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**Economic Commission for Europe****Executive Body for the Convention on Long-range  
Transboundary Air Pollution****Forty-third session**

Geneva, 11–14 December 2023

Items 3 (b)–(c) and 6 of the provisional agenda

**Review of the implementation of the 2022–2023 workplan: Policy Compliance****Policy options to address the conclusions of the review of sufficiency and effectiveness of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012****Draft decisions of the Executive Body***Summary*

The present document contains proposed decisions drafted by the secretariat and the Executive Body Bureau for consideration and adoption by the Executive Body.

The Executive Body is invited to adopt the following documents forwarded to it by the Working Group on Strategies and Review as amended at its sixty-first session (Geneva, 4–6 September 2023):

- (a) Draft guidance document on technical measures for reduction of methane emissions from landfill, the natural gas grid and biogas facilities;
- (b) Draft guidance document on technical measures for reduction of air pollutant emissions from shipping;
- (c) Co-mitigation of methane and ammonia emissions from agricultural sources.

In accordance with item 3.5 of the 2022–2023 workplan for the implementation of the Convention (ECE/EB.AIR/148/Add.1), the Executive Body is invited to consider and adopt the revised mandate of the Implementation Committee.

Furthermore, the Executive Body is invited to decide on the follow-up to the review of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012, taking into account the recommendation of the Working Group on Strategies and Review made at its sixty-first session.



## **I. Adoption of the Guidance document on technical measures for reduction of methane emissions from landfill, the natural gas grid and biogas facilities**

*The Executive Body,*

*Recalling* the long-term strategy for the Convention for 2020–2030 and beyond,<sup>1</sup>

*Referring* to the conclusions of the review of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012,<sup>2</sup>

*Noting* the significant contribution of methane to transboundary ozone pollution, and recognizing the importance of reducing emissions of methane as an ozone precursor and a greenhouse gas from key sources throughout the United Nations Economic Commission for Europe (ECE) region and beyond,

1. *Adopts* the guidance document on technical measures for reduction of methane emissions from landfill, the natural gas grid and biogas facilities, as contained in document ECE/EB.AIR/2023/6;
2. *Encourages* Parties to the Convention, as well as countries from both within and beyond the ECE region, to use the document in order to reduce their methane emissions from landfill, the natural gas grid and biogas facilities.

## **II. Adoption of the Guidance document on technical measures for reduction of air pollutant emissions from shipping**

*The Executive Body,*

*Referring* to the outcomes of the review of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012,<sup>3</sup>

*Recognizing* the potential for further reduction of air pollutant emissions from shipping for the benefit of human health and the environment,

1. *Adopts* the Guidance document on technical measures for reduction of air pollutant emissions from shipping, as contained in document ECE/EB.AIR/2023/7;
2. *Encourages* Parties to the Convention, as well as countries from both within and beyond the United Nations Economic Commission for Europe region, to use the document in order to reduce their air pollutant emissions from shipping.

## **III. Adoption of the document on co-mitigation of methane and ammonia emissions from agricultural sources**

*The Executive Body,*

*Referring* to item 2.2.1 of the 2022–2023 workplan for the implementation of the Convention (ECE/EB.AIR/148/Add.1),

*Noting* the importance for policymakers to take into account the interactions between measures aimed at reducing ammonia and methane emissions from agricultural sources,

1. *Adopts* the document on co-mitigation of methane and ammonia emissions from agricultural sources (ECE/EB.AIR/2023/5);
2. *Encourages* Parties to the Convention, as well as countries within and beyond the United Nations Economic Commission for Europe region, to use the document in order to reduce their methane and ammonia emissions from agricultural sources.

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<sup>1</sup> ECE/EB.AIR/142/Add.2, decision 2018/5, annex, paras. 37 and 67.

<sup>2</sup> ECE/EB.AIR/150/Add.2, para. 90 (f) and (h).

<sup>3</sup> ECE/EB.AIR/150/Add.2, paras. 50–51, 53 and 90 (h).

## IV. Revised procedures for the Implementation Committee

*The Executive Body,*

*Determined* to promote and improve compliance with the protocols to the 1979 Convention on Long-range Transboundary Air Pollution,

*Recalling* article 10 (2) of the Convention, article 7 of the 1994 Protocol on Further Reduction of Sulphur Emissions, article 3 (3) of the 1991 Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, article 11 of the Protocol on Persistent Organic Pollutants, article 9 of the Protocol on Heavy Metals and article 9 of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012,

*Recalling also* decisions 2019/2 on review of compliance by Parties to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol),<sup>4</sup> 2012/25 on improving the functioning of the Implementation Committee, 1997/2 concerning the Implementation Committee, its structure and functions and procedures for review of compliance and 1998/3 on the procedure for amending decisions pertaining to the Implementation Committee,

*Recalling further* item 3.5 of the 2022–2023 workplan for the implementation of the Convention (ECE/EB.AIR/148/Add.1),

1. *Decides* that this decision shall supersede decisions 2012/25 and 2019/2 and that the structure and functions of the Implementation Committee and the procedures for review of compliance referred to in decision 1997/2 shall be those set out in the annex below;
2. *Requests* the Implementation Committee to draft, in consultation with the secretariat, the Committee's operating rules, and to present the draft to the Executive Body for consideration at its forty-fourth session.

### **Annex**

#### **Implementation Committee, its structure and functions and procedures for review**

##### **I. Structure**

1. The Implementation Committee shall consist of nine Parties to the Convention. Each member of the Committee shall be Party to at least one of the following protocols to the Convention: the Protocol on Heavy Metals; the Protocol on Persistent Organic Pollutants; or, the Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone. The Executive Body shall elect members for terms of two years, with due regard to balanced and equitable geographical representation and a mixture of technical and legal expertise. Outgoing members may be re-elected for one consecutive term, unless in a given case the Executive Body decides otherwise. The Executive Body shall elect a Chair of the Implementation Committee from among the members for a term of two years, renewable once, unless the Executive Body decides otherwise.

##### **II. Meetings**

2. The Committee shall, unless it decides otherwise, meet twice a year. The secretariat shall arrange for and service the Committee's meetings, including the preparation of the agenda and other reference documents for each meeting.

<sup>4</sup> All the Executive Body decisions referred to in the present decision are available at <https://unece.org/decisions>.

### **III. Functions of the Committee**

3. The Committee shall:

(a) Periodically review compliance by the Parties with the reporting and emission reduction requirements under the following protocols to the Convention: the Protocol on Further Reduction of Sulphur Emissions; the Protocol concerning the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes; the Protocol on Persistent Organic Pollutants, as well as its amended version; the Protocol on Heavy Metals, as well as its amended version; and the Gothenburg Protocol, as well as its amended version, and in accordance with the biennial workplan for the implementation of the Convention. The review of compliance with emission reduction requirements concerns the latest inventory year due for reporting in that calendar year;

(b) Consider any submission or referral made in accordance with paragraphs 4–5 below, with a view to securing a constructive solution;

(c) Where it deems it necessary, be satisfied, before it adopts a report or recommendation on such a submission or referral, that the quality of data reported by a Party has been evaluated by a relevant technical body under the Executive Body and/or, where appropriate, by an expert nominated by the Bureau of the Executive Body;

(d) Consider, as necessary, systemic issues relating to compliance that have been identified in the course of its work under subparagraphs (a)–(b) above and make recommendations to the Executive Body accordingly;

(e) Prepare, at the request of the Executive Body, and based on any relevant experience acquired in the performance of its functions under subparagraphs (a)–(d) above, a report on compliance with, or implementation of, specified obligations contained in an individual protocol.

### **IV. Submissions by Parties**

4. A submission may be brought before the Committee by:

(a) One or more Parties to any protocol listed in paragraph 3 (a) above that have reservations about another Party's compliance with its obligations under that instrument, taking into account the latest obligation in case of pollutants covered by two or more protocols. Such a submission shall be addressed in writing to the secretariat and supported by corroborating information. The secretariat shall, within two weeks of receiving a submission, send a copy of it to the Party whose compliance is at issue. Any reply and information in support thereof shall be submitted to the secretariat and to the Parties involved within three months or such longer period as the circumstances of a particular case may require. The secretariat shall transmit the submission and the reply, as well as all corroborating and supporting information, to the Committee, which shall consider the matter as soon as practicable;

(b) A Party that concludes that, despite its best endeavours, it is, or will be, unable to comply fully with its obligations under a protocol. Such a submission shall be addressed in writing to the secretariat and explain, in particular, the specific circumstances that the Party considers to be the cause of its non-compliance. The secretariat shall transmit the submission to the Committee, which shall consider it as soon as practicable.

### **V. Referrals by the secretariat**

5. Where the secretariat, upon receipt of information from the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe Centre on Emission Inventories and Projections in accordance with the Centre's mandate (decision 2019/14 and any amendment thereto), becomes aware of possible non-compliance by a Party with its most recent emission reduction obligation with respect to any of the pollutants covered by the protocols listed in paragraph 3 (a) above, it may request the Party

concerned to furnish necessary information on the matter. If there is no response, or the matter is not resolved within three months or such longer period as the circumstances of the matter may require, the secretariat shall bring the matter to the attention of the Committee.

## **VI. Committee initiative**

6. Where the Committee becomes aware of possible non-compliance by a Party with its reporting obligation, or with the most recent emission reduction obligation with respect to any of the pollutants covered by the protocols listed in paragraph 3 (a) above, it may request the Party, through the secretariat, to furnish necessary information on the matter. Any reply and information in support thereof shall be provided to the Committee, through the secretariat, within three months or such longer period as the circumstances of the case may require. The Committee shall consider the matter as soon as practicable in the light of any reply that the Party may provide.

## **VII. Information gathering**

7. To assist the performance of its functions under paragraph 3 above, the Committee may:

(a) Consider information provided by the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe Centre on Emission Inventories and Projections on reporting obligations and emission trends;

(b) Request, through the secretariat, further information on matters under its consideration;

(c) Undertake, at the invitation of the Party concerned, information gathering in the territory of that Party;

(d) Consider any information forwarded by the secretariat concerning compliance with the protocols;

(e) Consider any other relevant information available under the Convention and from technical or other bodies under the Convention;

(f) Liaise with any technical body under the Convention to seek assistance or information.

8. The Committee shall ensure the confidentiality of any information that has been provided to it in confidence.

## **VIII. Entitlement to participate**

9. A Party in respect of which a submission or referral is made shall be entitled to participate in the consideration by the Committee of that submission or referral but shall not take part in the preparation and adoption of any report or recommendations of the Committee in accordance with paragraph 10 below.

## **IX. Committee report to the Executive Body**

10. The Committee shall report at least once a year on its activities to the Executive Body and make such recommendations as it considers appropriate, taking into account the circumstances of the matter, regarding compliance with the protocols. Each report shall be finalized by the Committee no later than 10 weeks in advance of the session of the Executive Body at which it is to be considered.

## **X. Competence of Committee Members**

11. Only those Committee members that are Parties to the protocol in respect of which compliance procedures in accordance with paragraphs 3, 7–8 and 10 above are being undertaken may participate in those procedures. If as a result of the operation of this paragraph the size of the Committee is reduced to four members or less, the Committee shall forthwith refer the matter in question to the Executive Body.

## **XI. Consideration by the Executive Body**

12. The Parties to the protocol concerned, meeting within the Executive Body, may, upon consideration of a report and any recommendations of the Committee, decide upon measures of a non-discriminatory nature to bring about full compliance with the protocol in question, including measures to assist a Party's compliance. Any such decision shall be taken by consensus.

## **XII. Relationship to settlement of disputes**

13. Application of the present compliance procedures shall be without prejudice to the settlement of disputes provisions of the protocols.

## **V. Launching negotiations on a revision to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012, and other action to address the conclusions of the review of the Protocol**

*The Executive Body,*

*Recalling* its decision 2022/4, in particular paragraphs 1–5 thereof, on the conclusion of the review of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012, and the path forward (Gothenburg Protocol) pursuant to article 10 of the Protocol,

*Recalling also* the objectives of the Convention, the Gothenburg Protocol, as specified in its article 2, and of the long-term strategy for the Convention on Long-range Transboundary Air Pollution for 2020–2030 and beyond (decision 2018/5, annex),

*Recognizing* the Convention's contribution towards addressing the triple crisis of climate change, biodiversity loss and pollution,

*Recognizing also* the importance of acting now to ensure further progress on addressing the conclusions of the report on the review of the Gothenburg Protocol, as amended in 2012<sup>5</sup> and the objectives of the Gothenburg Protocol, as amended in 2012,

*Noting* that the current Gothenburg Protocol, as amended in 2012, is overly complex and that, without substantial changes, progress towards ratification and implementation will continue at the same slow pace, as current flexibilities and approaches are inadequate to address the many barriers for non-Parties,

*Recognizing* the importance of an integrated multi-pollutant/multi-effect approach to reduce air pollution, including the consideration of other environmental policy concerns such as climate change and biodiversity,

*Acknowledging* that global methane reduction (in addition to methane, nitrogen oxides and volatile organic compound control in the United Nations Economic Commission for Europe (ECE) region) will be needed to reduce ground-level ozone in the ECE region,

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<sup>5</sup> ECE/EB.AIR/150/Add.2, paras. 90–91.

*Noting* the report of the Working Group on Strategies and Review on its sixty-first session (Geneva, 4–6 September 2023) (ECE/EB.AIR/WG.5/130, forthcoming),

*Taking into consideration* the document entitled Options to address the conclusions of the review of the Gothenburg Protocol, as amended in 2012 (ECE/EB.AIR/2023/9), including the summary tables in the informal document accompanying the policy options document, prepared by the expert group on policy options development, and, in particular, the recommendations contained in the present document,

1. *Decides* to commence negotiations to revise the Gothenburg Protocol, as amended in 2012, in order to address the conclusions of the report on the review of the Protocol;

2. *Also decides* that the revision process could include consideration of, inter alia:

(a) New emission reduction commitments for the pollutants currently covered by the Gothenburg Protocol;

(b) Updates of the technical annexes to the Gothenburg Protocol that are currently out-of-date for level of ambition and scope;

(c) How to deliver further reductions of black carbon emissions;

(d) How to address methane emissions;

(e) How to achieve additional ammonia emission reductions needed to further address eutrophication and its contribution to PM<sub>2.5</sub> health effects;

(f) New flexibilities, and other approaches for non-Parties to be able to ratify and implement the Gothenburg Protocol, including consideration of a stepwise approach, a sector-based approach, a focus on key sectors, a restructuring of the technical annexes, replacement of the annexes with guidance documents, or combinations thereof;

(g) Overarching, collective risk-based target(s) to reduce risk to health and ecosystems in the ECE region.

1. *Further decides* to take action to enhance capacity-building, awareness-raising and cooperation within the ECE region considering the efficient use of resources by:

(a) Calling on Parties to the Convention to provide voluntary contributions and bilateral technical assistance, such as for emission inventory improvements, air quality monitoring networks and support for action plans, to build capacity in the countries of Eastern Europe, the Caucasus and Central Asia, as well as countries of the Western Balkans, and other non-Parties;

(b) Requesting the secretariat, in consultation with non-Parties and the Working Group on Strategy and Review Bureau, and depending on financial contributions from Parties to the Convention, to develop a programme of action, taking into account the work of the Gothenburg Protocol Review Group and the expert group on policy options, that identifies needs for resources and gaps in capacity, and report to the Executive Body at its forty-fourth session;

(c) Requesting the Task Force for International Cooperation on Air Pollution to provide support on capacity-building within the ECE region, and to cooperate with international partners for further action on air pollution outside the ECE region;

2. *Requests* the Working Group on Strategies and Review to begin work to revise the Gothenburg Protocol, as amended in 2012, at its sixty-second session (Geneva, 27–31 May 2024) and to report on its progress to the Executive Body at its forty-fourth session (Geneva, 9–13 December 2024);

3. *Also requests* the Working Group on Strategies and Review to continue work to address barriers to ratification and implementation of the Gothenburg Protocol, continue discussions with non-Parties, and to report on its progress to the Executive Body at its forty-fourth session;

4. *Requests* the subsidiary bodies to ensure that activities in their workplans include relevant work for continued progress on meeting the objectives of the Gothenburg Protocol;

5. *Decides* that the negotiations to revise the Gothenburg Protocol should begin at the sixty-second session of the Working Group on Strategies and Review, with a view to concluding them by the forty-fifth session of the Executive Body.

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