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

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(Geneva, 12 - 15 December 2004)  
Items 6 and 9 of the provisional agenda

**OPTIONS FOR FURTHER DEVELOPMENT OF PROCEDURES UNDER THE  
CONVENTION**

Note by the secretariat

Introduction

1. In 2005, the secretariat and chairs of the Convention's subsidiary bodies have faced a number of issues relating to procedures that have challenged the past practices of the Convention. The Bureau of the Executive Body has discussed these and requested the secretariat to bring them to the attention of the Executive Body to allow consideration of any changes needed.
2. This note describes four issues and indicates the current working practices and procedures used by the Convention. It identifies possible options for the future, noting some of the advantages or disadvantages associated with change.

Documents prepared under the auspices or at the request of the Executive Body for the Convention on Long-range Transboundary Air Pollution for GENERAL circulation should be considered provisional unless APPROVED by the Executive Body.

3. The four considered issues are:
  - (a) Participation in Convention meetings by non-governmental organizations (NGOs), other bodies and experts;
  - (b) Submission of data or information from NGOs, other bodies and experts;
  - (c) Procedures for adopting reports of the Working Group on Strategies and Review and the Executive Body;
  - (d) Further steps to streamline documentation for the Executive Body and its main subsidiary bodies and make more effective use of the Internet.

These issues are presented separately in the sections below.

## **I. PARTICIPATION IN THE WORK OF THE CONVENTION**

4. Meetings of the Executive Body and its main subsidiary bodies are open to delegates or experts nominated by Parties, including representatives of the Convention's task forces, expert groups and programme centres. Intergovernmental organizations may be represented at meetings and UN accredited NGOs, both environmental and industrial, may send representatives as observers. This is broadly in line with the Rules of Procedure of the Economic Commission for Europe that were adopted by the first session of the Executive Body (ECE/EB.AIR/1, para. 14). In practice, the Executive Body and its main subsidiary bodies have encouraged participation by intergovernmental organizations and NGOs and have provided them with the opportunity to present information to delegates. In addition, on occasions individuals (usually academics researching the Convention) have made requests to observe meetings.

5. Meetings of the Convention's task forces and expert groups are similarly open to experts nominated by Parties and representatives of other Convention bodies and programme centres. They are also open to representatives of intergovernmental organizations and accredited NGOs; with the exception of the Task Force on Persistent Organic Pollutants (POPs) and the Task Force on Heavy Metals, these representatives fully participate and are not observers. Chairs of the task forces and expert groups may also invite additional experts to contribute to the work. For the Task Force on POPs and the Task Force on Heavy Metals, representatives of the intergovernmental organizations and NGOs are invited as observers (as specified in decisions 2003/10 and 2004/2). For all other task forces and expert groups there is no distinction made between those experts invited by the chair and other experts. For the Task Force on Hemispheric Transport of Air Pollution, the chairs are encouraged to invite individuals with expertise relevant to the work of the Task Force and experts from non-Convention countries in the northern hemisphere.

6. There have been few problems in the past. Representatives from intergovernmental organizations have contributed effectively and experts invited by the chairs of task forces and expert groups have made important contributions to the Convention's work. Accredited NGOs have made positive contributions and are well respected, while most non-accredited NGOs or industrial companies have been able to attend under an accredited NGO flag.

7. In recent times, however, there have been some incidences when non-accredited NGOs have found difficulties in attending meetings and it would seem timely to reconsider current practice.

8. Other Conventions have widely differing views on participation by NGOs. The Framework Convention on Climate Change has its own accreditation procedures that enable organizations to be added to a list of recognized NGOs which is updated at the beginning of each Meeting of the Parties. The 1998 Aarhus Convention encourages participation by all NGOs without qualification.

9. The Executive Body may wish to decide that its current procedures are sufficient to cover all requirements. It may wish to draw attention to the possibility for individuals to request permission to attend Executive Body meetings. Alternatively, the Executive Body may decide that additional flexibility is useful and that sessions of the Executive Body should extend its list of recognized organizations. Such decisions may be taken either on a temporary basis or for a longer-term.

## **II. SUBMISSION OF DATA AND INFORMATION TO CONVENTION BODIES**

10. The provision of data and information to the Convention has been predominantly from Parties and their experts to the Convention's programmes and their centres, sometimes via the secretariat. Task forces, expert groups and programme centres have had responsibility for storing, analyzing, summarizing and reporting data and information to the Executive Body and its main subsidiary bodies.

11. Task forces, expert groups and programme centres may also have access to additional information from research programmes or collaborating organizations; memoranda of understanding have sometimes been used to facilitate such exchange of information. This is generally a transparent process and has worked to the advantage of the Convention.

12. Recent work on review of protocols and assessment of substances for possible addition to protocols has attracted attention from NGOs and industry. Similar interest in the past has been welcomed by the Task Force on Integrated Assessment Modelling; data and results from NGOs and industry, what might be termed "outside" information, have been presented to the

Task Force. This has taken them into account in its deliberations and has reported accordingly to the Convention's main subsidiary bodies.

13. Decisions of the Convention have always been taken on the basis of "best available science", so it is expected that all technical information available to task forces and expert groups would be considered in their discussions and reports. There will inevitably need to be deadlines for submitting or collecting data and information and these may need to be set by the Executive Body on advice of its main subsidiary bodies.

14. There is a particular problem when time scales are demanding and the possibilities for considering outside information limited. The review procedures for dossiers on proposed new substances for the Protocol on POPs are complex and have short time limits for completion of technical reviews. In 2004, the Task Force on POPs proposed draft generic guidelines for reviewing dossiers (EB.AIR/WG.5/2004/1, annex III) and the Executive Body agreed to their use (ECE/EB.AIR/83, para. 29 (e)). The Task Force on Heavy Metals is proposing similar procedures for heavy metals. For these reviews, the timing and methods of introducing "external" data and information for consideration become more critical. Failure to provide information at an early stage may mean that the review teams of experts carrying out the detailed technical work may not have access to it; reports to task forces, to the Working Group on Strategies and Review and to the Executive Body, may therefore not take it into account.

15. The Executive Body has decided that, for the Task Force on POPs, technical documents related to dossiers on new substances to be considered at a meeting of the Task Force shall be distributed by the secretariat to the focal point nominated by each Party to the Convention at least 60 days in advance of the meeting (Executive Body decision 2003/10, ECE/EB.AIR/79/Add.1, annex X). Where this does not occur, the Executive Body further agreed that the meeting report would indicate that the documents were not provided in sufficient time, unless the Task Force decides otherwise. Information used by review teams of experts to prepare a draft review report is not restricted in this way, so data from any available source might be used in the preparation of draft reviews of the dossiers submitted.

16. In discussing the issue of additional information that might be made available for review of dossiers on POPs, the Bureau of the Executive Body and the Working Group on Strategies and Review have agreed that the Convention should operate in a transparent and open way. It should be seen to be making use of the best available scientific information whilst meeting the deadlines and timetables set for its work.

17. While it can be assumed that Parties, intergovernmental organizations and accredited NGOs would provide information on dossiers to the Task Force in the approved manner (according to decision 2003/10), procedures for other bodies and individuals to provide information are not identified.

18. Taking into account the discussions at the thirty-seventh session of the Working Group on Strategies and Review, the secretariat proposes the following procedure for consideration by the Executive Body:

(a) After a Party submits a proposal to add a substance to the annexes of the Protocol on POPs together with a supporting dossier on the substance, the secretariat informs Heads of Delegation to the Executive Body and Heads of Delegation to the Working Group on Strategies and Review of the proposal and the availability of the dossier on the Convention's webpage;

(b) The webpage will invite the submission to the secretariat of comments, additional information or data related to the dossier;

(c) Any such comments, information or data received by the secretariat prior to the session of the Executive Body where the substance is to be considered, will also be placed on the webpage;

(d) The secretariat will inform the Executive Body on the additional comments, information and data received. It will also inform members of the Task Force on POPs;

(e) The proposing Party is invited to make a summary of the information provided, if it wishes, so that it can be provided in due time for the next meeting of the Task Force and be made available to the team reviewing the dossier.

### **III. PROCEDURES FOR ADOPTING REPORTS OF THE WORKING GROUP ON STRATEGIES AND REVIEW AND THE EXECUTIVE BODY**

19. At present both the Working Group on Strategies and Review and the Executive Body adopt their reports on the last day of their sessions. They do this in three languages using conference room papers (CRPs) that are prepared each day by the secretariat.

20. By decision of the Executive Body, the Working Group on Effects and the EMEP Steering Body adopt their reports at their next session. However, to ensure that delegates are clear on the decisions taken, the meetings agree their decisions in the concluding part of their session. The decisions, prepared by the secretariat in English only, are a collated set of those taken throughout the session. For the benefit of delegates, the secretariat will usually project the list of decisions onto a screen in the meeting room and/or provide hard copy text to all delegates. The Chair reads each decision in turn so that interpretation into French and Russian is available to delegates and changes to wording may be proposed and agreed. After the session, the secretariat prepares the report in consultation with the Chair, using the agreed

decisions. The report is formally adopted at the next session.

21. The procedures used by the Working Group on Effects and the EMEP Steering Body are now used widely in the UN. The Committee on Environmental Policy and the other UNECE environmental conventions no longer use CRPs and do not adopt reports at the end of their sessions. By doing this they cut their meetings by one day saving conference room services and delegates' time. In recent years few delegates have attended the final part of the Working Group on Strategies and Review and Executive Body sessions, suggesting that some takes the adoption of the report less seriously.

22. The Executive Body may wish to decide, both for its own sessions and those of the Working Group on Strategies and Review, to adopt decisions only at the end of each session and adopt full reports in three languages at the next session. This could be done on a trial basis in 2006 and a further decision taken, if necessary, at the twenty-fourth session of the Executive Body.

#### **IV. FURTHER STREAMLINING OF DOCUMENTATION**

23. The Executive Body, at its twenty-second session, invited the secretariat to consult with the Bureaux of the subsidiary bodies on possible action for streamlining documentation (ECE/EB.AIR/83, para. 56(i)).

24. The secretariat has continued its consultations with the Bureaux through the year and has been working to streamline the drafting of documents in line with the Secretary-General's guidelines on the preparation of documents. It is still exploring further options for streamlining documentation.

25. In 2005, the secretariat used a new approach, approved by the Bureau of the Executive Body, to prepare the Convention's workplan. It aimed to both streamline documentation and also, more importantly, to make the workplan more transparent, especially to those subsidiary bodies that had previously not discussed their workplans. Each main subsidiary body has had a draft workplan submitted to it and, after its approval, this has been submitted to the Executive Body for adoption. This has cut one document from the list usually submitted to the Executive Body.

26. The Executive Body may wish to comment on this procedure and indicate whether it wishes it to be used in 2006.

27. The secretariat notes that a further streamlining step could be taken with the workplan. Until now the Convention's workplan has been annexed to the report of the meeting of the Executive Body. With the UN rules on length of documents, in recent years the workplan has

been a separate addendum to the report. Since the workplan is usually little changed from that submitted to the Executive Body, it may be considered that the addendum is unnecessary duplication of documentation. An alternative, and possibly equally effective, way of producing and disseminating the final version of the workplan would be to publish the final version on the Internet rather than in the report of the meeting. The secretariat would issue a corrigendum for any agreed changes to the draft texts and use this to prepare the final text in three languages. As well as cutting another document from those prepared for the Convention, the new procedure should provide a copy of the final workplan much faster than at present.

28. The Executive Body may wish to agree to use the proposed new procedure on a trial basis for 2006.