

Review of the amended Gothenburg Protocol

Comments from the United Kingdom of Great Britain and Northern Ireland

1. The UK welcomes the opportunity for providing written comments on the Report on the review of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012 (the “Report”). The UK welcomes and supports continued dialogue between Parties on the review as we move towards the 42nd Session of the Executive Body in December 2022.
2. These comments predominantly refer to paragraphs 89 and 90 of the current draft of the Report, as the significant new addition to previous versions.

General Comments:

Scope:

3. Paragraphs 3 – 7 of the report set out the legal requirements of the review. The conclusions should more strongly address these points in turn. This would allow Parties to understand:
 - a. whether the Report has sufficiently addressed the legal requirements for undertaking the review; and
 - b. the *adequacy* of the current obligations and the progress made towards the achievement of the objective (Article 2) of the current Protocol (as stated at Article 10 (a) (ii) of the current protocol).

Language and Referencing:

4. There is some inconsistency and ambiguity in the language used in paragraphs 89 and 90 which could lead to open interpretation.
 - a. For example, conclusion ‘b’ states that ‘Policies and measures may be misrepresented in reported emissions, resulting in differences between reported and actual emissions.’ The term ‘misrepresented’ is a strong word that could imply deliberate motivation to misrepresent emissions. Therefore, the UK suggests more neutral language such as ‘there may be inaccuracies.’
5. Similarly, consistent language and referencing should be used to refer to the long-term objectives of the Protocol (Article 2), to prevent ambiguity and allow precise conclusions to be drawn. Without the conclusion in full or reference to the article, the use of shorthand leaves the conclusion open to interpretation. For example:
 - a. Conclusion ‘a’ refers to the ‘overall emission reduction goal’ without reference to the Article or objective this is derived from. It is also imprecise as to which countries are included as ‘collective’ (i.e. all CLRTAP Parties or those with reduction targets under the amended Gothenburg Protocol – Annex II).

- b. Conclusion 'c' asserts that 'reducing these effects is one of the stated objectives.' Here, the text should be precise in identifying the Article or objective referred to.
 - c. Conclusion 'd' refers to 'the long-term objectives of article 2 thereof (i.e., no exceedance of critical loads and levels).' It should be noted that Article 2 of the Protocol does not refer to 'no exceedance' but states '...as far as possible, that in the long term and in a stepwise approach, considering advances in scientific knowledge, atmospheric depositions or concentrations do not exceed...'. Therefore, the conclusion description is not precise in the interpretation of the Article, which reduces the clarity of the point being made.
 - d. Conclusion 'g' similarly states 'the long-term objectives of the amended Protocol to protect health and ecosystems will remain a challenge'. This should be more precisely aligned with the wording of the objective of the Protocol which states '...likely to cause adverse effects on human health, natural ecosystems, materials and crops.'
6. In addition, some conclusions could be re-phrased as they may assert a point for which there is currently insufficient evidence to support this conclusion.
- a. For example, conclusion 'f' asserts that 'This will require new flexibilities or other solutions to overcome the barriers to ratification faced by current non-Parties. Some of the technical annexes [of the amended Gothenburg Protocol] are considered too complex and demanding by some current non-Parties'. This potentially pre-judges any conclusions that could be drawn from the thematic session on flexibilities and barriers to ratification that will be conducted alongside the 42nd Executive Body meeting.

Repetition and Removal:

7. There are points of repetition whereby the essence of the same point is covered over several conclusions. These could be refined or removed to reduce the length of the document. For example:
- a. Conclusion 'd', 'e', and 'g' could be consolidated due to the commonalities they share in referencing the long-term objectives of the Protocol.
 - b. Conclusion 'j' could be removed as the essence of the point is covered above in 'h'.

Next Steps:

8. Paragraph 90 of the Report should consider the conclusions as a whole and provide an outline of potential considerations for the Executive Body to consider. This should not pre-judge discussions or decisions that the Executive Body may take and the timeline for doing so.
9. Overall, it could be worth considering an additional introductory next step 'a' that the Executive Body could invite an assessment of the long-term

objective(s) of the current amended Gothenburg Protocol and whether they are suitable and achievable.

10. As with the conclusions, the next steps should make precise and consistent use of language so as not to pre-judge outcomes to be decided by the Executive Body.
 - a. For example, conclusions 'a', 'c', 'h', 'j' would be more consistent to use 'Consider' instead of other terminology, to allow the Executive Body further optionality.
 - b. Similarly, conclusions 'f' and 'g' can be worded differently to help the Executive Body consider what to do next regarding these items without pre-judging outcomes. In addition, we suggest removing the reference to 'the appropriate policy mechanism' in conclusion 'f' to help avoid pre-judging the outcomes of discussions regarding the specific pollutant.