

# UNECE AIR CONVENTION

## Gothenburg Protocol Review

---

**Formal document ECE/EB.AIR/WG.5/2022/5 to WGSR-60**  
**on the review of flexibility provisions to facilitate**  
**ratification and implementation**

# Introduction

---

**EB Decision 2019/4, initiating the review of the amended Gothenburg Protocol, requests the following elements regarding flexibility provisions to be considered in the review**

- *“Current flexibilities, including deadlines and timescales”*
- *“Further flexibilities [, for example, revised deadlines,] and new approaches [, for example, possibly considering step-wise ratification,] in order to [overcome barriers and] facilitate ratification and implementation by [Parties that have not yet ratified the Protocol, including] countries in Eastern Europe, the Caucasus and Central Asia”*

# Introduction

---

## Document WG.5/2020/3 on the preparations for the review of the amended Gothenburg Protocol (preparatory review document)

- Addresses specific elements to be considered when reviewing the flexibilities (see paragraphs 17 and 20): i.e. current flexibilities, further flexibilities and new approaches
- Includes the following three questions on flexibilities to be addressed by WGSR in the context of the review (see annex I)

Question 6.1(a): *“Are current flexibility provisions adequate and/or effective for ratification and implementation (focus on Eastern, South-Eastern Europe and Turkey, the Caucasus and Central Asia)?”*

Question 6.1(b): *“What new flexibilities and/or approaches would potentially help non-Parties to move towards ratification and implementation?”*

Question 6.1(c): *“What are other options for achieving emission reductions (in lieu of technical annexes)?”*

**EB decision 2020/2, planning the review of the amended Gothenburg Protocol, requests the consideration of the questions set out in annex I to the preparatory review document**

# Layout of document

---

## **Formal document WG.5/2022/5 is structured as follows**

Summary for policymakers

- I. Introduction
- II. Main flexibility provisions
- III. Responses to the questionnaire to support the review of flexibilities
- IV. Views of non-Parties to the present Gothenburg Protocol
- V. Responses to the questions in Annex I to the preparatory document
- VI. Conclusions
- VII. Recommendations
- VIII. Background information and references
- Annex I Overview of main flexibility provisions
- Annex II Review of main flexibility provisions

# Aim of document

---

Provide an overview and assessment of the current flexibility provisions available in the amended Gothenburg Protocol.

Provide initial views on possible new flexibilities and/or approaches.

Source of input to the section X on “Flexibility provisions” of the report on the review of the Gothenburg Protocol.

Starting point for discussion and preparation of the thematic session on barriers to ratification and implementation Gothenburg Protocol, scheduled for Autumn 2022 (27 September, The Hague, Netherlands)

# Main flexibility provisions

---

## Overview of main flexibility provisions of amended Protocol

1. Flexibility is considered in a broad sense and different perspectives
2. Flexibility provisions vary in type, scope and impact
3. Some flexibility provisions address all parties
4. Some flexibility provisions address non-parties to increase ratification
5. Some flexibility provisions were already available in the original GP
6. Several new flexibility provisions were added to the amended GP, i.a.
  - flexible transitional arrangements
  - reporting of limited emission inventories
  - longer timescales of application of limit values
  - use of relative emission reduction targets and adjustment procedure

# Review main flexibility provisions

---

## Some key findings of the review

1. The new flexibility mechanisms introduced to further ratifications have not been used so far
2. Several of these new flexibility mechanisms (flexible arrangements, limited reporting) have already expired
3. Alternatives to or derogations from the mandatory limit values are either not used or not reported
4. Lack of reporting on the use of flexibility provisions makes monitoring or enforcement difficult
5. The adjustment procedure is a mechanism used by many, but also resource intensive
6. Some of the new flexibility provisions have not yet been applied because the amended Protocol has only recently entered into force

# Responses to the Questionnaire

---

## Review of received responses

1. 10 responses received: 8 Parties to GP, 2 non-Parties to GP
2. Additional 1 response from non-Party to Convention
3. Compilation of responses: see informal document to WGSR-60
4. Some key findings
  - Half of respondents indicated different flexibilities are needed
  - Specific flexibility provisions for non-Parties not considered useful by 2 non-Parties
  - Only 2 Parties consider some of current flexibility provisions key for ratification
  - Flexibility provisions generally considered useful; mixed response by non-Parties
  - 2 non-Parties identified barriers not sufficiently addressed



# Initial views on new approaches

---

## Views for new mechanisms or approaches to enhance ratification

1. A bottom-up approach for current non-Parties
2. Automatic incorporation of relevant limit values in the technical annexes upon ratification by current non-Parties
3. A tiered approach over time (or staged approach), prioritising key categories
4. Sections specifically dedicated to current non-Parties in the Technical Annexes
5. Revise the amended Gothenburg Protocol in a way that allows piecemeal (incremental) ratifications of bundled amendments
6. A new instrument that includes sector-based approaches and commitments that address multiple pollutants
7. Make technical annexes non-mandatory (shift from enforcing to facilitating)
8. A framework protocol followed by implementing decisions

# Preliminary key conclusions

---

## **In general, with still some reservations, following can be concluded**

1. To date, the current flexibility provisions have not proven adequate and/or effective for further ratifications
2. New flexibilities introduced to increase ratification have not met expectations
3. The Gothenburg Protocol and its eleven technical annexes are complicated and could be too demanding for non-Parties
4. It is still too early to draw definite conclusions on usefulness and effectiveness of (some of) the flexibility provisions
5. Discussion of options for addressing flexibility and/or new approaches in the future is needed as part of the review process (thematic session).

# Recommendations

---

## Recommendations for consideration

1. Improvements to current flexibility provisions under the 2012 amended Gothenburg Protocol
2. New options and/or additional or different flexibilities for a potential revision of the 2012 amended Gothenburg Protocol
3. Broad discussion on barriers and new solutions at the thematic session in Autumn (27 September, The Hague, Netherlands)
4. Preparation of an informal document on barriers, together with possible solutions to overcome each type of barrier, as input to the thematic session (*barriers include i.a. technical complexity of the Protocol, lack of regulatory frameworks, gaps in knowledge and capacity ...*)

# Next steps

---

## Next steps on flexibilities and barriers in 2022

1. Final comments on Flexibility Document due by 3 June 2022
2. Update of Flexibility Document by 2 September (for WGSR HoD / EB42)
3. Drafting of an informal document on barriers by 2 September
4. Short section on barriers in Annex II to GP review report by 2 September
5. Thematic session on barriers on 27 September, The Hague, Netherlands
6. Reporting outcome of thematic session on barriers to EB42 (key messages to be incorporated into the Review as appropriate)