

## **Economic Commission for Europe**

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

**Bureau of the Executive Body**

### **Meeting**

11 May 2021, via videoconference

## **Report of the meeting**

### **I. Attendance**

*Bureau members:* Ms. Anna Engleryd (Chair), Mr. Richard Ballaman (Switzerland), Ms. Elizabeth Nichols (United States of America), Ms. Jennifer Kerr (Chair of the Working Group on Strategies and Review), Ms. Laurence Rouil (Chair of the EMEP Steering Body), and Ms. Isaura Rabago (Chair of the Working Group on Effects).

*Observer:* Ms. Susanne Lindahl (European Union).

*Not present:* Mr. Sergey Vasiliev (Russian Federation) and Mr. Manfred Ritter (Chair of the Implementation Committee).

### **II. Preparations for the fifty-ninth session of the Working Group on Strategies and Review**

The Chair of the Working Group on Strategies and Review and the secretariat informed the Bureau about the progress in the preparation for the fifty-ninth session of the Working Group. The Chair of the WGSR noted the addendum to the provisional agenda, which was going to be issued, and the Chair's letter that had been circulated among participants. She further listed the documents the Working Group was expected to consider and presentations to be delivered during the session.

With respect to the review of the Gothenburg Protocol, the Bureau member from Switzerland suggested that in addition to the official document with key messages and conclusions to be prepared for consideration by the Executive Body in December 2021, there would be an informal document with supplementary information enclosed to it, as it was seen challenging to fit all information delivered by the subsidiary bodies, centres and task forces within the word limit for official documents.

The observer from the European Union noted that the review questions required more discussions, and the European Union was considering ways to get prepared internally, for example, to organize informal workshops on certain topics (e.g. on methane) throughout the year.

The Chair of the WGSR noted that few reports on strategies and policies had been submitted in 2021 and she would make respective remarks during the session noting the obligation for Parties to the 4 protocols to report at least once every 4 years.

The secretariat informed the Bureau that an informal document listing received WGSR vice-chair nominations had been posted reminding also the Bureau of rule 21.5 of the rules of procedure. The Bureau member from Switzerland noted that all four nominations could be supported by the Working Group and that one more nomination from a Party from the Eastern part of the region would be mostly welcome. The Chair of the WGSR pointed to the need to discuss the start date of the terms of office of vice-chairs in conjunction with the discussion on the rules of procedure (the term of office commencing at the end of the session vs. calendar years). The Chair of the Working Group on Effects, recalling her own experience, suggested that the term of office of officers start at the end of the Executive Body's session.

The Bureau member from the United States of America asked the secretariat to inform participants of availability of recently uploaded informal documents, including the document listing the nominations received. The secretariat noted that it would consider introducing a notification system that would allow Parties to track correspondence. For newly available session documents, it suggested that for future meetings, it inform participants each week before a session of the uploaded documents.

### **III. Issues related to the funding of centres under the Convention**

The secretariat informed the Bureau about the status of funding of EMEP and WGE centres. It drew the attention of the Bureau to the case of two centres the contracting of which appeared to be potentially in conflict with ECE Directive 18, due to representatives of two entities receiving funding from the Convention Parties via the ECE serving as elected officials of bodies under the Convention. The secretariat noted that the issue had been reviewed by relevant ECE services and as per established practice, the individuals had been informed of the issue and invited to contact the secretariat to discuss possible solutions. The secretariat had had a discussion with one of them and then decided to ask for legal advice before proceeding any further. If the issue was not resolved, it would be brought to the attention of the Executive Body Chair and the Bureau, and that stage had not been reached yet. The plan to involve national focal points was not envisaged at that point by the secretariat. The secretariat provided its clarification and corrections on the information circulated by the Convention's national focal points for Germany and Austria.

The observer from the European Union stressed that the entities were not vendors of ECE, but rather those of the Convention and its Parties; therefore, the clause on vendors of the ECE Directive was not applicable. Moreover, the individuals concerned were not employees of the centres. Any declaration, which was supposed to be made by these individuals, would need to be addressed to the Executive Body and not to the ECE. She expressed regret that the issue had not been brought to the attention of the EB Bureau since the beginning, as the EB Bureau was representing Parties, and Parties had decided on the budget and elected officials. The practice to put in copy the national focal points was also seen adequate in that case. The observer expressed concern that the work of the centres could be affected and that a guarantee would be needed with respect to the implementation of the EB decision.

The Bureau member from Switzerland deemed the exercise unfortunate and underscored the importance of the good will of the Parties hosting the centres, as they

contributed more than they got via the ECE Trust Fund. He expressed concerns about the way the process was handled, as there could be implications for the good functioning of the Convention, noting that earlier signals should have been sent to Parties. He noted that it was important to involve national focal points in the communication.

The Bureau member from the United States of America agreed about non-applicability of Directive 18, as the mentioned entities were not vendors of the ECE. She considered it as a missed opportunity by the secretariat to use the Bureau as a helpful inner circle to deal with delicate issues. She also considered it surprising to see the issue being brought up to the level of the ECE Environment Division Director and inquired about the genesis of the issue, as the individuals concerned had been holding the posts for some time. She agreed with the previous speakers on the importance of involving national focal points and on potential implications for achieving the objectives of the Convention.

The secretariat reiterated that it could not inform the Bureau of the issue before informing the individuals concerned, as per established practice. It further clarified that the contractual relationship was administratively between the entities hosting the centres and the ECE. The secretariat referred to an unwritten rule for representatives of Parties hosting the centres not being in the EMEP/WGE Bureaux and noted that it would be in the interest of the Convention to take up the possibility of declaring a conflict of interest in the rules of procedure in order to provide certainty and clarity for Parties nominating candidates and for officers themselves. The secretariat was ready to provide examples from other Conventions, so that the Bureau could start discussing potential processes, rules or documents, if it wished to do so. The secretariat recalled that as the Convention funded its centres through the ECE, it had to be done in accordance with applicable UN rules and procedures. At that moment, the case was being considered by relevant UN services.

The European Union observer stressed the urgency of solving the matter speedily and to ensure no disruption of the activities of the two centres in question. The Bureau and the secretariat agreed that in case the issue was not resolved quickly, an ad-hoc Bureau meeting would be called in June 2021 to discuss solutions. The Bureau requested the secretariat to inform the ECE Division Director of the outcomes of the current discussion.

#### **IV. Implementation of the 2020-2021 workplan for the implementation of the Convention**

##### Items 2.1.5 and 5.2.1.2 on the Forum for international cooperation on air pollution

The Bureau noted that Sweden and the United Kingdom of Great Britain and Northern Ireland expressed their will to lead the work of the forum and the proposal to establish it as a task force reporting to the Working Group on Strategies and Review.

The Chair of the EMEP Steering Body informed the Bureau of the comments expressed by the WMO Co-Chair of the TFMM meetings with respect to the forum and of the letter she was going to send to express concerns.

#### Item 3.5 on the revised mandate of the Implementation Committee

The secretariat reminded the Bureau that the task assigned to the Bureau had been at some point referred to the Implementation Committee. Some helpful views had been provided by its members. The secretariat had also provided background information to support the review. The secretariat noted that the issue had not been discussed recently and suggested that it be postponed until the next biennium and referred to the ad hoc group of legal experts. The Bureau agreed with the secretariat's proposal.

The secretariat informed the Bureau about the follow-up to other EB decisions, such as the issuance of the final version of the Guidance document on integrated sustainable nitrogen management, publication of the Code of good practice of solid fuel burning and small combustion installations, and issuance of a corrigendum to EB decision 2019/23 on amendment of annex VII to the Gothenburg Protocol, as amended on 4 May 2012 and respective communication with the UN Treaty office. The secretariat drew attention of the Bureau to the need for careful and realistic planning of official documents, as the secretariat had to provide detailed information on their length and submission date to internal services. In case a planned document was not delivered, or the delivery of which was postponed (e.g. EMEP and WGE strategies, the document on costs of inaction), an explanation had to be provided.

## **V. Issues related to other meetings under the Convention**

The secretariat noted the limited capacity of UNOG to organize meetings due to ongoing renovation of the Palais des Nations and the pandemic-related restrictions that would remain in place until the situation improved at the global level. Social distancing requirements considerably reduced the conference room capacity. For the mentioned reasons, the meetings would continue to be held in a hybrid mode. If there were additional meetings to be organized, these could not be covered from the UN regular budget. Alternative solutions, such as informal consultations or preparatory meetings or webinars, would need to be sought in order to achieve ambitious goals of the Convention's workplan.

The Chair of the EB Bureau expressed her concern about non-inclusiveness and limited meeting time, as it would create a risk for Parties to lose their attention.

With respect to the possibility to hold two WGSR sessions per year, the secretariat noted that the current number of official meetings serviced under the Convention per year was the maximum available under the UN regular budget. It stressed the need for careful planning of meetings timeframe and additional resource requirements when it potentially comes to revision of the Gothenburg Protocol and related negotiations.

The Bureau member from Switzerland suggested to bring that information to the attention of Parties. The Bureau member from the United States of America expressed concern about the Bureau being understood as endorsing that approach to meetings, in particular calling both sessions with interpretation and without interpretation as official.

The secretariat noted that Parties could consider sessions without interpretation as informal, if they decided so, whereas for internal UN reporting these would remain to be formal due to associated technical assistance. The secretariat pointed to the combination of budgetary reasons behind the limited number of meetings and the limited capacity of the substantive secretariat. More detailed information about the budgetary limitations and budget situation was requested from the Secretariat.

The Bureau and the secretariat agreed to discuss the issue of meeting modalities further and noted the need for representatives of EECCA countries to participate in this discussion.

## **VI. Status and finalization of notes from Bureau meetings**

The secretariat provided information on the finalization of notes from previous meetings. It noted a message sent to the Bureau with a comment to the notes of the meeting of 24 September, to which no response had been received. The Chair of the EB Bureau explained the lack of response by the fact that the Bureau was waiting for a dedicated meeting on the forum to be organized by the ECE to discuss the issue, which was subsequently resolved.

The Bureau and the secretariat agreed to work closely in the future to ensure sooner finalization of the meeting notes.

## **VII. Date and time for the next meetings of the Bureau**

The Bureau and the secretariat agreed that the date of the next meeting of the Bureau would depend on the situation with funding of the centres. If the issue was not resolved, the next formal meeting of the Bureau would be held in June. Otherwise, the secretariat would make a proposal for a meeting date in early September to make sure there would be sufficient time to finalize the preparation of the EB session agenda.