



**Economic and Social
Council**

Distr.
GENERAL

EB.AIR/WG.5/72
27 May 2002

ORIGINAL : ENGLISH

ECONOMIC COMMISSION FOR EUROPE

EXECUTIVE BODY FOR THE CONVENTION ON
LONG-RANGE TRANSBOUNDARY AIR POLLUTION

Working Group on Strategies and Review

REPORT ON THE MEETING OF HEADS OF DELEGATION

Introduction

1. The meeting of heads of delegation of the Working Group on Strategies and Review was held in Geneva from 25 to 26 April 2002.
2. It was attended by representatives of the following Parties to the Convention: Armenia; Austria; Belgium; Canada; Czech Republic; Denmark; Finland; France; Germany; Italy; Netherlands; Norway; Poland; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States of America and European Community.
3. The meeting was chaired by Mr. R. BALLAMAN (Switzerland).

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I. ADOPTION OF THE AGENDA

4. The heads of delegation adopted the agenda of the meeting as set out in EB.AIR/WG.5/71.

II. DRAFT INSTRUMENTS ON THE FINANCING OF CORE ACTIVITIES

5. The Chairman reminded participants of the requests made by the Executive Body at its nineteenth session (ECE/EB.AIR/75, paragraph 18). The Working Group on Strategies and Review was to finalize negotiations on the financing of core activities at its thirty-fourth session. The Working Group was requested to prepare in parallel a draft protocol and a draft decision. The Executive Body intended to take a final decision on the issue at its twentieth session, in order to report to the Ministerial Conference "Environment for Europe" in Kiev in May 2003.

6. The secretariat informed the Meeting about the state of contributions made by Parties under Executive Body decision 2000/3 and the recommendation on the financing of core activities (ECE/EB.AIR/71, annex III) and under decision 2001/5 and the recommendation on the financing of core activities (ECE/EB.AIR/75, annex IX). Total contributions for 2001 under decision 2000/3 had been US\$ 395,657, which was substantially higher than the contributions received for 2000 (US\$ 292,384). Only eight Parties had made contributions under decision 2001/5 for 2002 by 20 April 2001 and seven of these were regular contributions to the forest programme that had also been made in previous years. The Meeting called upon Parties that had not yet done so to make their contributions and to try to make them early in the year.

7. The Chairman invited delegations to inform the Meeting if any Party's position had changed since the session of the Executive Body. No delegation reported any such change of position.

8. The delegation of Denmark informed the Meeting that its new Government had introduced a series of policy changes, including budget cuts for environmental expenditures. Denmark's position with respect to the financing of core activities, however, had not changed. It continued to fully support the adoption of a legally binding instrument.

9. The delegation of Poland informed the Meeting that there had been a change in the procedure for signing international agreements that required authorization prior to the start of negotiations. At this stage it was not clear how this new procedure would affect negotiations that were already in progress.

10. The heads of delegation reviewed in detail the text of the preliminary draft protocol, as annexed to the report of the thirty-third session of the Working Group (EB.AIR/WG.5/70, annex I). They agreed to include a new article on the recording of contributions after article 4,

based on the proposed amendment prepared by the secretariat in consultation with the Chairman of the Working Group and the delegation of the United Kingdom (EB.AIR/WG.5/71, annex I). The Meeting agreed to amend the preliminary draft protocol as set out in annex I below.

11. Some delegations suggested that the new article 5 should also contain a requirement to report on the payments made from the fund. Others pointed out that it was not necessary to include such details in the protocol. For instance with EMEP, there was regular reporting on the use of resources, even though this was not mentioned in the EMEP Protocol. If necessary, the Executive Body could introduce additional reporting by means of a decision at any point in time.

12. Concerning the list of centres in annex I to the draft protocol, delegations agreed that it should be ensured that centres did not receive funding for the same tasks from different sources. For instance, the work funded through this protocol by those centres that are hosted by international organizations, such as the World Health Organization and the International Institute for Applied Systems Analysis, should be additional to the tasks that these institutions fund through their regular budgets. The secretariat should ensure that appropriate agreements were drawn up so that the work funded was as defined in the work plans adopted by the Executive Body.

13. The heads of delegation reviewed the negotiating text for a draft decision on the financing of core activities annexed to the agenda of the meeting (EB.AIR/WG.5/71, annex II). They revised the text as set out in annex II below, while some delegations reserved their position with respect to some of the provisions of the draft.

14. The Meeting noted that a decision was a necessary complement to the protocol to cover the period until the entry into force of the protocol, but it could also be considered as a long-term alternative to a protocol, if there was not sufficient support for a protocol. Several delegations expressed their preference for a protocol, as they considered it to be the best way to ensure the long-term financing of core activities.

15. There was some discussion about the legal status of a decision by the Executive Body. The Meeting agreed that a decision was politically and morally binding upon Parties to the Convention, but it was not subject to any enforcement of compliance, nor did it require a formal ratification procedure.

16. The delegations of Germany and Italy reminded the Meeting that they were, at present, not in a position to accept any binding obligations imposing additional financial obligations. They suggested several amendments to the draft to clarify its recommendatory nature, including a change to the title. The delegation of Italy stated that paragraph 3 of the draft decision should be worded to make clear its recommendatory nature, for instance by starting the paragraph with: "It is

recommended that ...". The delegation of Germany stressed that paragraph 5 should be amended to clarify the voluntary nature of the scale of contributions.

17. One delegation pointed out that the scale of contributions of this instrument should be identical to that of the EMEP Protocol in order to avoid confusion. Another delegation suggested adding a provision with a requirement for the Executive Body to regularly review the scale of contributions. The Meeting agreed that it was not necessary to include such a provision in the draft, as there was consensus that this was useful and, given the informal nature of a decision, any Party could initiate a review of the scale.

18. The Chairman informed the heads of delegation that the Bureau of the Executive Body had discussed the progress in the work on the long-term financing of core activities. An agreement about the way forward should be reached before the twentieth session of the Executive Body. If there was sufficient support for a protocol at the thirty-fourth session of the Working Group on Strategies and Review, the protocol should be adopted by the Executive Body at its twentieth session, so that it could be opened for signature at the Ministerial Conference "Environment for Europe" in May 2003. If there was not sufficient support for a protocol, the Executive Body would adopt a decision on the long-term financing of core activities and report to the Kiev Conference on the outcome, seeking support from Ministers for the implementation of the decision.

19. In order to have a complete picture, the Chairman called upon delegations to come prepared to the thirty-fourth session of the Working Group. In a tour-de-table, he would ask every delegation to state its position with respect to the protocol and whether it was ready to sign such an instrument.

III. OTHER BUSINESS

20. The secretariat reported on the status of ratification of the protocols that had not yet entered into force. Since the previous session of the Executive Body, Norway and Sweden had ratified the Gothenburg Protocol, bringing the number of ratifications up to three.

21. The Chairman reminded the heads of delegation that the thirty-fourth session of the Working Group on Strategies and Review was scheduled for 17-20 September 2002. The session would conclude in the afternoon of Friday, 20 September, with the adoption of the report. The delegations of Canada and the United States had accepted an invitation to make a presentation on their air pollution abatement policies and strategies on Friday morning.

22. The delegation of Germany informed the Meeting that it had completed its process of ratification for the Protocol on Persistent Organic Pollutants (POPs). The delegations of Denmark

and Spain explained that their ratifications of the Gothenburg Protocol were well under way. The delegation of the United Kingdom explained that the ratification of the Protocol on Heavy Metals was expected to be completed by the time of the next session of the Working Group and that the other two Protocols were expected to be ratified by the end of 2002 or early 2003.

23. The Chairman provided some information about the third meeting of the expert group on POPs, which would be held on 5-6 June 2002 in Geneva. Documents for this meeting were posted on the Internet at www.unece.org/env/popsxg.

24. The delegation of the Netherlands informed the Meeting about the outcome of the Second International Nitrogen Conference held on 14-18 October 2001 in Potomac (United States). It made available to delegations the summary statement on the Conference.

25. The delegation of the Netherlands also reported on the preparations for the second workshop under the Network of Experts on Benefits and Economic Instruments (NEBEI). The workshop would be devoted to the economic valuation of benefits from reduced damage to ecosystems due to the abatement of air pollution and would be held on 2-4 October 2002 in the Netherlands. The delegation invited Parties that had not yet done so to propose speakers for the workshop and to communicate them to it or to the secretariat.

26. The Chairman informed the heads of delegation about the progress in the preparations for a workshop on the enhancement of communications for the Convention. A first preparatory meeting had been held on 24 April to discuss the themes and objectives, as well as the format of the workshop. It was suggested to hold the workshop on 13-15 November 2002.

27. The delegation of the United States reported progress in its work on abatement technologies to reduce mercury emissions from coal-fired power plants. An interim report on the control of mercury emissions from coal-fired electric utility boilers had been published and was available at: <http://www.epa.gov/appcdwww/crb/apfb/index.htm> under publications, miscellaneous. The delegation made copies of the executive summary of the report available to interested delegations.

28. The heads of delegation of the Working Group on Strategies and Review bid farewell to Mr. Per SUHR (Denmark), who was retiring from the Danish Environmental Protection Agency. Mr. Suhr had supported the work under the Convention since its early days.

Annex I

[PRELIMINARY DRAFT PROTOCOL
TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION ON
THE LONG-TERM FINANCING OF CORE ACTIVITIES

The Parties,

Noting that the 1979 Convention on Long-range Transboundary Air Pollution and, with one exception, its Protocols do not contain any provision for the long-term financing of core activities,

Recalling that in 1984 the Parties adopted a Protocol to the 1979 Convention to provide for long-term financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP),

Considering that the 1999 Gothenburg Ministerial Declaration noted that the efficient operation of the Convention and its Protocols required there to be stable, long-term funding arrangements for their core activities,

Convinced that it is necessary to make appropriate arrangements regarding this matter,

Have agreed as follows:

Article 1

Definitions

For the purposes of the present Protocol,

1. “Convention” means the Convention on Long-range Transboundary Air Pollution, adopted in Geneva on 13 November 1979;
2. “Executive Body” means the Executive Body for the Convention, constituted under article 10, paragraph 1, of the Convention;
3. “EMEP” means the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe;
4. “Parties” means, unless the context otherwise requires, the Parties to the present Protocol;

5. “Financial year” means the financial year of the United Nations, and “annual basis” and “annual budget” shall be construed accordingly;
6. “General Trust Fund” means the General Trust Fund for the Financing of the Implementation of the Convention, which has been established by the Secretary-General of the United Nations;
7. “Designated international centres” means the international centres for the coordination of effect-related activities and integrated assessment modelling under the Convention that are specified in annex I to the present Protocol;
8. “Costs of core activities” means the costs of the international coordination of health, materials and ecosystem effect-related activities and integrated assessment modelling at the designated international centres that are covered by the work-plan adopted by the Executive Body, but excluding costs covered by the Protocol on the Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe, EMEP, adopted in Geneva on 28 September 1984;
9. “Contributions in kind” means contributions made by a Party directly to a designated international centre in respect of its work on core activities, as well as any other contributions recognized in decisions of the Parties, meeting within the framework of the Executive Body, as contributions in kind for the purpose of the present Protocol.

Article 2

Annual budget

An annual budget for the costs of core activities is to be adopted by the Executive Body by consensus in advance of the beginning of the financial year to which it applies and, at the same time, provisional budget totals drawn up for each of the two succeeding financial years.

Article 3

Contributions

1. The costs of core activities specified in the annual budget shall be met from:
 - (a) Mandatory contributions made in cash and/or in kind on an annual basis by Parties as specified in annex II to the present Protocol; and
 - (b) Voluntary contributions made in cash and/or in kind by any Party or

Signatory to the Convention, as well as, subject to approval by the Executive Body on the recommendation of the Working Group on Effects or the EMEP Steering Body, by any other country, organization or individual wishing to contribute to the costs of core activities.

2. All contributions in cash shall be deposited in the General Trust Fund account.

Article 4

Sharing of costs

1. Each Party shall make mandatory contributions, as referred to in article 3, paragraph 1 (a), in accordance with the scale of contributions set out in annex II to the present Protocol.
2. The voluntary contributions referred to in article 3, paragraph 1 (b), should, as far as possible, be made in accordance with the scale of contributions set out in annex II to the present Protocol.
3. The Parties, meeting within the framework of the Executive Body, shall consider the need to amend annex II:
 - (a) If the annual budget for the costs of core activities adopted by the Executive Body increases to a level two and a half times that of the annual budget adopted for the year of entry into force of the present Protocol or for the year of the last amendment of annex II, whichever is later;
 - (b) If the United Nations scale of assessment is modified significantly for any Party to the Convention;
 - (c) If the membership of the Convention changes; or
 - (d) Six years after the entry into force of the present Protocol and at least every six years thereafter.

Article 5

Recording of contributions

The Executive Secretary of the Economic Commission for Europe shall present for the consideration of the Parties meeting within the Executive Body, at each annual session of the Executive Body, a list of the contributions, both mandatory and voluntary, whether in cash or in kind, made in the preceding financial year towards the costs of core activities. The Executive

Secretary shall list contributions in kind to a designated international centre based on information provided to the secretariat by the contributing Party and confirmed by the centre receiving the contribution.

Article 6

Annexes

The annexes to the present Protocol shall form an integral part of the Protocol.

Article 7

Amendments

1. Any Party may propose an amendment to the present Protocol.
2. The text of a proposed amendment shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate it to all Parties. The Parties, meeting within the framework of the Executive Body, shall discuss the proposed amendment at the next annual meeting of the Executive Body, provided that such proposal has been circulated by the Executive Secretary of the Economic Commission for Europe to the Parties at least ninety days in advance.
3. An amendment to the present Protocol, other than an amendment to its annexes, shall be adopted by consensus of the Parties, meeting within the framework of the Executive Body, and shall enter into force for the Parties which have accepted it on the ninetieth day after the date on which two thirds of those Parties have deposited with the depositary their instruments of acceptance of the amendment. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of acceptance of the amendment.
4. An amendment to the annexes to the present Protocol shall be adopted by consensus of the Parties, meeting within the framework of the Executive Body, and shall become effective for all such Parties on the ninetieth day after the date on which the Executive Secretary of the Economic Commission for Europe notifies those Parties in writing of the adoption of the amendment.

Article 8

Compliance

Compliance by each Party with its obligations under the present Protocol shall be reviewed regularly. The Implementation Committee established by decision 1997/2 of the Executive Body

at its fifteenth session shall carry out such reviews and report to the Parties, meeting within the framework of the Executive Body, in accordance with the terms of the annex to that decision, including any amendments thereto.

Article 9

Settlement of disputes

In the event of a dispute between any two or more Parties concerning the interpretation or application of the present Protocol, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. The parties to the dispute shall inform the Parties, meeting within the framework of the Executive Body, of their dispute.

Article 10

Signature

The present Protocol shall be open for signature at [...] from [...] until [...] inclusive, then at the Headquarters of the United Nations in New York until [...], by the Parties to the Convention.

Article 11

Ratification, acceptance, approval and accession

1. The present Protocol shall be subject to ratification, acceptance or approval by Signatories.
2. The present Protocol shall be open for accession as from [...] by the Parties to the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who will perform the functions of the depositary.

Article 12

Entry into force

1. The present Protocol shall enter into force on the ninetieth day following the date on which the sixteenth instrument of ratification, acceptance, approval or accession has been deposited.
2. For each Party to the Convention that ratifies, accepts or approves the present Protocol or accedes thereto after the requirement for entry into force laid down in paragraph 1 above has been met, the Protocol shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

Article 13

Withdrawal

1. At any time after five years from the date on which the present Protocol has come into force with respect to a Party, that Party may withdraw from it by giving written notification to the depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the depositary.
2. Withdrawal shall not affect the financial obligations of the withdrawing Party until the date on which the withdrawal takes effect.

Article 14

Authentic texts

The original of the present Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness whereof the undersigned, being duly authorized thereto, have signed the present Protocol.

Done at Geneva, this [...] day of [...] two thousand and [...]

Annex I (to the Protocol)

DESIGNATED INTERNATIONAL CENTRES

Programme Coordination Centre for the International Cooperative Programme on Effects of Air Pollution on Natural Vegetation and Crops:

at the Centre for Ecology and Hydrology, Bangor, United Kingdom.

Programme Centre for the International Cooperative Programme on Integrated Monitoring of Air Pollution Effects on Ecosystems:

at the Finnish Environment Institute, Helsinki, Finland.

Programme Main Coordinating Centre for the International Cooperative Programme on Assessment and Monitoring of Air Pollution Effects on Forests:

at the Federal Research Centre for Forestry and Forest Products, Hamburg, Germany.

Programme Centre for the International Cooperative Programme on Assessment and Monitoring of Acidification of Rivers and Lakes:

at the Norwegian Institute for Water Research, Oslo, Norway.

Main Research Centre for the International Cooperative Programme on Effects of Air Pollution on Materials, including Historic and Cultural Monuments:

at the Swedish Corrosion Institute, Stockholm, Sweden.

Coordination Center for Effects for the International Cooperative Programme on Modelling and Mapping:

at the National Institute of Public Health and the Environment, Bilthoven, Netherlands.

Centre for Integrated Assessment Modelling for the Task Force on Integrated Assessment Modelling:

at the International Institute for Applied Systems Analysis, Laxenburg, Austria.

Centre for Work on the Health Effects of Air Pollution:

at the World Health Organization's European Centre for Environmental Health, Bonn, Germany.

Annex II (to the Protocol)

SCALE OF CONTRIBUTIONS

The following is the scale of contributions referred to in article 4:

Parties to the Convention <u>a/</u>	Per cent
Armenia	0.005
Belarus	0.044
Bosnia and Herzegovina	0.009
Bulgaria	0.030
Croatia	0.090
Cyprus	0.088
Czech Republic	0.437
Estonia	0.023
Georgia	0.012
Hungary	0.280
Iceland	0.076
Kazakhstan	0.067
Kyrgyzstan	0.002
Latvia	0.023
Liechtenstein	0.014
Lithuania	0.039
Malta	0.035
Monaco	0.009
Norway	1.503
Poland	0.817
Republic of Moldova	0.005
Romania	0.136
Russian Federation	[2.776]
Slovakia	0.099
Slovenia	0.187
Switzerland	2.947
The FYR of Macedonia	0.014
Turkey	1.025
Ukraine	0.123
Yugoslavia	0.046
Austria	2.202
Belgium	2.628
Denmark	1.742
Finland	1.214
France	15.042
Germany	22.726
Greece	1.254
Ireland	0.685
Italy	11.783
Luxembourg	0.185
Netherlands	4.043
Portugal	1.076
Spain	5.861
Sweden	2.389
United Kingdom	12.879
European Community	3.33

a/ Canada and United States: voluntary contributions.]

Annex II

DRAFT DECISION ON THE FINANCING OF CORE ACTIVITIES

The Executive Body,

Noting that the 1979 Convention on Long-range Transboundary Air Pollution and, with one exception, its Protocols do not contain any provision for the long-term financing of core activities,

Recalling that in 1984 the Parties adopted a Protocol to the 1979 Convention to provide for long-term financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP),

Considering that in the 1999 Gothenburg Ministerial Declaration the Parties noted that the efficient operation of the Convention and its Protocols required there to be stable, long-term funding arrangements for their core activities,

Convinced that it is necessary to make appropriate arrangements regarding this matter,

Decides that:

1. For the purposes of this decision,

(a) “Financial year” means the financial year of the United Nations, and “annual budget” shall be construed accordingly;

(b) “General Trust Fund” means the General Trust Fund for the Financing of the Implementation of the Convention, which has been established by the Secretary-General of the United Nations;

(c) “Designated international centres” means the international centres for the coordination of effect-related activities and integrated assessment modelling under the Convention that are specified in appendix I below;

(d) “Costs of core activities” means the costs of the international coordination of health, materials and ecosystem effect-related activities and integrated assessment modelling at the designated international centres that are covered by the work-plan adopted by the Executive Body, but excluding costs covered by the EMEP Protocol;

(e) “Contributions in kind” means contributions made by a Party or Signatory to the Convention directly to a designated international centre in respect of its work on core activities, as

well as any other contributions recognized in decisions by the Executive Body as contributions in kind for the purpose of the present decision.

2. An annual budget for the costs of core activities should be adopted by the Executive Body by consensus in advance of the beginning of the financial year to which it applies and, at the same time, provisional budget totals drawn up for each of the two succeeding financial years.
3. The costs of core activities specified in the annual budget should be met from contributions made in cash and/or in kind by any Party or Signatory to the Convention, as well as, subject to approval by the Executive Body on the recommendation of the Working Group on Effects or the EMEP Steering Body, by any other country, organization or individual wishing to contribute to the costs of core activities.
4. All contributions in cash should be deposited in the General Trust Fund account.
5. The contributions referred to in paragraph 3 should be made in accordance with the scale of contributions set out in appendix II below.
6. The secretariat should present for the consideration of the Executive Body at each annual session a list of the contributions, whether in cash or in kind, made in the preceding financial year towards the costs of core activities under the Convention and its Protocols. The secretariat should list contributions in kind to a designated international centre based on information provided to it by the contributing Party and confirmed by the centre receiving the contribution.

Appendix I

DESIGNATED INTERNATIONAL CENTRES

[As annex I to the draft protocol, see annex I above]

Appendix II

SCALE OF CONTRIBUTIONS

The following is the scale of contributions referred to in paragraph 5:

[Table as in annex II to the draft protocol, see annex I above]