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

Working Group on Strategies and Review

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Item 3 of the provisional agenda

OPTIONS FOR REVISING THE GOTHENBURG PROTOCOL

Note by the Bureau of the Working Group on Strategies and Review and the secretariat

1. At its twenty-sixth session in December 2008, the Executive Body invited the Bureau of the Working Group on Strategies and Review and the secretariat to prepare a working document exploring options for revision of the Gothenburg Protocol and to present it for discussion at the forty-fourth session of the Working Group on Strategies and Review (ECE/EB.AIR/96, para. 58 (i)). Such options should include, inter alia, the addition of particulate matter (PM), the implications of developments in other forums, including co-benefits and potential trade-offs of climate change policies, and the introduction of flexibility to promote ratifications by countries of Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe (SEE). This document presents options for revising the Protocol in the form of suggested amendments in the text of the Protocol.

**PROTOCOL TO THE 1979 CONVENTION
ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION
TO ABATE ACIDIFICATION, EUTROPHICATION AND GROUND-LEVEL OZONE¹**

The Parties,

Determined to implement the Convention on Long-range Transboundary Air Pollution,

Aware that nitrogen oxides, sulphur, volatile organic compounds, [and - ~~delete~~] reduced nitrogen compounds [and particulate matter] have been associated with adverse effects on human health and the environment,

Concerned that critical loads of acidification, critical loads of nutrient nitrogen and critical levels of ozone [and particulate matter] for human health and vegetation are still exceeded in many areas of the United Nations Economic Commission for Europe's region,

Concerned also that emitted nitrogen oxides, sulphur, [and - ~~delete~~] volatile organic compounds [and particulate matter], as well as secondary pollutants such as ozone and the reaction products of ammonia, are transported in the atmosphere over long distances and may have adverse transboundary effects,

Recognizing that emissions from Parties within the United Nations Economic Commission for Europe's region contribute to air pollution on the hemispheric and global scales, and recognizing the potential for transport between continents and the need for further study with regard to that potential,

Recognizing also that Canada and the United States of America are bilaterally negotiating reductions of emissions of nitrogen oxides and volatile organic compounds to address the transboundary ozone effect,

Recognizing furthermore that Canada will undertake further reductions of emissions of sulphur by 2010 through the implementation of the Canada-wide Acid Rain Strategy for Post-2000, and that the United States is committed to the implementation of a nitrogen oxides reduction programme in the eastern United States and to the reduction in emissions necessary to meet its national ambient air quality standards for particulate matter,

¹ The name of the Protocol does not include particulate matter.

Resolved to apply a multi-effect, multi-pollutant approach to preventing or minimizing the exceedances of critical loads and levels,

[*Taking into account* the scientific knowledge about the hemispheric transport of air pollution and the potential synergies and trade-offs to climate change and the nitrogen cycle,]

[*Taking into account* the emissions from certain existing activities and installations responsible for present air pollution levels and the development of future activities and installations, - ~~delete~~]

[*Aware* that techniques and management practices are available to reduce emissions of these substances, - ~~delete~~]

[*Aware* that emissions from shipping and aviation contribute significantly to adverse effects on health and the environment and the measures taken by the International Maritime Organization and the International Civil Aviation Association,]

Resolved to take measures to anticipate, prevent or minimize emissions of these substances, taking into account the application of the precautionary approach as set forth in principle 15 of the Rio Declaration on Environment and Development,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Conscious of the need for a cost-effective regional approach to combating air pollution that takes account of the variations in effects and abatement costs between countries,

Noting the important contribution of the private and non-governmental sectors to knowledge of the effects associated with these substances and available abatement techniques, and their role in assisting in the reduction of emissions to the atmosphere,

Bearing in mind that measures taken to reduce emissions of sulphur, nitrogen oxides, ammonia [and - ~~delete~~] volatile organic compounds [and particulate matter] should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international competition and trade,

Taking into consideration best available scientific and technical knowledge and data on emissions, atmospheric processes and effects on human health and the environment of these substances, as well as on abatement costs, and acknowledging the need to improve this knowledge and to continue scientific and technical cooperation to further understanding of these issues,

Noting that under the Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes, adopted at Sofia on 31 October 1988, and the Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, adopted at Geneva on 18 November 1991, there is already provision to control emissions of nitrogen oxides and volatile organic compounds, and that the technical annexes to both those Protocols already contain technical guidance for reducing these emissions,

Noting also that under the Protocol on Further Reduction of Sulphur Emissions, adopted at Oslo on 14 June 1994, there is already provision to reduce sulphur emissions in order to contribute to the abatement of acid deposition by diminishing the exceedances of critical sulphur depositions, which have been derived from critical loads of acidity according to the contribution of oxidized sulphur compounds to the total acid deposition in 1990,

Noting furthermore that this Protocol is the first agreement under the Convention to deal specifically with [reduced nitrogen compounds - ~~delete~~] [particulate matter],

Bearing in mind that reducing the emissions of these substances may provide additional benefits for the control of other pollutants, including in particular transboundary secondary particulate aerosols, which contribute to human health effects associated with exposure to airborne particulates,

Bearing in mind also the need to avoid, in so far as possible, taking measures for the achievement of the objectives of this Protocol that aggravate other health and environment-related problems,

Noting that measures taken to reduce the emissions of nitrogen oxides and reduced nitrogen compounds should involve consideration of the full biogeochemical nitrogen cycle and, so far as possible, not increase emissions of reactive nitrogen including nitrous oxide [and nitrate] which could aggravate other nitrogen-related problems,

Aware that methane and carbon monoxide emitted by human activities contribute, in the presence of nitrogen oxides and volatile organic compounds, to the formation of tropospheric ozone, and

Aware also of the commitments that Parties have assumed under the United Nations Framework Convention on Climate Change,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of the present Protocol,

1. “Convention” means the Convention on Long-range Transboundary Air Pollution, adopted at Geneva on 13 November 1979;
2. “EMEP” means the Cooperative Programme for Monitoring and Evaluation of Long-range Transmission of Air Pollutants in Europe;
3. “Executive Body” means the Executive Body for the Convention constituted under article 10, paragraph 1, of the Convention;
4. “Commission” means the United Nations Economic Commission for Europe;
5. “Parties” means, unless the context otherwise requires, the Parties to the present Protocol;
6. “Geographical scope of EMEP” means the area defined in article 1, paragraph 4, of the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), adopted at Geneva on 28 September 1984;
7. “Emission” means the release of a substance from a point or diffuse source into the atmosphere;
8. “Nitrogen oxides” means nitric oxide and nitrogen dioxide, expressed as nitrogen dioxide (NO₂);
9. “Reduced nitrogen compounds” means ammonia and its reaction products, [expressed as ammonia (NH₃)];
10. “Sulphur” means all sulphur compounds, expressed as sulphur dioxide (SO₂);

11. “Volatile organic compounds”, or “VOCs”, means, unless otherwise specified, all organic compounds of an anthropogenic nature, other than methane, that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight;

[12. Particulate matter (PM₁₀ and PM_{2.5} and TSP (total suspended particulate matter)) means:

(a) PM_{2.5}: The mass of particulate matter that is measured after passing through a size-selective inlet with a 50 per cent efficiency cut-off at 2.5 µm aerodynamic diameter;

(b) PM₁₀: The mass of particulate matter that is measured after passing through a size-selective inlet with a 50 per cent efficiency cut-off at 10 µm aerodynamic diameter;

(c) TSP: the mass of particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions;]

[12. - ~~delete~~] [13.] “Critical load” means a quantitative estimate of an exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur, according to present knowledge;

[13. - ~~delete~~] [14.] “Critical levels” means concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur, according to present knowledge;

[14. - ~~delete~~] [15.] “Pollutant emissions management area”, or “PEMA”, means an area designated in annex III under the conditions laid down in article 3, paragraph 9;

[15. - ~~delete~~] [16.] “Stationary source” means any fixed building, structure, facility, installation or equipment that emits or may emit sulphur, nitrogen oxides, [ammonia,] volatile organic compounds or [ammonia - ~~delete~~] [particulate matter] directly or indirectly into the atmosphere;

[16. - ~~delete~~] [17.] “New stationary source” means any stationary source of which the construction or substantial modification is commenced after the expiry of one year from the date of entry into force of the present Protocol. It shall be a matter for the competent national authorities to decide whether a modification is substantial or not, taking into account such factors as the environmental benefits of the modification.

Article 2

OBJECTIVE

Option 1

The objective of the present Protocol is to control and reduce emissions of sulphur, nitrogen oxides, ammonia [and - ~~delete~~], volatile organic compounds [and particulate matter] that are caused by anthropogenic activities and are likely to cause adverse effects on human health, natural ecosystems, materials and crops, due to acidification, eutrophication [and particulate matter] or ground-level ozone as a result of long-range transboundary atmospheric transport, and to ensure, as far as possible, that in the long term and in a stepwise approach, taking into account advances in scientific knowledge, atmospheric depositions or concentrations do not exceed:

Option 2

The objective of the present Protocol is to control and reduce emissions of sulphur, nitrogen oxides, ammonia [and - ~~delete~~], volatile organic compounds [and particulate matter] that are caused by anthropogenic activities and are likely to cause adverse effects on human health, natural ecosystems, materials and crops, due to acidification, eutrophication [and particulate matter] or ground-level ozone as a result of long-range transboundary atmospheric transport [. The reductions of these substances should ensure that in 2050] [, and to ensure, as far as possible, that in the long term and in a stepwise approach, taking into account advances in scientific knowledge, - delete] atmospheric depositions or concentrations do not exceed ²:

(a) For Parties within the geographical scope of EMEP and Canada, the critical loads of acidity, as described in annex I;

(b) For Parties within the geographical scope of EMEP, the critical loads of nutrient nitrogen, as described in annex I; and

(c) For ozone:

(i) For Parties within the geographical scope of EMEP, the critical levels of ozone [and particulate matter], as given in annex I;

² The second option addresses aspirational goals for atmospheric depositions in 2050.

(ii) For Canada, the Canada-wide Standard for ozone [and particulate matter];

and

(iii) For the United States of America, the National Ambient Air Quality Standard for ozone [and particulate matter].

[2. Indicative national emission ceilings for 2050 for which critical levels and critical loads are not exceeded are given in annex II. These national emission ceilings are aspirational and non-binding.]

Article 3

BASIC OBLIGATIONS

1. Option 1.³ Each Party having an emission ceiling in any table in [annex II](#) shall reduce and maintain the reduction in its annual emissions in accordance with that ceiling and the timescales specified in that annex. Each Party shall, as a minimum, control its annual emissions of polluting compounds in accordance with the obligations in [annex II](#).

1. Option 2.⁴ Each Party having an emission ceiling [for sulphur, nitrogen oxides, volatile organic compounds or ammonia] in any table in [annex II](#) shall reduce and maintain the reduction in its annual emissions in accordance with that ceiling and the timescales specified in that annex. [For particulate matter, each Party shall reduce its emissions with a percentage from the base year as indicated in the table for particulate matter in annex II.] Each Party shall, as a minimum, control its annual emissions of polluting compounds in accordance with the obligations in [annex II](#).

2. Each Party shall apply the limit values specified in [annexes IV, V, \[and - delete\] VI \[and VII\]](#) to each new stationary source within a stationary source category as identified in those annexes, no later than the timescales specified in [[annex X](#)] [[annex VII - delete](#)]. As an

³ The emission reduction obligations for particulate matter can be expressed as an absolute ceiling relative to a base year. Changes to baselines and target years that are underpinned by an Informative Inventory Report may lead to an adjustment in annex II (see article 3, para. 13). An advantage of this option is the possibility to keep the text the same as for the other substances while being robust for percentage changes that result from e.g. a new source or big source. This approach is both flexible and relative and yet allows working with ceilings, which is advantageous from point of view of public perception.

⁴ Emission reduction obligation for particulate matter is expressed as a reduction percentage from base year. Amended paragraph 1 makes the distinction between the four substances and particulate matter.

alternative, a Party may apply different emission reduction strategies that achieve equivalent overall emission levels for all source categories together.

3. Each Party shall, in so far as it is technically and economically feasible and taking into consideration the costs and advantages, apply the limit values specified in annexes IV, V, [~~and - delete] VI [and VII]~~ to each existing stationary source within a stationary source category as identified in those annexes, no later than the timescales specified in [annex X] [~~annex VII - delete]~~. As an alternative, a Party may apply different emission reduction strategies that achieve equivalent overall emission levels for all source categories together or, for Parties outside the geographical scope of EMEP, that are necessary to achieve national or regional goals for acidification abatement and to meet national air quality standards.

[4. Limit values for new and existing boilers and process heaters with a rated thermal input exceeding 50 MW_{th} and new heavy duty vehicles shall be evaluated by the Parties at a session of the Executive Body with a view to amending annexes IV, V, and VIII no later than two years after the date of entry into force of the present Protocol - delete the para.]

5. Each Party shall apply the limit values for the fuels and new mobile sources identified in annex VIII, no later than the timescales specified in [annex X] [~~annex VII - delete]~~.

6. Each Party should apply best available techniques to mobile sources and to each new or existing stationary source, taking into account guidance documents I to [V - delete] [II] adopted by the Executive Body at its [seventeenth - delete] [xxxxxth] session (decision [1999/1 - delete] [20xx/x]) and any amendments thereto.

7. Each Party shall take appropriate measures based, inter alia, on scientific and economic criteria to reduce emissions of volatile organic compounds associated with the use of products not included in annex VI or VIII. [The Parties shall, no later than at the second session of the Executive Body after the entry into force of the present Protocol, consider with a view to adopting an annex on products, including criteria for the selection of such products, limit values for the volatile organic compound content of products not included in annex VI or VIII, as well timescales for the application of the limit values. -delete]

8. Each Party shall, subject to paragraph 10:

(a) Apply, as a minimum, the ammonia control measures specified in annex IX; and

(b) Apply, where it considers it appropriate, best available techniques for preventing and reducing ammonia emissions, as listed in guidance document [V - delete] [III] adopted by

the Executive Body at its [seventeenth - ~~delete~~] [xxxxxth] session (decision [1999/1 - ~~delete~~] [20xx/x] and any amendments thereto.

9. Paragraph 10 shall apply to any Party:

(a) Whose total land area is greater than 2 million square kilometres;

(b) Whose annual emissions of sulphur, nitrogen oxides, ammonia, [and/or - ~~delete~~] volatile organic compounds [and/or particulate matter] contributing to acidification, eutrophication [,] [or - ~~delete~~] ozone formation [or increased levels of particulate matter] in areas under the jurisdiction of one or more other Parties originate predominantly from within an area under its jurisdiction that is listed as a PEMA in annex III, and which has presented documentation in accordance with subparagraph (c) to this effect;

(c) Which has submitted upon signature, ratification, acceptance or approval of, or accession to, the present Protocol a description of the geographical scope of one or more PEMAs for one or more pollutants, with supporting documentation, for inclusion in annex III; and

(d) Which has specified upon signature, ratification, acceptance or approval of, or accession to, the present Protocol its intention to act in accordance with this paragraph.

10. A Party to which this paragraph applies shall:

(a) If within the geographical scope of EMEP, be required to comply with the provisions of this article and annex II only within the relevant PEMA for each pollutant for which a PEMA within its jurisdiction is included in annex III; or

(b) If not within the geographical scope of EMEP, be required to comply with the provisions of paragraphs 1, 2, 3, 5, 6 and 7 and annex II, only within the relevant PEMA for each pollutant (nitrogen oxides, sulphur and/or volatile organic compounds) for which a PEMA within its jurisdiction is included in annex III, and shall not be required to comply with paragraph 8 anywhere within its jurisdiction.

[11. Canada and the United States of America shall, upon their ratification, acceptance or approval of, or accession to, the present Protocol, submit to the Executive Body their respective emission reduction commitments with respect to sulphur, nitrogen oxides and volatile organic compounds for automatic incorporation into annex II. - ~~delete~~]

[11. Each Party within the geographical scope of EMEP, shall develop and maintain emission inventories for the substances listed in annex II and shall use the “Format for reporting emission data under the Convention on Long-range Transboundary Air Pollution”, including the methodologies and the spatial and temporal resolution, as approved by the Steering Body of EMEP and endorsed by the Parties meeting within the Executive Body. Parties outside the geographical scope of EMEP shall use as a guidance the methodologies developed through the work plan of the Executive Body. All Parties shall report this information in accordance with the reporting requirements set out in article 9 below.]⁵

[12. Each Party should participate in the effect programmes of the Convention and report in accordance with the “Guidelines for reporting on the monitoring and modelling of air pollution effects” as approved by the Working Group on Effects and endorsed by the Executive Body.]⁶

[12. - ~~delete~~] [13] The Parties shall, subject to the outcome of the first review provided for under article 10, paragraph 2, and no later than one year after completion of that review, commence negotiations on further obligations to reduce emissions.

Article 4

EXCHANGE OF INFORMATION AND TECHNOLOGY

1. Each Party shall, in a manner consistent with its laws, regulations and practices and in accordance with its obligations in the present Protocol, create favourable conditions to facilitate the exchange of information, technologies and techniques, with the aim of reducing emissions of sulphur, nitrogen oxides, ammonia [and - ~~delete~~] [,] volatile organic compounds [and particulate matter] by promoting inter alia:

(a) The development and updating of databases on best available techniques, including those that increase energy efficiency, low-emission burners and good environmental practice in agriculture;

⁵ The new paragraph 11, like the relevant provision in the 1998 Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants, invites Parties to develop and maintain emission inventories. It also makes the use of the Guidelines on Emission Inventories. (As the use of the Guidelines is mandatory for emission inventories (enabling clause), its name and/or content may need to be reconsidered.)

⁶ The new paragraph 12 is intended to increase the level of participation of the effects-oriented activities under the Convention. It is an enabling clause for the Parties to this Protocol. Other Parties to the Convention are invited to participate in the effect-oriented work by the decision of the Executive Body (2008/xx). Note that paragraph 12 is a voluntary obligation.

(b) The exchange of information and experience in the development of less polluting transport systems;

(c) Direct industrial contacts and cooperation, including joint ventures; and

(d) The provision of technical assistance.

2. In promoting the activities specified in paragraph 1, each Party shall create favourable conditions for the facilitation of contacts and cooperation among appropriate organizations and individuals in the private and public sectors that are capable of providing technology, design and engineering services, equipment or finance.

Article 5

PUBLIC AWARENESS

1. Each Party shall, in a manner consistent with its laws, regulations and practices, promote the provision of information to the general public, including information on:

(a) National annual emissions of sulphur, nitrogen oxides, ammonia (and - ~~delete~~] [,] volatile organic compounds [and particulate matter] and progress towards compliance with the national emission ceilings or other obligations referred to in article 3;

(b) Depositions and concentrations of the relevant pollutants and, where applicable, these depositions and concentrations in relation to critical loads and levels referred to in article 2;

(c) Levels of tropospheric ozone; and

(d) Strategies and measures applied or to be applied to reduce air pollution problems dealt with in the present Protocol and set out in article 6.

2. Furthermore, each Party may make information widely available to the public with a view to minimizing emissions, including information on:

(a) Less polluting fuels, renewable energy and energy efficiency, including their use in transport;

(b) Volatile organic compounds in products, including labelling;

- (c) Management options for wastes containing volatile organic compounds that are generated by the public;
- (d) Good agricultural practices to reduce emissions of ammonia;
- (e) Health and environmental effects associated with the pollutants covered by the present Protocol; and
- (f) Steps which individuals and industries may take to help reduce emissions of the pollutants covered by the present Protocol.

Article 6

STRATEGIES, POLICIES, PROGRAMMES, MEASURES AND INFORMATION

1. Each Party shall, as necessary and on the basis of sound scientific and economic criteria, in order to facilitate the implementation of its obligations under article 3:
 - (a) Adopt supporting strategies, policies and programmes without undue delay after the present Protocol enters into force for it;
 - (b) Apply measures to control and reduce its emissions of sulphur, nitrogen oxides, ammonia [and - ~~delete~~] [,] volatile organic compounds [and particulate matter];
 - (c) Apply measures to encourage the increase of energy efficiency and the use of renewable energy;
 - (d) Apply measures to decrease the use of polluting fuels;
 - (e) Develop and introduce less polluting transport systems and promote traffic management systems to reduce overall emissions from road traffic;
 - (f) Apply measures to encourage the development and introduction of low-polluting processes and products, taking into account guidance documents I to [V - ~~delete~~] [III] adopted by the Executive Body at its [seventeenth - ~~delete~~] [xxxxxth] session (decision [1999/1 - ~~delete~~] [20xx/x]) and any amendments thereto;
 - (g) Encourage the implementation of management programmes to reduce emissions, including voluntary programmes, and the use of economic instruments, taking into account

guidance document [VI - ~~delete~~] [IV} adopted by the Executive Body at its [xxxxxth] session (decision [1999/1 - ~~delete~~] [20xx/x]) and any amendments thereto;

(h) Implement and further elaborate policies and measures in accordance with its national circumstances, such as the progressive reduction or phasing-out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all sectors that emit sulphur, nitrogen oxides, ammonia [and - ~~delete~~] [,] volatile organic compounds [and particulate matter] which run counter to the objective of the Protocol, and apply market instruments; and

(i) Apply measures, where cost-effective, to reduce emissions from waste products containing volatile organic compounds.

2. Each Party shall⁷ collect and maintain information on:

(a) Actual levels of emissions of sulphur, nitrogen compounds [and - ~~delete~~] [,] volatile organic compounds [and particulate matter], and of ambient concentrations and depositions of these compounds and ozone, taking into account, for those Parties within the geographical scope of EMEP, the work plan of EMEP; and

(b) The effects of ambient concentrations and of the deposition of sulphur, nitrogen compounds, volatile organic compounds [, particulate matter] and ozone on human health, terrestrial and aquatic ecosystems and materials.

3. Any Party may take more stringent measures than those required by the present Protocol.

Article 7

REPORTING

1. Subject to its laws and regulations and in accordance with its obligations under the present Protocol:

(a) Each Party shall report, through the Executive Secretary of the Commission, to the Executive Body, on a periodic basis as determined by the Parties at a session of the Executive Body, information on the measures that it has taken to implement the present Protocol. Moreover:

⁷ Use of “should” instead of “shall” might be considered.

(i) Where a Party applies different emission reduction strategies under article 3, paragraphs 2 and 3, it shall document the strategies applied and its compliance with the requirements of those paragraphs;

(ii) Where a Party judges certain limit values, as specified in accordance with article 3, paragraph 3, not to be technically and economically feasible, taking into consideration the costs and advantages, it shall report and justify this;

(b) Each Party within the geographical scope of EMEP shall report, through the Executive Secretary of the Commission, to EMEP, on a periodic basis to be determined by the Steering Body of EMEP and approved by the Parties at a session of the Executive Body, the following information:

(i) Levels of emissions of sulphur, nitrogen oxides, ammonia [,] [~~and - delete~~] volatile organic compounds [and particulate matter] using, as a minimum, the methodologies and the temporal and spatial resolution [etc.] specified [by the Steering Body of EMEP - ~~delete~~] [in the Format for reporting emission data under the Convention on Long-range Transboundary Air Pollution].⁸

(ii) Levels of emissions of each substance in the [in the reference year (1990) - ~~delete~~] [base years as indicated in annex II] using the same methodologies and temporal and spatial resolution;

(iii) Data on projected emissions and current reduction plans; and

(iv) Where it deems it appropriate, any exceptional circumstances justifying emissions that are temporarily higher than the ceilings established for it for one or more pollutants; and

(c) Parties in areas outside the geographical scope of EMEP shall make available information similar to that specified in subparagraph (b), if requested to do so by the Executive Body.

⁸ The proposed text makes mandatory the use of the Format for reporting emission data under the Convention on Long-range Transboundary Air Pollution. (The Format would be a new name for the Guidelines on Emission Inventories).

2. The information to be reported in accordance with paragraph 1 (a) shall be in conformity with a decision regarding format and content to be adopted by the Parties at a session of the Executive Body. The terms of this decision shall be reviewed as necessary to identify any additional elements regarding the format or the content of the information that is to be included in the reports.

3. In good time before each annual session of the Executive Body, EMEP shall provide information on:

(a) Ambient concentrations and depositions of sulphur and nitrogen compounds as well as, where available, ambient concentrations of volatile organic compounds and ozone; and

(b) Calculations of sulphur and oxidized and reduced nitrogen budgets and relevant information on the long-range transport of [particulate matter and] ozone and its precursors. Parties in areas outside the geographical scope of EMEP shall make available similar information if requested to do so by the Executive Body.

4. The Executive Body shall, in accordance with article 10, paragraph 2 (b), of the Convention, arrange for the preparation of information on the effects of depositions of sulphur and nitrogen compounds and concentrations of ozone [and particulate matter].

5. The Parties shall, at sessions of the Executive Body, arrange for the preparation, at regular intervals, of revised information on calculated and internationally optimized allocations of emission reductions for the States within the geographical scope of EMEP, using integrated assessment models, including atmospheric transport models, with a view to reducing further, for the purposes of article 3, paragraph 1, the difference between actual depositions of sulphur and nitrogen compounds and critical load values as well as the difference between actual ozone [and particulate matter] concentrations and the critical levels of ozone [and particulate matter] specified in annex I, or such alternative assessment methods as approved by the Parties at a session of the Executive Body.

Article 8

RESEARCH, DEVELOPMENT AND MONITORING

The Parties shall encourage research, development, monitoring and cooperation related to:

(a) The international harmonization of methods for the calculation and assessment of the adverse effects associated with the substances addressed by the present Protocol for use in establishing critical loads and critical levels and, as appropriate, the elaboration of procedures for such harmonization;

(b) The improvement of emission databases, in particular those on [particulate matter,] ammonia and volatile organic compounds;

(c) The improvement of monitoring techniques and systems and of the modelling of transport, concentrations and depositions of sulphur, nitrogen compounds [,] [and - ~~delete~~] volatile organic compounds [and particulate matter], as well as of the formation of ozone [and secondary particulate matter];

(d) The improvement of the scientific understanding of the long-term fate of emissions and their impact on the hemispheric background concentrations of sulphur, nitrogen, volatile organic compounds, ozone and particulate matter, focusing, in particular, on the chemistry of the free troposphere and the potential for intercontinental flow of pollutants;

(e) The further elaboration of an overall strategy to reduce the adverse effects of acidification, eutrophication [,] [and - ~~delete~~] photochemical pollution [and particulate matter], including synergisms and combined effects;

(f) Strategies for the further reduction of emissions of sulphur, nitrogen oxides, ammonia [,] [and - delete] volatile organic compounds [and particulate matter] based on critical loads and critical levels as well as on technical developments, and the improvement of integrated assessment modelling to calculate internationally optimized allocations of emission reductions taking into account the need to avoid excessive costs for any Party. Special emphasis should be given to emissions from agriculture and transport;

(g) The identification of trends over time and the scientific understanding of the wider effects of sulphur, nitrogen [,] [and - delete] volatile organic compounds, [particulate matter] and photochemical pollution on human health, [including their contribution to concentrations of particulate matter - ~~delete~~] the environment, in particular acidification and eutrophication, and materials, especially historic and cultural monuments, taking into account the relationship between sulphur oxides, nitrogen oxides, [ammonia - ~~delete~~] [reduced nitrogen compounds], volatile organic compounds, [particulate matter], and tropospheric ozone;

(h) Emission abatement technologies, and technologies and techniques to improve energy efficiency, energy conservation and the use of renewable energy;

- (i) The efficacy of ammonia control techniques for farms and their impact on local and regional deposition;
- (j) The management of transport demand and the development and promotion of less polluting modes of transport;
- (k) The quantification and, where possible, economic evaluation of benefits for the environment and human health resulting from the reduction of emissions of sulphur, nitrogen oxides, ammonia [,] [and - ~~delete~~] volatile organic compounds [and particulate matter]; and
- (l) The development of tools for making the methods and results of this work widely applicable and available.

Article 9

COMPLIANCE

Compliance by each Party with its obligations under the present Protocol shall be reviewed regularly. The Implementation Committee established by decision 1997/2 of the Executive Body at its fifteenth session shall carry out such reviews and report to the Parties at a session of the Executive Body in accordance with the terms of the annex to that decision, including any amendments thereto.

Article 10

REVIEWS BY THE PARTIES AT SESSIONS OF THE EXECUTIVE BODY

1. The Parties shall, at sessions of the Executive Body, pursuant to article 10, paragraph 2 (a), of the Convention, review the information supplied by the Parties, EMEP and subsidiary bodies of the Executive Body, the data on the effects of concentrations and depositions of sulphur [,] [and - ~~delete~~] nitrogen compounds [, particulate matter] and of photochemical pollution as well as the reports of the Implementation Committee referred to in article 9 above.
2. (a) The Parties shall, at sessions of the Executive Body, keep under review the obligations set out in the present Protocol, including:
 - (i) Their obligations in relation to their calculated and internationally optimized allocations of emission reductions referred to in article 7, paragraph 5, above; and

(ii) The adequacy of the obligations and the progress made towards the achievement of the objective of the present Protocol;

(b) Reviews shall take into account the best available scientific information on the effects of acidification, eutrophication and photochemical pollution, including assessments of all relevant health effects, critical levels and loads, the development and refinement of integrated assessment models, technological developments, changing economic conditions, progress made on the databases on emissions and abatement techniques, especially related to [particulate matter,] ammonia and volatile organic compounds, and the fulfilment of the obligations on emission levels;

(c) The procedures, methods and timing for such reviews shall be specified by the Parties at a session of the Executive Body. The first such review shall commence no later than one year after the present Protocol enters into force.

Article 11

SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the present Protocol, the parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. The parties to the dispute shall inform the Executive Body of their dispute.

2. When ratifying, accepting, approving or acceding to the present Protocol, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Protocol, it recognizes one or both of the following means of dispute settlement as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice;

(b) Arbitration in accordance with procedures to be adopted by the Parties at a session of the Executive Body, as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b).

3. A declaration made under paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute agree otherwise.

5. Except in a case where the parties to a dispute have accepted the same means of dispute settlement under paragraph 2, if after twelve months following notification by one party to another that a dispute exists between them, the parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. For the purpose of paragraph 5, a conciliation commission shall be created. The commission shall be composed of an equal number of members appointed by each party concerned or, where parties in conciliation share the same interest, by the group sharing that interest, and a chairperson chosen jointly by the members so appointed. The commission shall render a recommendatory award, which the parties to the dispute shall consider in good faith.

Article 12

ANNEXES

The annexes to the present Protocol shall form an integral part of the Protocol.

Article 13

AMENDMENTS AND ADJUSTMENTS

Option 1 (New Protocol)

1. Any Party may propose amendments to the present Protocol. Any Party to the Convention may propose an adjustment to annex II to the present Protocol to add to it its name, together with emission levels, emission ceilings and percentage emission reductions. [Any Party may propose an adjustment of the emission levels, the base year and the emission ceiling for

particulate matter. These adjustments need to be motivated in the Informative Inventory Report of that Party.]⁹

2. Proposed amendments and adjustments shall be submitted in writing to the Executive Secretary of the Commission, who shall communicate them to all Parties. The Parties shall discuss the proposed amendments and adjustments at the next session of the Executive Body, provided that those proposals have been circulated by the Executive Secretary to the Parties at least ninety days in advance.

3. Amendments to the present Protocol [, including amendments to annexes II to IX, - ~~delete~~]¹⁰ 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 the Parties 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.

4. Amendments to the annexes [I and III] to the present Protocol [, other than to the annexes referred to in paragraph 3, - ~~delete~~] 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 Depositary a notification in accordance with the provisions of paragraph 5, provided that at least sixteen Parties have not submitted such a notification.

5. Any Party that is unable to approve an amendment [an annex - ~~delete~~] [to annexes I and III] [, other than to an annex referred to in paragraph 3 - ~~delete~~] shall so notify the Depositary in writing within ninety days from the date of the communication of its adoption. The Depositary 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 Depositary, the amendment to such an annex shall become effective for that Party.

[6. The proposal, adoption and entry into force of amendments to annexes II and IV to X shall be subject to the same procedures as for the proposal, adoption and entry into force of amendments to annexes I and III, set out in paragraphs 4 and 5, except that:

⁹ This text accompanies option 1 for article 3, paragraph 1.

¹⁰ Annex III (PEMA) should not have been put here?

(a) The time frame of ninety days referred to in paragraphs 4 and 5 shall be the specific time frame established upon adoption of the amendment with one year; and

(b) An amendment to these annexes shall not enter into force with respect to any Party that has made a declaration with respect to an amendment to those annexes in accordance with paragraph 4 of article 15, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment.]

[6. - ~~delete~~] [7.] Adjustments to annex II [and III] shall be adopted by consensus of the Parties present at a session of the Executive Body and shall become effective for all Parties to the present Protocol on the ninetieth day following the date on which the Executive Secretary of the Commission notifies those Parties in writing of the adoption of the adjustment

Option 2 (Amended Gothenburg Protocol)

1. Any Party may propose amendments to the present Protocol. Any Party to the Convention may propose an adjustment to annex II to the present Protocol to add to it its name, together with emission levels, emission ceilings and percentage emission reductions. [Any Party may propose an adjustment of the emission levels, the base year and the emission ceiling for particulate matter. These adjustments need to be motivated in the Informative Inventory Report of that Party.]¹¹ This text accompanies option 1 for article 3.1.

2. Proposed amendments and adjustments shall be submitted in writing to the Executive Secretary of the Commission, who shall communicate them to all Parties. The Parties shall discuss the proposed amendments and adjustments at the next session of the Executive Body, provided that those proposals have been circulated by the Executive Secretary to the Parties at least ninety days in advance.

3. Amendments to the present Protocol [and, subject to paragraphs 6 and 7 below,] [including amendments - ~~delete~~] to annexes II [and IV] to [IX – ~~delete~~] [X]¹² 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 [the - ~~delete~~] [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.

¹¹ This text accompanies option 1 for article 3, paragraph 1.

¹² Annex III (PEMA) should not have been put here?

4. Amendments to the annexes [I and III] to the present Protocol [, other than to the annexes referred to in paragraph 3, - delete] 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 Depositary a notification in accordance with the provisions of paragraph 5, provided that at least sixteen Parties have not submitted such a notification.

5. Any Party that is unable to approve an amendment to [an - delete] [annex - delete] [annexes I and III] [, other than to an annex referred to in paragraph 3, - delete] shall so notify the Depositary in writing within ninety days from the date of the communication of its adoption. The Depositary 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 Depositary, the amendment to such an annex shall become effective for that Party.

[6. (a) Amendments to annexes II and IV to X 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 Depositary a notification in accordance with the provisions of subparagraph (b) below;

(b) Any Party that is unable to approve an amendment to annexes II and IV to X shall so notify the Depositary in writing within one year from the date of the communication of its adoption. The Depositary 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 Depositary, the amendment to such an annex shall become effective for that Party;

(c) Any amendment to annexes II and IV to X shall not enter into force if an aggregate number of 16 or more Parties have either:

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

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.

7. For those Parties having accepted it, the procedure set out in paragraph 6 above supersedes the procedure set out in paragraph 3 above in respect of amendments to annexes II and IV to X.]

[6. - ~~delete~~] [8.] Adjustments to annex[es] II [and III] shall be adopted by consensus of the Parties present at a session of the Executive Body and shall become effective for all Parties to the present Protocol on the ninetieth day following the date on which the Executive Secretary of the Commission notifies those Parties in writing of the adoption of the adjustment.

Article 14

SIGNATURE

1. The present Protocol shall be open for signature at [xxx place / xxx date] [Gothenburg (Sweden) on 30 November and 1 December 1999 - ~~delete~~], then at United Nations Headquarters in New York until [xxx date] [30 May 2000 - ~~delete~~], by States members of the Commission as well as States having consultative status with the Commission, pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations, constituted by sovereign States members of the Commission, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the Protocol, provided that the States and organizations concerned are Parties to the Convention and are listed in annex II.

2. In matters within their competence, such regional economic integration organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which the present Protocol attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Article 15

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 [31 may 2000 - ~~delete~~] [xxx date] by the States and organizations that meet the requirements of article 14, paragraph 1.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

[4. Option 1.

In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any amendment to annexes II and IV to X shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.]¹³

[4. Option 2.

Any Party that was not already a Party on [xxx date]¹⁴ shall 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 13, paragraph 6 as regards the amendment of annexes II and IV to X.]¹⁵

Article 16

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary.

Article 17

ENTRY INTO FORCE

1. The present Protocol shall enter into force on the ninetieth day following the date on which the sixteenth instrument of ratification, acceptance, approval or accession has been deposited with the Depositary.

2. For each State and organization that meets the requirements of article 14, paragraph 1, which ratifies, accepts or approves the present Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the ninetieth day following the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

¹³ Option 1 of paragraph 4 belongs to option 1 of article 13.

¹⁴ Insert date of adoption of amendment to article 13.

¹⁵ Option 2 of paragraph 4 belongs to option 2 of article 13.

Article 18

WITHDRAWAL

At any time after five years from the date on which the present Protocol has come into force with respect to a Party, that Party may withdraw from it by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day following the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 19

AUTHENTIC TEXTS

The original of the present Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Protocol.

DONE at Gothenburg (Sweden), this thirtieth day of November one thousand nine hundred and ninety-nine.¹⁶

¹⁶ This may require modification to reflect actual situation at the adoption of the new and/or amended Protocol.

- Annex I** CRITICAL LOADS AND LEVELS
- Annex II** EMISSION CEILINGS
Emissions: 1980 (only sulphur), 1990, 2000; ceilings: 2010 [(not for particulate matter), 2020; aspirational ceilings: 2050]
- Annex III** DESIGNATED POLLUTANT EMISSIONS MANAGEMENT AREA (PEMA)
- Annex IV** LIMIT VALUES FOR EMISSIONS OF SULPHUR FROM STATIONARY SOURCES
- Annex V** LIMIT VALUES FOR EMISSIONS OF NITROGEN OXIDES FROM STATIONARY SOURCES
- Annex VI** LIMIT VALUES FOR EMISSIONS OF VOLATILE ORGANIC COMPOUNDS FROM STATIONARY SOURCES [AND PRODUCTS]
- Annex VII** [TIMESCALES UNDER ARTICLE 3 – delete]

[LIMIT VALUES FOR EMISSIONS OF PARTICULATE MATTER FROM STATIONARY SOURCES]
- Annex VIII** LIMIT VALUES FOR FUELS AND NEW MOBILE SOURCES
- Annex IX** MEASURES FOR THE CONTROL OF EMISSIONS OF AMMONIA FROM AGRICULTURAL SOURCES
- [**Annex X** TIMESCALES UNDER ARTICLE 3]

1. The timescales for the application of the limit values referred to in article 3, paragraphs 2 and 3, shall be:

(a) For new stationary sources, one year after the date of entry into force of the present Protocol for the Party in question; and

(b) For existing stationary sources:

(i) In the case of a Party that is not a country with an economy in transition, one year after the date of entry into force of the present Protocol [for the Party in

question] or 31 December[2016], whichever is the later; and

(ii) In the case of a Party that is a country with an economy in transition, eight years after the entry into force of the present Protocol [for the Party in question. If necessary, this period may be extended for specific existing stationary sources in accordance with the amortization period provided for by national legislation].

2. The timescales for the application of the limit values for fuels and new mobile sources referred to in article 3, paragraph 5, and the limit values for gas oil referred to in annex IV, table 2, shall be:

(i) In the case of a Party that is not a country with an economy in transition, the date of entry into force of the present Protocol [for the Party in question] or the dates associated with the measures specified in annex VIII and with the limit values specified in annex IV, table 2, whichever is the later; and

(ii) In the case of a Party that is a country with an economy in transition, five years after the date of entry into force of the present Protocol [for the Party in question] or five years after the dates associated with the measures specified in annex VIII and with the limit values in annex IV, table 2, whichever is the later.

This timescale shall not apply to a Party to the present Protocol to the extent that that Party is subject to a shorter timescale with regard to gas oil under the Protocol on Further Reduction of Sulphur Emissions.

3. For the purpose of the present annex, “a country with an economy in transition” means a Party that has made with its instrument of ratification, acceptance, approval or accession a declaration that it wishes to be treated as a country with an economy in transition for the purposes of paragraphs 1 and/or 2 of this annex.

Guidance documents

- I. Guidance document on control techniques for emissions of sulphur, NO_x, non-methane volatile organic compounds (NMVOCs), PM₁₀ and PM_{2.5} from stationary sources.
- II. Guidance document on control techniques for selected mobile sources.
- III. Guidance document on control techniques for preventing and abating emissions of ammonia.

IV. Guidance document on economic instruments to reduce emissions of sulphur, NO_x, NMVOCs, NH₃, PM₁₀ and PM_{2.5}
