasks required in 2009 with respect to carrying out the protocol reviews and revisions, could be accomplished as foreseen in the workplan (EB.AIR/GE.1/2008/2, see decisions in chapter IX);

(c) Requested the Steering Body, with the assistance of its Bureau, to present the details of the 2010 budget, together with the workplan, for approval by the Executive Body at its twenty-seventh session;

(d) Urged Parties that had not yet done so to pay their 2008 contributions in cash to the trust fund and, in 2009, to pay their contributions so that they reached the trust fund in the first half of the year.

(e) Took note of the reservation expressed by Germany and encouraged it to take steps towards lifting this reservation as soon as possible;

(f) Requested Ukraine to take urgent action to cover its long-standing arrears, and to provide the secretariat, in January 2009, with detailed information including a time schedule for the in-kind contribution through which it proposes to cover its arrears for the period 1992–1995, so it could be considered by the EMEP Bureau at its meeting in 2009.

107. The secretariat provided updated information on the status of payments of the contributions under decision 2002/1 in cash and in kind for 2007 and 2008 to the trust fund for core activities not covered by the EMEP Protocol (ECE/EB.AIR/2008/2, chapter II). It also outlined the requirements for funding these activities for 2009.

108. The Executive Body:

(a) Took note of the contributions made to the trust fund for 2008, and welcomed the payments made, but expressed disappointment at the lack of response by many Parties;

(b) Decided that the essential international coordination costs for financing the core activities of the Convention and its protocols, other than those covered by the EMEP Protocol,

would be \$2,152,700 in 2009, and would provisionally be \$2,152,700 in 2010 and \$2,152,700 in 2011;

(c) Requested the secretariat to inform Parties of the decided contributions to meet the 2009 budget, inviting them to make them as agreed in revised decision 2002/1;

(d) Urged all Parties which had not yet done so to consider providing the decided contributions to the trust fund for financing core activities without undue delay;

(e) Took note with appreciation the essential support provided to the Convention and its bodies by lead countries, countries hosting coordinating centres and those organizing meetings, as well as countries that funded activities of their national focal centres/points and the active participation of national experts;

(f) Noted document ECE/EB.AIR/WG.1/2008/5 as amended, on the financing of the effects-oriented activities;

(g) Noted the need for an improved approach to securing sufficient and stable funding for effects-oriented and integrated assessment modelling activities and to considering further action to implement its revised decision 2002/1 to secure long-term funding for the core activities not covered by the EMEP Protocol.

109. The secretariat drew attention to chapter III of ECE/EB.AIR/2008/2 and provided updated information on the finances of project E112 for supporting countries with economies in transition. It noted the final figures for funds received and spent for 2007, stressing that some contributions were earmarked for activities that were still ongoing. The West Balkans project was only just starting and no funds had yet been spent on it. The project in the Republic of Moldova funded by the Czech Republic had been delayed, but was expected to go ahead soon. While no funds had been received for 2008 as of 6 October, some funds were still expected from a number of countries.

110. The secretariat recognized the need for some earmarked contributions, but stressed the importance of non-earmarked funds for supporting some areas of work. Secretariat resources remained stretched for properly supporting projects and programmes in EECCA and SEE.

111. The Executive Body:

(a) Welcomed the contributions to the trust fund and thanked those countries which had contributed;

(b) Welcomed the in-kind contributions being made by several countries to promote capacity-building in EECCA and SEE countries, especially through meetings of task forces or expert groups held in these subregions;

(c) Approved the list of activities and the proposed budget for project E112 of \$485,900 for 2009 and provisional budgets of \$400,000 for 2010 and 2011;



(d) Noted that many Parties were not actively contributing to this important area of work, urged all Parties to make contributions to the trust fund as early as possible in 2009, so that the secretariat could implement its plans, and especially urged those not contributing to consider how they might address the shortfall in funding and the work planned for 2009;

(e) Reiterated its invitation to all Parties, but especially those that led task forces and expert groups, to promote activities such as special workshops in EECCA and SEE countries and to collaborate with the secretariat in developing such plans.

112. The secretariat reported on the progress achieved in the development of support for secretariat travel. A few Parties made contributions to the trust fund as requested under decision 2006/12; others had provided improved support through advance payment of air tickets and subsistence allowance. A number of Parties had indicated that they might make contributions to the trust fund in the future. The secretariat would report on trust fund donations and expenditures in 2009.

113. The Executive Body:

(a) Welcomed the efforts being made by a small number of Parties in terms of contributing to the trust fund for secretariat travel;

(b) Noted that some lead and host Parties had difficulties paying to the trust fund, but welcomed their efforts in devising means for advanced payments for travel and subsistence allowance;

(c) Urged Parties that had not yet contributed to the voluntary trust fund to do so to ensure the effective support of the secretariat at meetings;

(d) Requested the secretariat to invite Parties to make contributions to the trust fund and to provide the Executive Body with an annual report on the trust fund and the travel of the secretariat.

## **XVII. OTHER BUSINESS**

114. The Executive Body noted that the Convention would be celebrating its thirtieth anniversary in 2009. It invited its Bureau to consider possibilities for celebrating the occasion.

## **XVIII. ELECTION OF OFFICERS**

115. Mr. Ballaman was re-elected Chair of the Working Group on Strategies and Review. Mr. Frethem was re-elected Chair of the Implementation Committee.

116. Mr. Williams was re-elected Chair of the Executive Body. Ms. V. Galatone (Canada), Ms. M. Motlova (Czech Republic) and Ms. N. Karpova (Russian Federation) were elected

Vice-Chairs. The Chair of the Working Group on Strategies and Review (Mr. Ballaman), the Chair of the Working Group on Effects (Mr. Johannessen), the Chair of the EMEP Steering Body (Ms. Vidič) and the Chair of the Implementation Committee (Mr. Fretheim) were also elected Vice-Chairs. A representative of the European Commission was invited to sit on Bureau meetings in 2009 as an observer to ensure effective coordination with Commission activities on air pollution.

117. The Executive Body expressed its thanks to Ms. M. Lešnjak (Slovenia), Mr. D. Fantozzi (United States) and Mr. M. Rico (France) for their effective contribution to the work of the Bureau. It also expressed its thanks to Mr. K. Bull on his retirement from UNECE for his work as Secretary to the Convention.

#### **XIX. ADOPTION OF DECISIONS TAKEN AT THE TWENTY-SIXTH SESSION**

118. The Executive Body adopted the decisions taken at its twenty-sixth session on 18 December 2008.

Annex

**AMENDMENTS TO ARTICLES 14 AND 16 TO THE PROTOCOL ON PERSISTENT  
ORGANIC POLLUTANTS**

As adopted by the Parties to the Protocol meeting within the twenty-sixth session of the  
Executive Body on 18 December 2008  
(New text is indicated in bold)

**A. Text to be inclusion in the covering decision**

Any Party that was not already a Party on 18 December 2008 should declare in its instrument of ratification, acceptance, approval or accession if it does not intend to be bound by the procedure set out in article 14, paragraph 5 bis as regards the amendment of annexes I-IV, VI and VIII.

**B. Amendments to articles 14 and 16**

Article 14  
AMENDMENTS

1. Any Party may propose amendments to the present Protocol.
2. Proposed amendments shall be submitted in writing to the Executive Secretary of the Commission, who shall communicate them to all Parties. The Parties meeting within the Executive Body shall discuss the proposed amendments at its next session, provided that the proposals have been circulated by the Executive Secretary to the Parties at least ninety days in advance.
3. Amendments to the present Protocol and to annexes I to IV, VI and VIII shall be adopted by consensus of the Parties present at a session of the Executive Body, and shall enter into force for the Parties which have accepted them on the ninetieth day after the date on which two thirds of **those that were Parties at the time of their adoption** have deposited with the Depositary their instruments of acceptance thereof. Amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party has deposited its instrument of acceptance thereof. **This paragraph shall be subject to paragraphs 5 bis and 5 ter below.**
4. Amendments to annexes V and VII shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of ninety days from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to

any such annex shall become effective for those Parties which have not submitted to the Depository a notification in accordance with the provisions of paragraph 5 below, provided that at least 16 Parties have not submitted such a notification.

5. Any Party that is unable to approve an amendment to annex V or VII shall so notify the Depository in writing within ninety days from the date of the communication of its adoption. The Depository shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depository, the amendment to such an annex shall become effective for that Party.

**5 bis. For those Parties having accepted it, the procedure set out in paragraph 5ter below shall supersede the procedure set out in paragraph 3 above in respect of amendments to annexes I-IV, VI and VIII.**

**5 ter. (a) Amendments to annexes I-IV, VI and VIII shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of one year from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to any such annex shall become effective for those Parties which have not submitted to the Depository a notification in accordance with the provisions of subparagraph (b) below.**

**(b) Any Party that is unable to approve an amendment to annexes I-IV, VI and VIII shall so notify the Depository in writing within one year from the date of the communication of its adoption. The Depository shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depository, the amendment to such an annex shall become effective for that Party.**

**(c) Any amendment to annexes I-IV, VI and VIII shall not enter into force if an aggregate number of 16 or more Parties have either:**

**(i) Submitted a notification in accordance with the provisions of subparagraph (b) above; or**

**(ii) Not accepted the procedure set out in this paragraph and not yet deposited an instrument of acceptance in accordance with the provisions of paragraph 3 above.**

6. In the case of a proposal to amend annex I, II, or III by adding a substance to the present Protocol:

(a) The proposer shall provide the Executive Body with the information specified in Executive Body decision 1998/2, including any amendments thereto; and

(b) The Parties shall evaluate the proposal in accordance with the procedures set forth in Executive Body decision 1998/2, including any amendments thereto.

7. Any decision to amend Executive Body decision 1998/2 shall be taken by consensus of the Parties meeting within the Executive Body and shall take effect sixty days after the date of adoption.

#### Article 16

#### RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. The present Protocol shall be subject to ratification, acceptance or approval by Signatories.

2. The present Protocol shall be open for accession as from 21 December 1998 by the States and organizations that meet the requirements of article 15, paragraph 1.

**3. Any Party to the Convention that was not already a Party to this Protocol on 18 December 2008, shall declare in its instrument of ratification, acceptance, approval or accession if it does not intend to be bound by the procedures set out in Article 14, paragraph 5 ter as regards the amendment of annexes I-IV, VI and VIII.**

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