
EXECUTIVE BODY FOR THE CONVENTION ON
LONG-RANGE TRANSBOUNDARY AIR POLLUTION
Bureau to the Executive Body

NOTE OF THE BUREAU MEETING
Thursday, room A-662, Palais des Nations, 12 September 2013
18:00 – 21:00

Attendance: All Bureau members attended. Ms. C. Hamilton and Mr. F. San Martini participated via audio conference. Mr. A. Zuber attended as an observer on behalf of the EU. Ms. A. Karadjova, Mr. K. Olendrzynski, Ms. F. Ilg, Ms. A. Novikova and Ms. K. Wenzel from the ECE secretariat attended. The meeting was chaired by Mr. M. Williams, Chairman of the Executive Body.

1. *Draft provisional agenda for the 32nd session of the Executive Body*

The Bureau discussed and agreed the draft provisional agenda for the 32nd session of the Executive Body, circulated by the secretariat (ECE/EB.AIR/121). The deadline for official submission of the agenda was 12 weeks prior to the start of the session, i.e. 16 September. The Bureau discussed whether it was necessary that credentials be signed by the Ministry of Foreign Affairs in light of the fact that amendments to the annex of the EMEP Protocol would be part of the agenda. It was decided that no specification as part of the agenda were necessary in light of the Protocol text and the rules of procedure and that the respective reference to such credential procedures should be removed from the agenda. Furthermore, the provisional agenda item “compliance with protocol obligations” was moved to take place directly after the discussion on the workplan, in order to accommodate the presence of the Chair of the Implementation Committee.

Action: The secretariat to remove the annotation referring to the provision of credentials except for the first sentence.

2. *Conclusions and recommendations by the ad-hoc group of experts (LTS Action Plan)*

At its previous meeting the Bureau concluded that in order to proceed with the implementation of a decision to be taken by the Executive Body on the possible merger of the two scientific bodies of the Convention, it was important to further consider the implications of the different options (merger, non-merger, staged and trial merger), the potential consequences for each alternative, ways of operationalization, format of meetings etc. and requested the secretariat to prepare a document setting out these options. The Bureau considered the document and noted that it might be useful for Parties in reaching a decision to set out the different options. At the same time, the Bureau decided not to table yet another document on

this matter for the thirty-second session of the Executive Body in order to avoid creating new discussions and potential duplication of the work undertaken by the ad-hoc group of experts on the ICP review, the conclusions of which will be available. It further decided that the question on the possible merger should be mentioned more explicitly in the annotated agenda of the 32nd session of the EB.

Action: The secretariat to add a formulation to the annotated agenda indicating that the EB is expected to consider a possible merger.

In addition, the Bureau reviewed the results of the ad hoc group on the ICP review. The Chair of the Working Group on Effects informed the Bureau that the document would be considered during the WGE session the following day and that specific attention would be given to the possible implications for the centres before an updated version of the document would be circulated. He further noted that it had become apparent that there was no immediate threat to the monitoring activities as a possible consequence to the ICP review and that the review had led to a more common view of the value and support of the ICP's by Parties.

The Bureau noted that some of the recommendations and conclusions made in the document were beyond the mandate given to the ad-hoc group and advised the Chair of the Working Group on Effects to remind the group of its mandate ahead of the Working Group's consideration of the report. The Bureau further noted that some considerations on combining work under the ICPs were contained in the document. However the results of the ICP review also showed that feedback from the EB to the science community was missing and that this should be addressed in the future. The Chair of the Executive Body therefore suggested bringing an annual synthesis report to the EB which would showcase the scientific work under the Convention. The Chair of the Working Group on Effects proposed to schedule selected short presentations by Working Groups and Task Forces on policy-relevant scientific findings during the sessions of the EB.

Action: The Working Group on Effects to consider the ad-hoc group's report. All comments received to be included in a revised version of the document which will be presented to the Executive Body at its thirty-second session.

3. Preparations for the 2014-15 workplan under the Convention

The Executive Body Bureau discussed the revised Draft 2014–2015 workplan for the implementation of the Convention prepared by the secretariat on the basis of comments received from Parties, subsidiary bodies, task forces and centres. The Bureau noted that the document had significantly improved in terms of layout and content. The Chair of the EB suggested that it needed more of a top-down perspective in addition to the bottom-up contribution by the different subsidiary groups. He proposed four points for discussion and possible inclusion into the version of the

workplan to be presented as an official document to the Executive Body: (1) an annual synthesis of policy-relevant scientific findings; (2) a scientific joint assessment report to be issued in 2015; (3) policy implications from the work of EMEP, WGE, TFHTAP for a possible revised “Gothenburg-3” Protocol; (4) barriers to ratification and progress in implementation of protocols across the region. The Bureau agreed with the proposal of the Chair of the Executive Body concerning the need for an annual synthesis report of policy-relevant scientific findings which would create an additional horizontal layer in the workplan that is currently missing. The Chairs of the Working Group on Effects, EMEP and the Working Group on Strategies and Review indicated that they would cooperate to prepare a joint document.

The Chair of the Implementation Committee asked for clarifications regarding the review process of the workplan in light of the submission deadline and the inclusion of comments provided on this last version to the secretariat. She referred to EB Decision 2012/25, para 5, which requested the different technical bodies under the Convention to support the Implementation Committee in its work as needed and noted that this request by the EB had not yet been taken up in the workplan. The secretariat clarified that many comments, sometimes contradictory, had been received from the different bodies and that this was the reason why some comments had not been included. Furthermore, the workplan included concrete activities with deliverables and not the support that different subsidiary groups provided to each-other. Contrary to previous years, the workplan was not anymore body-oriented but now activity-oriented. The Bureau discussed the inclusion of the particular request contained in EB decision 2012/25. The Chair of the EMEP Steering Body objected to the inclusion of a specification in the “science” section of the workplan that the technical bodies should provide support to the Implementation Committee. The Bureau decided that a specification should be added to the workplan using wording as contained in Decision 2012/25. While noting with appreciation Norway’s generous contribution, Mr. San Martini from the United States voiced concern with regard to the indication of the contribution by Norway to the work of the Implementation Committee since the Parties had clearly indicated that this work was a priority for the Convention and due to concerns about a conflict or perceived conflict of interest, further noting that Norway had several on-going non-compliance issues before the Committee. He also raised the question how the Committee’s work would be affected if the contribution by Norway would cease, a concern also voiced by the Chair of the Implementation Committee. Furthermore, he expressed the view that these activities should be funded from core contributions and that he was unaware of any other multilateral environmental agreement that funds its Compliance Committee through voluntary contributions rather than the core budget.¹

¹ The secretariat clarified that Norway’s contribution funds the work of the secretariat and not the Committee itself. The secretariat prepared the materials for the meetings, but the decisions on the recommendations are made by the Committee members. The Committee members are funded by their own Parties.

The secretariat clarified that in the case of the ECE, in contrast to global MEAs, the secretariat was provided by an existing organisation and that the core funding came from the UN regular budget of which the ECE secretariat received a fixed amount. This fixed amount does not increase and is independent of the decisions taken by the Executive Body, the number of protocols under the Convention or the related work load. The secretariat pointed out that consequently, additional extrabudgetary resources were required to be able to carry out all requested activities as indicated in the draft 2014-2015 workplan. The Chair of the Executive Body added that it was the EB Bureau's role to decide on its priorities should there not be sufficient resources to cover all requested activities. It would address the issue should such a situation arise as regards the IC or any other subsidiary body under the Convention. The Bureau agreed that a change in the language regarding Norway's contribution should be made in order to accommodate the different concerns.

Action: The Chair of the Working Group on Effects together with the Chair of the EMEP Steering Body, and in consultation with the Chair of the Working Group on Strategies and Review, to compile an informal document to be presented to the thirty-second session of the Executive Body concerning the assessment report. The Chairs of the Working Group on Effects, EMEP and the WGSR to draft an informal document on the annual synthesis of policy-relevant scientific findings. The secretariat to compile any further comments received from the different bodies and groups, and including contributions made during the meetings of WGE, EMEP, the IC and the Bureau during September 2013, into a revised draft 2014-2015 workplan for consideration of the thirty-second session of the Executive Body.

4. Results of the 32nd meeting of the Implementation Committee, the 35th session of the EMEP Steering Body and the first day of the 32nd session of the Working Group on Effects.

The Chairs of the Implementation Committee, EMEP Steering Body and Working Group on Effects informed the Bureau about the major results and recommendations from their sessions including the joint segment between the EMEP Steering Body and the WGE.

The representative of the EU enquired about the required distribution of experts to be nominated for the Implementation Committee at the thirty-second session of the EB. The Chair of the Implementation Committee informed the Bureau that eight out of nine members would have to be either replaced or re-elected. The secretariat clarified that six of the nine Committee members have completed either their second, third or fifth term. Two of the members representing Austria and France will end their first terms and are eligible for re-election. One member representing Norway has completed the first year of her first term and does as such, not need to be re-elected in order to continue serving on the Committee. In accordance with Decision 2012/25, the

Chair is able to remain for one more year but indicated that she was not sure whether this would be possible. The secretariat explained that if the two members stood for re-election, three emission experts would remain on the Committee. - The secretariat pointed out that, when nominating and selecting the members for the Committee, Parties should bear in mind the desired balanced and equitable geographical representation along with the need to ensure that members have a mixture of technical and legal expertise, in line with decision 2012/25. It further noted that it would send out a call for nominations to the Committee soon. The Chair of the Implementation Committee noted that at least three lawyers were needed for the proper functioning of the Committee.

Action: The secretariat to send a letter requesting nominations by Parties to the Implementation Committee.

5. Reporting on strategies and policies

The Working Group on Strategies and Review, at its 51st session, decided that exchanging information and good practices on the implementation of the Convention across the ECE region would become a regular part of the WGSR meetings given that the negotiation process had been completed and the focus shifted to implementation. Such an exchange of information and good practices would also address the challenges faced by countries in the EECCA region with regard to accession and implementation as well as showcase successful approaches. In view of the low response by Parties to further work on the questionnaire on strategies and policies, the Bureau welcomed the idea that a systematic exchange of information as part of the Working Group's meetings could substitute the questionnaire on strategies and review. It requested the secretariat to scrutinize the provisions of the Convention and its Protocols, as well as previous EB decisions and prepare a draft decision for presentation to the Executive Body. The Bureau reviewed the supporting information prepared by the secretariat and decided that the note should be presented to the thirty-second session of the Executive Body as an informal document. It would support the introduction of this proposal by the Chair of the Working Group on Strategies and Review. The Bureau further discussed if a draft decision by the EB was necessary and concluded that it would be sufficient to include language in the report of the EB. The Chair of the Implementation Committee noted that the Committee also considered the document and concluded that there were no concerns from the IC regarding the impact on its work. She pointed out that the VOC Protocol was the only Protocol under the Convention requiring annual reporting but noted that this was not a barrier to adopting the proposed new approach. The Bureau concluded that a solution regarding the VOC Protocol could be found and that this was not preventing the proposal from moving ahead

Action: The Chair of WGSR to introduce the proposal of exchanging information on policies and strategies at the EB session. The secretariat to issue an informal document for the EB outlining the Convention/Protocol provisions setting out reporting requirements and associated EB decisions.

6. *Modalities for implementing the adjustment procedure foreseen in Decision 2012/3*

At its previous meeting on 3 May 2013, the Bureau discussed the issue of resource implications for EMEP in connection to the application of the adjustment procedure under the Gothenburg Protocol foreseen in decision 2012/3. *“The Bureau considered an option for conducting a review of the Parties’ proposals for adjustments by a small group of experts selected from a list – approved by EMEP - of independent experts, who could be available to conduct such reviews. It would be the role of the EMEP Steering Body to review and approve the work of these experts and to make respective recommendations to the EB. Parties requesting the application of the adjustment procedure would have to cover the costs related to this procedure”*. In terms of further action, it requested *“the secretariat to prepare a background document and a draft decision on the above option proposed for adoption by the Executive Body in December 2013”*.² Following up on this request, the secretariat had prepared a background document further developing this proposal for the Bureau’s further consideration. The Bureau recognized that, some members had either changed their views with regard to this option, or had not agreed to it at all. It decided not to forward the proposal to the Executive Body.

The Bureau discussed how to best present the information contained in the note prepared by the secretariat, in consultation with the Chair of the Task Force on Emission Inventories and Projections, to the thirty-second session of the Executive Body. The Chair of the EMEP Steering Body enquired how the adjustment procedure should be reflected in the workplan, as this might have implications with regard to the coverage by the EMEP budget. The Chair of the Executive Body clarified that the procedure would not have to be covered by the EMEP budget even if it was mentioned in its workplan. He proposed to put the estimated cost for the procedure in square brackets to indicate that this would be a question to be discussed at the EB.

Mr San Martini thanked the secretariat for the helpful note. He further noted that, after reflection on this matter, the United States no longer considered the proposal to make Parties pay for the review of their own adjustment to be viable because of concerns over potential or perceived conflicts of interest, the potential disadvantage for less wealthy Parties, and the need for conflict of interest and financial disclosures.

² See Note of the meeting of the Executive Body Bureau, held on 3 May 2013, available at : http://www.unece.org/fileadmin/DAM/env/documents/2013/air/eb/Note_3_May_2013_EB_Bureau_meeting_final.pdf

He stressed further that he was not aware of any other multilateral environmental agreement that operated in this manner and that a mechanism needed to be found that was objective and also perceived this way. The EB Chair clarified that the objectivity of the process was assured by the fact that the selection of experts would be undertaken by CEIP which will contract and supervise independent experts and ensure that no conflict of interest would occur on the part of the contractors, as outlined in the background note.

Some members of the Bureau noted that there might be a barrier for lower income countries. The secretariat indicated that the Parties that might call for an application of the adjustment procedure in relation to their 2010 emission ceilings under the Gothenburg Protocol were EU member states and Norway. The EB Bureau invited the chair of TFEIP to prepare an informal document for the 32nd session of the EB on this issue based on the internal EB Bureau document prepared by the secretariat and the corresponding decisions taken during the 37th session of the EMEP Steering Body

Action: The Chair of TFEIP to prepare an informal document for the 32nd session of the EB on the adjustment procedure based on the internal EB Bureau document prepared by the secretariat and the corresponding decisions taken during the 37th session of the EMEP Steering Body.

7. UNECE activities aimed at promoting the implementation of the LRTAP Convention and its Protocols in EECCA countries

The Bureau did not consider this item.

8. Cooperation with the Stockholm Convention on POPs

The secretariat presented a letter from the Chair of the Global Coordination Group (GCG) of the Global Monitoring Plan (GMP) under the Stockholm Convention on POPs which outlined several lines of cooperation and synergies between the two conventions that could be enhanced. The Bureau discussed the letter and concluded that the proposal was not very concrete and that it was not clear at this stage what the value for and the burden on the Convention would be and how such cooperation could save resources. It was further noted that the technical bodies under the Convention would also need to analyse possible ways of cooperation. Lastly, the Bureau discussed the necessity of high level interaction versus informal and technical cooperation. The Chair of the Working Group on Strategies and Review proposed to prepare a draft response to the Chair of the GCP of the GMP.

Action: The Chair of the Working Group on Strategies and Review to prepare a draft response to the Chair of the GCP of the GMP indicating that CLRTAP will

discuss possible options for cooperation internally and come back to the proposals made by the Chair of the Global Coordination Group at a later stage.

9. *Organization of work and meetings in 2014*

The secretariat presented an updated list of meetings of the main subsidiary bodies for 2014. There was one change with regard to the dates for the 52nd session of the Working Group on Strategies and Review which was, in accordance with the availability of interpretation quotas and rooms in the Palais des Nations, now moved to 30 June to 4 July 2014. A meeting of the EB Bureau was proposed for 4 July 2014. The Bureau reviewed the list to ensure that each of the proposed meetings was of optimal length. It was noted that five days might be too long for the session of the Working Group on Strategies and Review and that three to four days would be sufficient. The Chair of the Working Group on Strategies and Review clarified that he had asked the secretariat to book the room for the indicated dates as reducing the time of the meeting was done more easily than extending it. The Bureau agreed that the Executive Body would need to decide on the optimal length of the meeting at its thirty-second session.

Action: The secretariat to circulate an updated version of the list of meetings to all EB Bureau members.

10. *Other business*

Mr. Spranger proposed two points for discussion under this agenda item: First, he stated that the communication paper which was sent by the US delegate should be discussed by the Bureau. As the next Bureau meeting was to be held in advance of the thirty-second session of the Executive Body, he proposed to have a discussion on the document electronically. Second, he proposed to return to the discussions on a possible opening of the LRTAP Convention following the recent opening of the Water Convention to all United Nations member states. The Chairman of the Executive Body agreed with the second point and added that this was also one of the main conclusions of the Saltsjöbaden V international workshop on future directions in air pollution science and policy. The Chair of the Working Group on Strategies and Policies added that there was already a paper on this subject entitled 'Possibilities for opening the Convention' (ECE/EB.AIR/2006/8)³ which should be drawn from when returning to this matter. While Mr. Zuber pointed out that not all protocols under the Convention would need to be opened; opening could be restricted to the Gothenburg Protocol. Mr. San Martini expressed his concerns regarding the opening of the Convention. The Chairman of the Executive Body indicated that this matter needed further discussion.

³ <http://www.unece.org/fileadmin/DAM/env/documents/2006/eb/EB/ece.eb.air.2006.8.e.pdf>

Action: The secretariat to include an item on the possible opening of the LRTAP Convention on the agenda of the next EB Bureau meeting.

11. *Date, time and place of next meeting*

The Bureau decided to have its next meeting in the morning of 9 December 2013, prior to the start of the 32nd session of the Executive Body.