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Working Group on Strategies and Review

Forty-sixth session

Geneva, 12–15 April 2010

Report of the Working Group on Strategies and Review on its forty-sixth session

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¹ 1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone.

I. Introduction

1. The forty-sixth session of the Working Group on Strategies and Review was held in Geneva, Switzerland, from 12 to 15 April 2010.

A. Attendance

2. The session was attended by representatives of the following Parties to the Convention on Long-range Transboundary Air Pollution: Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Russian Federation, Serbia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and the European Union.

3. A representative of the Centre for Integrated Assessment Modelling (CIAM) of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) was present. Also present were representatives of EURELECTRIC, the European Association of Internal Combustion Engine Manufacturers (EUROMOT), the oil companies' European organization for environment, health and safety in refining and distribution (CONCAWE), the European Petroleum Industry Association (EUROPIA), the European Environmental Bureau (EEB), the French-German Institute for Environmental Research, European HBCD² Industry Working Group and Worldsteel Association. Representatives of the European Environment Agency (EEA) and the Chemicals Branch of the United Nations Environment Programme (UNEP) also attended.

B. Organizational matters

4. The meeting was chaired by Mr. R. Ballaman (Switzerland).

5. The Working Group adopted the agenda of the meeting as set out in ECE/EB.AIR/WG.5/99.

6. The Working Group considered and adopted the report of its forty-fifth session as set out in document ECE/EB.AIR/WG.5/98.

7. The Director of the Environment, Housing and Land Management Division of the United Nations Economic Commission for Europe (UNECE) informed the meeting about recent changes in the secretariat and reassignment of tasks among its staff. Following the early retirement of Ms. Masson, he introduced Mr. S. Ludwiczak as the new leader of the Pollution Prevention Team and informed that Ms. A. Karadjova was taking over the functions of secretary to the Air Convention. He highlighted the difficulties the secretariat was experiencing in meeting the growing demands related to servicing the Convention and its various bodies within the existing resources, drawing particular attention to the need for extrabudgetary resources to fund a Professional post and one half of a programme assistant post to allow the secretariat to continue to support countries in Eastern Europe, the Caucasus and Central Asia.

² Hexabromocyclododecane.

8. The EU representative regretted that the lack of resources had prompted the announced changes in the secretariat, which it felt would inevitably impact the effectiveness and the future development of the work under the Convention and its protocols. The EU requested the secretariat to elaborate a brief note on the new arrangements for discussion by the Executive Body and its Bureau, noting that any final decision concerning consequent changes to the Convention's programme of work should be taken by the Executive Body. In the meantime, pending a decision by the Executive Body regarding prioritization of work, the EU was of the view that it would be inappropriate for the secretariat to unilaterally decide not to service certain meetings, but that the current level of support should continue until otherwise decided by the Executive Body.

9. The Working Group:

(a) Took note of a report from the secretariat suggesting potential difficulties for the secretariat to continue to coordinate the work and to participate in all key meetings of the task forces and expert groups due to resource constraints;

(b) Requested the secretariat to maintain its present level of support to the task forces and expert groups and prepare a note outlining the difficulties for consideration by the Bureau of the Executive Body and for final decision by the Executive Body;

(c) Invited the Executive Body to explore solutions, in conjunction with consideration of the long-term strategy for the Convention.

II. Options for revising the Gothenburg Protocol

10. The Working Group continued its discussions on options for revising the 1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol) on the basis of document ECE/EB.AIR/WG.5/2010/1 and taking into account the results of the work presented by the task forces and expert groups. In parallel to the session, technical experts pursued their work on the draft revised annexes to the Protocol that the Expert Group on Techno-economic Issues had prepared for the Working Group's previous session in September 2009.

11. The representative of CIAM presented the available input data and options for baseline scenarios for use in the revision of the emission ceilings in the Protocol. The Working Group noted that 18 Parties had submitted their national projections. It noted in addition that other available sources of data with coherent input assumptions included the 2008 and 2009 PRIMES³ models, the 2009 World Energy Outlook of the International Energy Agency (WEO/IEA), the Common Agricultural Policy Regionalized Impact (CAPRI) model and recent agricultural projections from the Food and Agriculture Organization of the United Nations (FAO).

12. The Chair of the Task Force on Integrated Assessment Modelling described the recommendations to take into account the effects of the economic crisis and recent climate and energy policy measures in the baseline scenario. For EU member States that baseline would include data from the PRIMES and CAPRI models. For non-EU countries, national projections would be used, where available, or data from WEO/IEA and FAO. He noted that another scenario would be useful to increase the robustness of the evaluation of further policy measures, involving higher growth assumptions based on the available national projections. In addition, when a new PRIMES reference scenario, including additional

³ Energy system model that matches imports and exports of energy between EU member States.

climate and energy legislation for the EU member States, would become available in 2010, those data would also be used for robustness evaluation.

13. The EU representative stated that the EU was in favour of using the “PRIMES-2009 baseline” and CAPRI datasets to calculate the baseline emission scenario in order to assure consistency between countries, and would consider using the “PRIMES-2009 reference” (which met all targets of the EU Climate and Energy Package) at a later date, instead of the “PRIMES-2009 baseline”. In addition, national scenarios should be made use of as another baseline as they offered a comparison of macroeconomic assumptions, activity rates and technology penetration at national level.

14. The EU representative thanked the Task Force on Integrated Assessment Modelling and CIAM for the updated information and supported the request from the Working Group to those two bodies to continue their exploratory work and report back to the Working Group. The further work should focus on assessing the national emissions resulting from the Maximum Feasible Reduction (MFR) scenario and the current policy scenario (reflecting also the effects of the EU Industrial Emissions Directive and climate change policy). It would appreciate receiving further information, which was as detailed and as accurate as possible, on emission levels, costs, environmental and health endpoints and environmental effects, in order to move forward in the discussions on the emission ceilings.

15. Regarding the further work, the representative of Norway recommended that an effect-oriented approach also be made use of to analyse other possible environmental endpoints. A representative of Switzerland recommended requesting countries to provide further feedback to complement the national scenarios and information provided.

16. The Chair of the Working Group on Effects informed participants on the recent progress in effects-oriented activities. He drew attention to the proposal to amend annex I to the Gothenburg Protocol and in particular the definitions of possible effects indicators not employed in the Protocol text, e.g., as regards ozone flux and particulate matter. The Working Group on Strategies and Review noted the usefulness of the ex post analysis that was planned in collaboration with effects-oriented programmes and the integrated assessment modellers.

17. The Co-Chair of the Task Force on Reactive Nitrogen presented progress in developing proposals for annex IX to the Protocol on measures for the control of emissions of ammonia (NH₃) from agricultural sources (ECE/EB.AIR/WG.5/2010/5), for which the Task Force had provided justification in the report of its third meeting (ECE/EB.AIR/WG.5/2010/4). The proposals included three technically feasible and cost-effective options for each sector of NH₃ abatement representing high, moderate or modest levels of ambition in reducing NH₃ emissions. It was noted that some countries were already applying measures at or above the proposed high ambition level. The most cost-effective measures included nitrogen management, livestock feeding strategies and low-emissions manure application to fields. The Working Group noted that in general the number of livestock could be used as a simpler threshold for differentiating between farm sizes than the total nitrogen excretion of housed livestock. It welcomed the integrated approach to include all the relevant aspects of the nitrogen cycle in the work, and noted the work on updating the Guidance document on control techniques for preventing and abating emissions of ammonia (EB.AIR/WG.5/2007/13; hereinafter the Guidance Document) and the UNECE Framework Code for Good Agricultural Practice for Reducing Ammonia (EB.AIR/WG.5/2001/7) (hereinafter the Framework Code).

18. The EU stated that the priority issues for discussion in the revision of annex IX were: the ambition level; the use of farm size and/or animal type thresholds approaches to define the scope; and the potential flexibilities for Eastern European, Caucasian and Central Asian countries as well as for South-Eastern European countries. The revised annex IX

should specify to the extent possible the priority measures for achieving NH₃ reduction targets as well as their cost and benefits. The EU noted that to further discuss the draft revised annex IX, it was necessary to be able to consider in parallel a draft of the revised Guidance Document. Consequently, it invited the Task Force to pursue its work on both documents. It was pointed out that legal aspects of the revised annex were yet to be discussed, including in particular to determine whether the entire annex should remain legally binding or whether it or some of its provisions should be recommendatory in character. It would be important to hear from the non-Parties to the Protocol, to what extent increasing flexibility in the annex IX would facilitate their efforts to ratify the revised (or the new) Protocol.

19. The representative of the lead country (United Kingdom) of the Network of Experts on Benefits and Economic Instruments (NEBEI) reported that a draft revised guidance document on economic instruments had been prepared and made available to the Working Group as an informal document.

20. The Working Group took note of the information presented by the representative of the United States on its air quality and emission standards programmes that would help address the transboundary problems of acidification, ozone and particulate matter. It noted in particular information on: (a) the national emission cap on sulphur dioxide (SO₂) emissions and on the programme to set regional caps on SO₂, nitrogen oxide (NO₂) and summer time NO₂ emissions from electric utilities; (b) stationary source regulations that would reduce emissions of SO₂, NO₂ and volatile organic compounds (VOCs) from new stationary sources and existing facilities as they were modified and steps to reduce the same pollutants from all types of on- and off-road vehicles, locomotives and ships; (c) the significant reduction in nitrogen oxide (NO_x), SO₂ and VOCs resulting from those measures as they were fully phased in; and (d) the Emission Control Area established under the International Convention for the Prevention of Pollution from Ships (MARPOL) for the coastline of the United States and Canada. The designation of that area would lead to a significant reduction in NO_x and SO₂ around the United States and Canadian coastline from large ocean-going vessels.

21. The Italian Co-Chair of the Expert Group on Techno-economic Issues reported on the results of the work carried out by the ad hoc group of experts working in parallel to the Working Group session on the draft revised technical annexes to the Gothenburg Protocol.

22. In the discussion that followed, the representative of the EU supported the inclusion of the proposed two new annexes on limit values on dust emissions from stationary sources as well as on limit values for solvent content of products to the Protocol. The EU was about to finalize the revision of its legislation on industrial emissions and the resulting revised emission limit values (ELVs) (both for new and existing plants) were expected in general terms to be similar to option 2 proposed by the Expert Group on Techno-economic Issues⁴ as regarded the draft revised annexes for SO₂, NO_x, VOCs from larger sources (European Council Integrated Pollution Prevention and Control (IPPC) Directive 2008/1/EC) and dust, and similar to option 3 for VOCs from smaller stationary sources (non-IPPC legislation). The EU firmly believed that the revision of the Gothenburg Protocol would contribute to improving human health and the environment in the UNECE region provided that the provisions of the revised or new legal instrument were implemented. It was therefore important to aim for a legal instrument that would be widely ratified and rapidly implemented by all its Parties. Consequently, the EU was eager to learn from the other Parties to the Convention about their specific needs and requirements and was willing to

⁴ Option 2: ELV2, while technically demanding, takes into account the costs of the measures for achieving reduction. It is a value based on the upper best available techniques associated emission levels (BAT AEL).

work with them to be able to agree on technical annexes that would be both ambitious and achievable. In particular, it called for active participation from countries in Eastern Europe, the Caucasus and Central Asia and countries in South-Eastern Europe in the negotiation process.

23. The Working Group:

(a) Welcomed the contributions made by the task forces, expert groups and centres to the revision process for the Gothenburg Protocol;

(b) Took note of the proposed draft amended text of the Protocol as presented in document ECE/EB.AIR/WG.5/2010/1 and invited the secretariat to make available for its next session a revised text in the format of an informal document reflecting the amendments made during the session;

(c) Expressed its appreciation for the work of the Expert Group on Techno-economic Issues in preparing draft revised versions of the technical annexes and guidance documents to the Gothenburg Protocol;

(d) Thanked the ad hoc group of experts for discussing in parallel to its session the technical annexes IV, V and VI as presented in documents ECE/EB.AIR/WG.5/2009/17–20, as well as the new draft technical annex on dust as presented in document ECE/EB.AIR/WG.5/2009/21. It invited the experts to continue their work at the forty-seventh session of the Working Group (30 August–3 September 2010);

(e) Welcomed the progress in the development of a baseline scenario presented by CIAM, as well as in the assessment of the ambition levels proposed in the technical annexes in relation to the proposed emission levels, control options and related costs, and effects on the environment and health;

(f) Accepted the use of both national and PRIMES baseline scenarios and invited the Task Force on Integrated Assessment Modelling and CIAM to finalize work on the baseline scenarios and to propose additional scenarios focusing, inter alia, on fine particles and ozone impacts on health, eutrophication, acidification and ozone impacts on ecosystems and biodiversity, as well as to look in general at different types of activities that had an impact on short-lived climate forcers, for discussion at the Working Group's forty-seventh session;

(g) Noted the results of the thirty-sixth and thirty-seventh meetings of the Task Force on Integrated Assessment Modelling and welcomed the progress made with the target-setting approaches;

(h) Expressed its appreciation to the Chair of the Working Group on Effects for presenting draft amended annex I to the Gothenburg Protocol on critical loads and levels (ECE/EB.AIR/WG.1/2010/3), as well as for its proposals to revise the relevant text of the Protocol (informal document No. 1) and invited the Chair of the Working Group on Effects to further elaborate its proposals for discussion at its next session, reflecting the comments and suggestions made during the session;

(i) Encouraged the Working Group on Effects to participate in the integrated assessment modelling, and in particular to carry out the ex post analysis on various selected environmental and health endpoints;

(j) Welcomed the plans to update empirical critical loads and dose-response functions and to have those results fed into the further development of indicators on, e.g., biodiversity during 2010, where appropriate;

(k) Took note of the presentation by a representative of EURELECTRIC on the outcomes of its study “Low-CO₂ Europe by 2050” on the interlinkages between air pollution and climate change;

(l) Took note of the report of the Task Force on Reactive Nitrogen (ECE/EB.AIR/WG.5/2010/4); welcomed the options for a draft revised annex IX to the Gothenburg Protocol on measures for the control of emissions of ammonia from agricultural sources (ECE/EB.AIR/WG.5/2010/5) prepared by the Task Force on Reactive Nitrogen, as well as the explanatory remarks and further information it provided on the revision of the annex IX, the Guidance Document and the Framework Code and invited it to present revised documents for discussion at the next session of the Working Group, reflecting the comments and suggestions made during the session;

(m) Invited the national experts to provide information to the Expert Group on Techno-economic Issues on the costs of the abatement measures, as well as to actively participate in the work of the Expert Group;

(n) Requested the secretariat together with the Chair of the Working Group to develop a plan for organizing the next session of the Working Group in September so as to maximize the participation of the countries in Eastern Europe, the Caucasus and Central Asia, notably through providing interpretation for the work of the technical experts.

III. Progress in the implementation of the Action Plan for Eastern Europe, the Caucasus and Central Asia

24. The Co-Chair of the Task Force on Heavy Metals summarized the conclusions of a workshop to promote ratification of the Protocols on Heavy Metals and on Persistent Organic Pollutants (POPs) and the Gothenburg Protocol, which was co-organized by the Expert Group on Techno-economic Issues and the Task Force on Heavy Metals with financial support from France and Germany, and held in Saint Petersburg, Russian Federation, in October 2009 (ECE/EB.AIR/WG.5/2010/7).

25. The representative of the secretariat presented the current status of projects in Eastern Europe, the Caucasus, Central Asia and South-East Europe, drawing attention to the role of the secretariat in administering those projects, involving the organization of consultation meetings, administering grants and liaising with experts and Government officials. He also presented information on potential future activities in the region, in particular in those countries that had yet to ratify the Convention and/or its protocols.

26. The delegation of Serbia provided an update on the Balkans Project, financed by the Netherlands, to assist South-Eastern European countries to ratify the three most recent protocols to the Convention. It reported on the steps taken and challenges encountered in the participating countries with respect to developing a policy and legislative framework. The Working Group was also informed that Montenegro, the Former Yugoslav Republic of Macedonia and Serbia were completing their National Action Plans for the ratification of the protocols; that Albania would host a consultation meeting to kick-off its participation in the project; and that Bosnia and Herzegovina was about to initiate the first phase of the project.

27. The delegation of the Russian Federation presented information on the project for “Facilitating the ratification and implementation of the Convention’s protocols in Countries in Eastern Europe, the Caucasus and Central Asia”, which had been launched by the Russian Federation in collaboration with Belarus and Kazakhstan with a view to helping those countries ratify and comply with the three most recent protocols. The Russian Federation called for resources to co-fund the implementation of the project.

28. The EU representative recognized the importance of the project presented by the Russian Federation in promoting the implementation of the protocols in the participating countries, which it considered to be a key objective for the future. The EU welcomed regular updates on the progress made under the project.

29. The secretariat recalled that the Executive Body had adopted a budget of US\$ 769,530 for 2010 for a trust fund (E112) to support initiatives in the countries of Eastern Europe, the Caucasus and Central Asia and South-Eastern Europe that promoted implementing and ratifying of the Convention and its protocols, including also the financing of one staff member for the secretariat for that purpose. The secretariat stated that it had sent a letter on 25 January 2010 requesting contributions to the trust fund to that end but that, as of April 2010, no funds had been received. Consequently, it urged delegations to provide funds. The secretariat agreed to send out another official letter of request to delegations.

30. The Working Group:

(a) Took note of the information provided by the secretariat that no contributions had been made to the trust fund for supporting countries of Eastern Europe, the Caucasus and Central Asia as well as South-Eastern Europe in 2010. It also noted that the secretariat believed that it was necessary to rely on an extrabudgetary staff member for that work, urging countries to provide resources as soon as possible in order to continue projects under the Action Plan for Eastern Europe, Caucasus and Central Asia (ECE/EB.AIR/WG.5/2009/13);

(b) Thanked the Spanish Presidency of the European Union for having organized informal consultations with countries in Eastern Europe, the Caucasus and Central Asia and South-Eastern Europe prior to the forty-sixth session of the Working Group and the representative of Bulgaria for having facilitated the discussions;

(c) Thanked the representatives of Montenegro, the Republic of Macedonia and Serbia for the progress report on the implementation of the “Balkans Project”, the Netherlands for financing the project and the secretariat for supporting its implementation;

(d) Welcomed the information provided by the Russian Federation on the new project on “Facilitating the ratification and implementation of the Convention’s protocols in Countries in Eastern Europe, the Caucasus and Central Asia”, as well as on the steps that the three partner countries (Belarus, Kazakhstan and the Russian Federation) would take to ratify and establish compliance with the three most recent protocols. Finally, it welcomed the pledged contribution of the Russian Federation of US\$ 100,000 in the first year of the project and encouraged Parties to explore the possibility to co-finance it;

(e) Thanked Norway for financing the translation of the EMEP/EEA Air Pollutant Emission Inventory Guidebook (2009) into Russian;

(f) Welcomed the progress report provided by the representative of the Republic of Moldova on the project aimed at assisting that country to ratify the Gothenburg Protocol and thanked the Czech Republic for financing the project;

(g) Thanked the Russian Federation (in cooperation with Belarus and Kazakhstan) for taking the leadership in establishing the new Coordinating Group for the countries in Eastern Europe, the Caucasus and Central Asia;

(h) Welcomed the conclusions of the workshop to promote ratification of the Protocols on Heavy Metals, POPs and the Gothenburg Protocol, co-organized by the Task Force on Heavy Metals and the Expert Group on Techno-economic Issues with financial support from France and Germany, which had been hosted by the Russian Federation in Saint Petersburg in October 2009 (ECE/EB.AIR/WG.5/2010/7).

IV. Options for revising the Protocol on Heavy Metals

31. As mandated by the Executive Body at its twenty-seventh session in 2009, the Working Group on Strategies and Review had started discussions on options for revising the Protocol on Heavy Metals (ECE/EB.AIR/99/Add.2, annex I).

32. The delegation of Switzerland presented the document prepared for the consideration of the Working Group, containing amendment proposals by Switzerland for amending the Protocol and its annexes I, II, IV, V, VI, VII and VIII (ECE/EB.AIR/WG.5/2010/6). In addition, it introduced amendment proposals to the recommendatory annex III, which were presented in an informal document.

33. The delegation of the United States noted that it was willing to discuss potential amendments to the Protocol, focusing in particular on increasing the flexibility of the instrument with a view to facilitating its ratification by countries in Eastern Europe, the Caucasus and Central Asia. It was crucial to receive concrete proposals from those countries to that end. With regard to document ECE/EB.AIR/WG.5/2010/6, the United States pointed out that the amendment proposals it contained went beyond the negotiation mandate given by the Executive Body in 2009 and therefore, until there was a decision to extend the mandate, it would be premature to discuss a number of them.

34. The Chair invited the Working Group to consider the working document ECE/EB.AIR/WG.5/2010/6 as a useful starting point for discussing the extent to which the proposals therein reflected consensus among the delegations. He reminded delegations that the objective was to present draft proposals for adoption by the Parties to the Protocol in December 2011, and that therefore it was necessary to start discussing them without delay. He invited the secretariat to present the outcomes of the discussions in a revised document for the Working Group's next session in September.

35. The EU representative said that, in general terms, the EU accepted document ECE/EB.AIR/WG.5/2010/6 as a basis for negotiations in accordance with the mandate by the Executive Body, and added a number of specific comments regarding the amendment proposals. He encouraged Parties to the Convention to make progress with the discussions on the amendment proposals with a view to finalizing and presenting them for adoption by the Parties to the Protocol as soon as possible and at the latest by December 2011. The EU was willing to consider the various needs and interests of the countries in the revision process in order to increase the ratifications of the Protocol, and thereby improve environmental protection in the UNECE region

36. The Chair of the Task Force on Heavy Metals reported on the preparations for the Task Force's seventh meeting, scheduled for 1 and 2 June 2010 in Stockholm with a view to pursuing the technical reviews of the proposals by the EU to add mercury-containing products to annex VI to the Protocol, focusing in particular on the additional information provided by the United States and Canada. The outcomes of that work would be reported to the Working Group in September.

37. Without yet discussing the contents of annex III on best available techniques for controlling emissions of heavy metals, the Working Group agreed in general on turning that annex into a guidance document as an additional means to add flexibility to the Protocol.

38. The Working Group:

(a) Welcomed the contributions made by the Task Force on Heavy Metals and the Expert Group on Techno-Economic Issues in the technical work for the review and revision of the Heavy Metals Protocol;

(b) Took note of the proposals by Switzerland for revising the Protocol on Heavy Metals as presented in document ECE/EB.AIR/WG.5/2010/6;

(c) Requested the secretariat to prepare a document to be used as a basis for further negotiations and to include in that document Switzerland's proposals for amendments in accordance with the mandate given by the Executive Body at its twenty-seventh session, starting the negotiations with articles 1, 13 and 15 of the Protocol and annexes I, II, IV and V at the next session of the Working Group (30 August–3 September 2010);.

V. Other business

39. The Working Group took note of the informal document presented by the Co-Chair of the Task Force on POPs on the definition for Short-Chain Chlorinated Paraffins (SCCP) in the Protocol on POPs, as amended by the Parties to the Protocol on POPs at the twenty-seventh session of the Executive Body in December 2009.

VI. Adoption of the decisions of the Working Group

40. In accordance with the revised practice continued by the Executive Body at its twenty-sixth session, the Working Group on Strategies and Review adopted the decisions taken during the session.
