

Convention on Long-range Transboundary Air Pollution
60th session of the Working Group on Strategies and Review

**Agenda item 4: Review of sufficiency and effectiveness of the Protocol to Abate Acidification,
Eutrophication and Ground-level Ozone**
Flexibilities and barriers to ratification
Comments by the EU and its Member States

6 April 2022

The EU and its Member States thank the GPG for this useful summary note. To facilitate discussions during the session, we would like to provide the following advance comments. We reserve the right to provide additional comments in the future. Text suggestions are provided with new text in **bold** and deleted text in ~~striketrough~~.

- In paragraphs 6 and 38c, it is mentioned that a primary reason for non-ratification *could be* the complexity of the technical annexes; we propose to clarify the text on this point.
- Paragraph 16 should be clarified as follows:

*16. The **inventory** adjustment procedure is also a new flexibility mechanism that was introduced in the amended Protocol (see article 3(11) *quinquies*) and, since 2014, provisionally applied for compliance with the 2010 ceilings of the original Protocol. Although now used by current Parties to the Protocol for implementation and compliance purpose, it may also be an important flexibility mechanism to facilitate ratification and implementation for current non-Parties.*
- Paragraph 20a refers to October 2019 as recently, should perhaps be reconsidered (notably for the December 2022 version of this note).
- Paragraph 20d should be clarified as follows:

*(d) The **inventory** adjustment procedure is a widely used and resource intensive mechanism and seems **to have been** indispensable for certain Parties. The transition from absolute to relative targets may change (reduce) the need and use of the **inventory** adjustment procedure from 2022 onwards;*
- The reference to “imposing the European Union *acquis*” in paragraph 34a is highly inappropriate; the focus of this review is and should remain the Gothenburg Protocol which is a separate legal framework from the EU *acquis*. The entire second part of paragraph 34a should be reformulated.

- In Annex II to the note, the description of the flexibility in GP Annex II, para 5 (3-year averaging) needs to be slightly corrected and should read as follows:

*This is a new flexibility added to the amended Protocol that can be used by any Party. **The three-year averaging includes the preceding and the following year of the year in question. Compliance for a specified year can therefore only be determined when data for the following year becomes also available, hence with a delay of one year. Using this option will postpone the achievement of compliance by one year.** It can be applied for the first time in 2023 (averaging over 2019-2021).*