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

Working Group on Strategies and Review

Fortieth session
Geneva, 17–20 September 2007

**REPORT OF THE WORKING GROUP ON STRATEGIES AND REVIEW
ON THE FORTIETH SESSION**

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¹ Sections I–IX of this document correspond to items 1–9 of the provisional agenda (ECE/EB.AIR/WG.5/85).

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INTRODUCTION

1. The fortieth session of the Working Group on Strategies and Review was held in Geneva from 17 to 20 September 2007.
2. The session was attended by representatives of the following Parties to the Convention: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Moldova, the Netherlands, Norway, Poland, Portugal, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, the United Kingdom, the United States, and the European Community.
3. The EMEP² Centre for Integrated Assessment Modelling (CIAM), the Oil Companies European Organization for Environmental and Health Protection (EUROPA/CONCAWE), the European Chemical Industry Council (CEFIC), EuroChlor, the International Council of Chemical Associations (ICCA), the European Environmental Bureau (EEB), the Union of the Electricity Industry (EURELECTRIC), and the European Association of Internal Combustion Engine Manufacturers (EUROMOT), and the European Semiconductor Industry Association (SEMI) were represented.
4. The meeting was chaired by Mr. R. Ballaman (Switzerland).

I. ADOPTION OF THE AGENDA

5. The Working Group adopted the agenda of the meeting as set out in ECE/EB.AIR/WG.5/87.

II. ADOPTION OF THE REPORT OF THE THIRTY-NINTH SESSION

6. The Working Group considered the report of the thirty-ninth session as set out in document ECE/EB.AIR/WG.5/86.
7. The delegation of the Netherlands proposed the following amendments:
 - (a) Paragraph 53: delete the words “as requested by the Executive Body” at the end of the first sentence;

² Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants.

(b) Paragraph 54: to be replaced with:

“Mr. Sliggers (Netherlands), on behalf of the Bureau of the Working Group, introduced an informal document aimed at fulfilling the request of the Executive Body to the Working Group related to the Protocol on POPs (ECE/EB.AIR/89, paragraph 26 (e)(i) and (ii)). The document summarized possible changes to the annexes of the Protocol as a result of the work of the Task Force on Persistent Organic Pollutants on the sufficiency and effectiveness review (outcome of the reassessments and update on the emission limit values and best available techniques (BAT)). The management options for the seven new substances would be included in the document after the meeting of the Task Force in June 2007. Mr. Sliggers requested that the secretariat place the document on the Working Group’s website and invited delegations to provide their comments and feedback before mid-June. At its fortieth session, the Working Group could have before it the updated document in the three languages of the Convention”.

8. The delegation of Canada proposed the following amendment: Insert paragraph 53 bis as follows:

“Canada raised concerns with the way informal documents are presented in this forum. As a member of the Bureau of the WGSR of this session, Canada noted that this informal document should not be presented on behalf of the Bureau”.

9. The Working Group adopted the report of the thirty-ninth session as set out in document ECE/EB.AIR/WG.5/86, with the above amendments.

III. REVIEW OF THE 1999 GOTHENBURG PROTOCOL

10. The secretariat introduced the main draft report on the review of the 1999 Gothenburg Protocol (ECE/EB.AIR/WG.5/2007/7). A number of delegations made comments and suggestions on the individual chapters in the document.

11. The delegation of Belgium referred to the requirement of article 3, paragraph 7, for Parties to consider, no later than the second session of the Executive Body after entry into force of the Protocol, limit values for the volatile organic compound content of products not included in annex VI or VIII with a view to adopting an annex on them, and drew attention to the fact that no such work had commenced yet.

12. Mr. R. Maas, Chair of the Task Force on Integrated Assessment Modelling, presented the results from work carried out by the Task Force, including the draft document for the review of the Gothenburg Protocol, suggesting that benefits exceeded emission abatement costs, although

positive effects on health and ecosystems were less than originally estimated, and that further measures would be needed to reach critical loads and levels. He also stressed the conclusions from the workshop “Cost-effective control of urban air pollution”, including a proposal for a calculation method for urban increment which improved population exposure estimates in Europe. However, considerable uncertainties remained, in particular with small-scale biomass burning.

13. Mr. M. Amann, (CIAM) reported on progress on integrated assessment modelling. He presented calculated emission trends of the ratifying and non-ratifying Parties of the Gothenburg Protocol for the period 1990–2020, for Parties within and outside the European Union (EU). He highlighted a number of specific control measures which would secure further emission reductions in non-EU countries within the EMEP modelling domain that have not ratified the Gothenburg Protocol.

14. Mr. T. Johannessen, Chair of the Working Group on Effects, informed about the Working Group’s document for the review of the 1999 Gothenburg Protocol (ECE/EB.AIR/WG.1/2007/14), which could be considered an extension to the substantive report on the review and assessment of air pollution effects and their recorded trends (summarized in ECE/EB.AIR/WG.1/2004/14/Rev.1). He noted the Protocol has been effective in reducing threats throughout the UNECE region. He stressed, however, that nitrogen in particular would continue to be a widespread problem. The critical loads for nitrogen may have been set too high in some low-deposition areas.

15. Mr. K. Smith (United Kingdom), Chairman of the Expert Group on Ammonia Abatement, presented the results of the eighth meeting of the Expert Group, as well as of the meeting of the Expert Group held jointly with a panel on agriculture and nature of the Task Force on Emission Inventories and Projections held in Braunschweig, Germany, on 26 April 2007 (ECE/EB.AIR/WG.5/2007/12). He drew attention to the final modifications to the Guidance Document on Control Techniques for Preventing and Abating Emissions of Ammonia updated by the Expert Group (EB.AIR/WG.5/2007/13) and on the priority areas for further work on ammonia, including assessing costs of the abatement measures, collecting farm activity data, and regular updating of the Guidance Document.

16. Mr. Maas reported on the outcomes of the “Saltsjöbaden 3” workshop, drawing attention to the recommendations related to the linkages with climate change issues, to the longer term perspectives and emerging technologies, to the closer involvement of the countries of Eastern Europe, Caucasus and Central Asia (EECCA) and to the integrated approach to nitrogen.

17. The delegation of the United Kingdom provided further information about the proposal of the United Kingdom and the Netherlands to lead a task force on reactive nitrogen to be established in order to develop a more integrated approach to controlling nitrogen pollution under the Convention. She stressed that such a task force would take over the work of the Expert Group on Ammonia Abatement, but would widen the scope of the work and would also link to other bodies under the Convention and to other conventions and international organizations, dealing with the issues of nitrogen.

18. Following discussion, the delegations agreed that due to the integrated nature of the work on nitrogen, the proposed task force should be established under the Working Group on Strategies and Review, but that it should in addition submit information to the Working Group on Effects and the Steering Body of EMEP. The delegations also stressed the importance of collaboration and co-ordination of work with the Task Force on Integrated Assessment Modelling so as to avoid overlaps and to make use of the synergies.

19. The Chair noted that the workshop on integrated assessment modelling on nitrogen, to be held in collaboration with the Task Force on Integrated Assessment Modelling and CIAM in Laxenburg, Austria, from 28 to 30 November 2007, would be useful in clarifying the tasks of the proposed task force.

20. The delegation of the Netherlands informed the Working Group that the Fourth International Nitrogen Conference would take place in Brazil on 1–5 October 2007 (<http://www.nitrogen2007.com/>).

21. Mr. T. Pignatelli (Italy) and Mr. J-G. Bartaire (France), Co-Chairs of the Expert Group on Techno-economic issues presented the results of the eleventh meeting of the Expert Group and of the Workshop on Emerging Technologies for Air Pollution Abatement held in Rome on 2 April 2007 (EB.AIR/WG.5/2007/11), drawing attention to the further development of the methodology on large combustion plants (LCPs), to the new sub group of experts on emerging technologies set up by ADEME to focus on the abatement technologies of nitrogen oxides (NO_x), volatile organic compounds (VOCs), particulate matter (PM) and the greenhouse gases for LCPs up to 2030, as well as to a workshop that the Expert Group would organize in Almaty, Kazakhstan, in spring or summer 2008, to promote the implementation of the Convention in the EECCA region and to focus on new and emerging abatement technologies for cement, petroleum and energy sectors.

22. The Chair invited the secretariat to call on Parties to the Convention to designate experts to participate in the work of the Expert Group.

23. The Working Group:

(a) Welcomed the contributions made by the Task Forces, Expert Groups and centres in the work for the review of the Gothenburg Protocol;

(b) Agreed with the main report on the review of the Gothenburg Protocol, as amended, and noted that preparations for the first review in accordance with article 10, paragraph 2, of the Protocol had been completed;

(c) Requested the secretariat to submit the amended report to the Executive Body for consideration;

(d) Recommended to the Executive Body, on the basis of the conclusions of the review and in accordance with the article 3, paragraph 12, to consider mandating the Working Group to commence, in 2008, negotiations on further obligations to reduce emissions, with the aim of presenting the outcome of this work to the twenty-seventh session of the Executive Body in December 2009;

(e) Recommended that work towards this end should, inter alia: (i) set clear environmental targets; (ii) take into account modelled optimized scenarios without excluding the development of differentiated approaches for different regions of UNECE; (iii) take into account relevant ongoing discussion under other political processes; (iv) consider including more flexibility in the annexes; and (v) explore the possibility for an expedited procedure to amend annexes;

(f) Expressed its appreciation of the work of the Task Force on Integrated Assessment Modelling and CIAM; acknowledged the uncertainties in using best available information for emission projections of non-EU Parties; urged Parties to ensure the submission of all necessary data on energy and emissions projections data for integrated assessment modelling work by the official date for data submission (15 February); and invited CIAM to produce summary information on the baseline emission trends for Parties and non-Parties, as well as abatement options for the Executive Body at its twenty-fifth session;

(g) Recognized that Parties should, according to article 3, paragraph 7, undertake work on limit values for the VOCs content in products, and agreed to address this issue in any negotiations on further obligations to reduce emissions;

(h) Welcomed the progress made by the Expert Group on Ammonia Abatement and took note of the results of its eleventh meeting, and welcomed the contribution of the Expert Group to revising the EMEP/CORINAIR Atmospheric Emission Inventory Guidebook;

(i) Approved the updated Guidance Document on Control Techniques for Prevention and Abating Emissions of Ammonia (EB.AIR/WG.5/2007/13), and agreed to submit it to the Executive Body for adoption as a revision of chapter V of the guidance document to the Gothenburg Protocol (EB.AIR/1999/2);

(j) Welcomed the proposal from the United Kingdom and the Netherlands to lead a task force on reactive nitrogen and invited them, in cooperation with the secretariat, to draft terms of reference for consideration by the Executive Body; recommended that the new group continues work on ammonia, including on the technical update of the Code of Good Agricultural Practice;

(k) Took note of the conclusions of the eleventh meeting of the Expert Group on Techno-economic Issues and welcomed its work related to emission limit values for boilers and process heaters and new heavy-duty vehicles, with a view to amending annexes IV, V and VIII of the Gothenburg Protocol;

(l) Invited the Expert Group on Techno-economic Issues to initiate work for a possible revision of the Gothenburg Protocol and its annexes, including through revising the guidance documents on sulphur dioxide (SO₂), NO_x and VOCs;

(m) Recognized the importance of developing work on emerging technologies and invited the Expert Group on Techno-economic Issues, in collaboration with national experts and CIAM, to clarify priority issues identified at its eleventh meeting (in relation to biofuels, biomass use, carbon capture and sequestration, and hydrogen, including life cycle analysis) and specify work elements for consideration by the Working Group at its forty-first session;

(n) Noted the importance of capacity-building activities in EECCA and welcomed the initiative of the Expert Group on Techno-economic Issues, to organize a workshop on abatement technologies in Almaty, Kazakhstan, in 2008;

24. The delegations of Norway and Switzerland expressed their understanding that, with respect to decision (e) above, integrated assessment modelling and modelled optimized scenarios in relation to the preparation of the revision of the Gothenburg Protocol have to cover the whole geographic scope of EMEP.

25. The delegation of the United States drew attention to the process for proposing amendments enumerated in article 13 of the Gothenburg Protocol and article 13 of the Protocol on Heavy Metals.

IV. NEGOTIATION OF A REVISED OR NEW PROTOCOL ON PERSISTENT ORGANIC POLLUTANTS

26. Mr. Sliggers, Co-Chair of the Task Force on Persistent Organic Pollutants (POPs), presented the report of the sixth meeting of the Task Force held in Vienna (June 2007) (ECE/EB.AIR/WG.5/2007/14) outlining management options for the seven “new” substances accepted as POPs by the Parties to the Protocol¹ and options for their possible inclusion into the Protocol. In addition, Mr. Sliggers presented an informal document on “draft update of the annexes to the POPs protocol”, which the Netherlands had made available in English, French and Russian.

27. The delegation of Canada expressed its concerns about the legal nature of the informal document on POPs, as well as on the way in which the informal documents were treated within the Working Group in general. The secretariat clarified that all Parties to the Convention could submit through the secretariat informal documents that provided relevant background information to the Convention bodies and that the contents of these documents were not subject to endorsement or approval.

28. The United States noted that the Task Force on POPs concluded that for perfluorooctane sulfonates (PFOS) and 96 PFOS related substances, the dossiers only elaborate on the indicative numerical values in Executive Body decision 1998/2.

29. Mr. Johannessen drew attention to the need to carry out further work on POPs. He referred to the relevant findings on health effects, reported by the Task Force on the Health Aspects of Air Pollution in 2003, and the study on effects on aquatic ecosystems by the International Cooperative Programme (ICP) on Waters.

30. Mr. C. Lindemann (Germany), member of the ad hoc group of legal experts established by the Working Group, provided information on the further consultations that the group had held on the two options for an expedited amendment procedure of the annexes to the Protocol on POPs, as presented in document ECE/EB.AIR/WG.5/2007/5. He explained that the delegations’

¹ Hexachlorobutadiene (HCB), octabromodiphenyl ether (OctaBDE), pentachlorobenzene (PeCB), pentabromodiphenyl ether (Penta-BDE), PFOS, polychlorinated naphthalenes (PCN), and short-chained chlorinated paraffins (SCCP).

comments received on the document concerned details of drafting and did not require any fundamental changes in the document.

31. The Working Group:

(a) Welcomed the work of the Task Force on POPs in carrying out technical reviews and in providing management options for the seven substances accepted as POPs by the Parties to the Protocol at the twenty-third and twenty-fourth sessions of the Executive Body, i.e. HCB, octa-BDE, PCN, PeCB, SCCP, pentaBDE and PFOS;

(b) Took note of the report of the Task Force (ECE/EB.AIR/WG.5/2007/14) and agreed to submit it to the Executive Body for consideration;

(c) Took note of report on the options for an expedited amendment procedure (ECE/EB.AIR/WG.5/2007/5), and agreed to submit it to the Executive Body for consideration;

(d) Recommended to the Executive Body that it consider providing a negotiation mandate for amendments to the Protocol on POPs to be presented to the twenty-sixth session of the Executive Body in 2008. This mandate for the Working Group should cover: (i) the scheduled reassessment for the substance-related provisions as well as the potential revisions to the provisions of the Protocol related to best available techniques (BAT) and emission limit values (ELVs); (ii) inclusion of the seven “new” substances in the Protocol annexes; and (iii) an expedited procedure regarding amendments of the annexes. Any such amendment shall be communicated to the Parties at least 90 days prior to the meeting of the Executive Body at which it will be presented, in accordance with article 14 of the Protocol.

V. FOLLOW-UP ON THE REVIEW OF THE PROTOCOL ON HEAVY METALS

32. Mr. D. Jost (Germany), Chair of the Task Force on Heavy Metals, presented the conclusions of the Task Force from its fourth meeting held in Vienna from 6 to 8 June 2007 on potential options for further reducing the emissions of heavy metals listed in annex I to the Protocol, both for stationary sources and for products (EB.AIR/WG.5/2007/15); as well as proposals for further work. He stressed that in many countries the emissions of heavy metals were underestimated and that additional measures would significantly decrease the emissions in areas where the critical loads were still violated. He drew attention to the importance of improving the technical annexes as well as of implementing the Protocol more broadly.

33. Mr. J. Schneider (Austria), Chair of the EMEP Steering Body, reported that the EMEP Steering Body at its thirty-first session had concluded there was a need to improve the quality of the officially reported emission data on heavy metals, to receive observational data to improve

the models used, to extend the EMEP grid for 2008 to cover much of the EECCA region in the modelling domain, and to increase the monitoring efforts in this larger area.

34. The delegation of Germany informed that, according to the coordinated position of the EU Member States, the outcome of the sufficiency review indicated that enhancement of the annexes was necessary. Secondly, with a view to increasing the number of ratifications, the secretariat should urge countries that have not ratified the Protocol to inform about the problems they have encountered.

35. The delegation of Norway suggested starting revising the Protocol as soon as possible in order to enhance the control measures on the priority heavy metals and to reduce their impact on ecosystems as well as to act in parallel to increase the ratifications to the Protocol.

36. The delegations of the United States and Canada noted that the sufficiency and effectiveness review and the further work carried out by the Task Force did not provide sufficient technical basis for revising the Protocol and that, instead, the focus of the further efforts should be on increasing the number of ratifications of the Protocol, e.g. through organizing workshops and providing a guidance document on the Protocol implementation, as well as on the work underway within the United Nations Environment Programme (UNEP) Global Mercury Programme to address global emissions of mercury.

37. The delegation of the Netherlands referred to the figures in table 1 in document EB.AIR/WG.5/2007/15, which indicated that a full implementation of the Protocol would only decrease the emissions by three percent. He also maintained that although extra ratifications would bring about further reductions in emissions, the Protocol would need to be updated to bring it in line with the current best available technology. He was also concerned that the possible UNEP Convention on Global emissions of mercury would not be fully applicable before 2020.

38. The delegation of Switzerland noted that the effects from the three heavy metals in the Protocol confirmed their priority nature, and drew attention to the need to improve the Protocol including through introducing flexibility into it, e.g. by means of differentiated timescales or applicability to different subregions.

39. The Working Group:

(a) Noted its appreciation to the outgoing chairman of the Task Force on Heavy Metals, Mr. Jost (Germany) for his long and committed work for the Convention, and thanked the experts and the other subsidiary bodies for their contribution to the technical work;

(b) Took note of the proposed options for further reducing the emissions of heavy metals listed in annex I to the Protocol as outlined in document EB.AIR/WG.5/2007/15;

(c) Welcomed the offer of Germany to continue as a lead country of the Task Force on Heavy Metals and noted Germany's nomination of Ms. Katja Kraus as its new Chair;

(d) Highlighted that, in line with article 10, paragraph 4 of the Protocol on Heavy Metals, the Parties shall need to, based on the conclusion of the review on sufficiency and effectiveness completed in 2006 and subsequent work, develop a workplan on further steps to reduce emissions into the atmosphere of the heavy metals listed in annex I;

(e) Stressed the need for improved emission data on heavy metals;

(f) Welcomed the proposal of the Task Force on Heavy Metals to organize a workshop for the EECCA region to promote ratification of the Protocol and report on its results at the forty-second session of the Working Group, and invited it to consider the possibility of holding a further workshop in Belarus in 2009;

(g) To support the elaboration of the workplan, invited the Task Force on Heavy Metals to:

(i) Consider, from a technical point of view, options for updating and/or changing annex III in line with state-of-the-art technologies for the reduction of emissions from heavy metals, in particular with a view to increasing ratifications;

(ii) Consider, from a technical point of view, options for updating and/or changing annex IV with a view to increasing ratifications;

(iii) Consider, from a technical point of view, potential implications for the other annexes of the options put forward in accordance with (i) and (ii) above, taking account of comments received in particular from those Parties to the Convention that have not yet ratified the Protocol;

(iv) Report its findings to the Working Group at its forty-second session in September 2008.

VI. PARTICULATE MATTER

40. Mr. J. Rea (United Kingdom), Co-Chair of the Expert Group on Particulate Matter presented the summary report of the Expert Group (ECE/EB.AIR/WG.5/2007/18), drawing attention to the complexity of PM and the conclusions of the World Health Organisation (WHO)

concerning its effects on human health. He referred to the conclusion of CIAM with regard to the contributions of primary and secondary PM_{2.5} to the loss in life expectancy, and in particular that secondary particles accounted for three quarters of such a loss.

41. Mr. Rea presented the six options identified by the Expert Group for addressing PM under the Convention, noting that many of them could be combined and indicating that many of them involved trade-offs, e.g. between effects-based and competition friendliness or flexibility and regulatory certainty. The Expert Group had noted that different Protocol could be used, but had not discussed the relative merits of these. Mr. Rea pointed out that it was beyond the remit of the Expert Group to select options to be pursued since a political decision was needed for that.

42. Mr. Rea also stressed the need to coordinate any further work on addressing PM with policies to reduce greenhouse gas emissions with the GAINS model. While PM_{2.5} had to be addressed, the rationale for PM coarse (PM₁₀-PM_{2.5}) was less clearcut, but it could be addressed in technical annexes, as it was not suitable for emission ceilings. Improvements in PM emission inventories, measurements and modelling, and the understanding of the links to health effects would be helpful.

43. In the discussion that followed, the Working Group supported the conclusions of the Expert Group, but no views were expressed as to the appropriateness of any of the options presented. One delegation preferred a future regulation on PM to be incorporated in a revised Gothenburg Protocol, but noted that other options might also be worth exploring. It was also noted that any future emission ceilings should consider the reduction of primary and secondary PM.

44. The delegations of the United States and Canada informed the Working Group about their forthcoming negotiations on a bilateral agreement for reduction of PM emissions.

45. One delegation suggested that the Expert Group could be asked to prepare draft technical annexes on PM.

46. Mr. Schneider informed the Working Group about work related to PM measurements, modelling and emission inventories. He drew attention to the PM assessment report prepared by the Task Force on Measurements and Modelling, which assessed PM from both national and European perspectives. He pointed out that uncertainties remained with PM emission inventories, although there was gradual improvement from year to year. It was expected that the updated chapter on PM in the *EMEP/CORINAIR Emission Inventory Guidebook* would further help Parties improve the quality of their PM emission inventories. Mr. Schneider drew attention to the limitations linked to primary emission data, and in particular the uncertainties concerning

wood combustion and the formation of secondary organic aerosols. He stressed the importance of monitoring data for improving the EMEP model.

47. Mr. Johannessen presented the work of the Working Group on Effects related to PM, and in particular of the work of the Task Force on Health. He drew attention to the recommendation to use PM_{2.5} or, in some cases, PM₁₀ as the health risk indicator. He stressed that there was little evidence to suggest the existence of a threshold below which there were no adverse effects. Mr. Johannessen noted that the report of the Task Force on Health (ECE/EB.AIR/WG.1/2007/12) contained much information on PM in the EECCA countries. He also drew attention to the adverse effects of PM on materials and noted that the issue was being addressed by ICP Materials.

48. The Working Group:

(a) Expressed its appreciation of the work of the Expert Group on Particulate Matter, took note of its report (ECE/EB.AIR/WG.5/2007/18) and the conclusions drawn and agreed to submit the report to the Executive Body as well as to take into account its conclusions and recommendations in the future discussions on PM;

(b) Recognized that secondary PM was addressed in the Gothenburg Protocol and primary PM was partially addressed in the Protocol on Heavy Metals;

(c) Invited the lead countries of the Expert Group, Germany and the United Kingdom to explore from a policy perspective options for addressing PM under the Convention, and to propose options that could be further explored by the Expert Group, and to report to the forty-first session of the Working Group.

VII. LEGAL STANDING OF THE DRAFT REVISED EMISSION REPORTING GUIDELINES

49. Mr. Schneider reported on the conclusions of the EMEP Steering Body on the Emission Reporting Guidelines, noting that the emission data were needed not only for compliance checking but were also a fundamental basis for policymaking and therefore it was important the Guidelines be made as strong as possible. The Steering Body had concluded that the draft Guidelines, as revised by the Task Force on Emission Inventories and Projections, were ready for adoption from a technical point of view in 2007, but that the revised reporting templates should be used for the basis of reporting only from 2009. Mr. Schneider stressed the Guidelines should treat projections with the same importance as emissions and invited countries to submit projection data also for non-binding, aspirational dates of 2030 and 2050.

50. Ms. C. Hamilton (United Kingdom), member of the ad hoc group of legal experts, presented the conclusions of the group on the legal standing of the Emission Reporting Guidelines and the possibilities for strengthening their provisions (ECE/EB.AIR/WG.5/2007/16), explaining though that the guidelines could not be made legally binding, and that “shall” (not “should”) is the appropriate term for legal instruments. The options for strengthening the provisions of the Guidelines included: giving them legally binding effect through a decision by the Executive Body, in line with the earlier decisions on emission reporting (2002/10 and 2005/1); making the text more rigorous and concise through appropriate drafting; further focusing on the review of the reporting; publication of findings; and analysing the underlying reasons for the insufficient reporting.

51. Mr. J. Sliggers drew attention to the number of policy related issues in the Guidelines that needed further clarification as well as to the reporting on POPs that was not currently not appropriately reflected.

52. The Working Group:

(a) Took note of the conclusions of the ad hoc Group of Legal Experts (ECE/EB.AIR/WG.5/2007/16) and thanked the legal experts for their work;

(b) Reiterated the importance of improving the quality and comparability of the emission data reported;

(c) Invited the ad hoc group of legal experts to consult with the Co-Chairs of the Task Force on Emission Inventories and Projections and to explore further all possibilities under the already existing enabling clauses in the Convention and its protocols to give legally binding effect to the Guidelines or parts of them for Parties to these instruments, and to draft possible decisions which the Working Group could recommend to the Executive Body at its twenty-sixth session for adoption. The group should also elaborate further on possibilities to simplify the language used in the draft Guidelines both to strengthen it and make it more concise and explicit. The group should report on the results of its work to the Working Group at its forty-first session in spring 2008.

VIII. EXCHANGE OF INFORMATION AND TECHNOLOGY

53. The secretariat informed the Working Group about the completion of the project on capacity-building for air quality management and the application of clean-coal combustion technologies in Central Asia (CAPACT). It introduced the revised Action Plan for EECCA in accordance with the recommendations of the “Saltsjöbaden 3” workshop.

54. The delegation of Belarus noted that the revised action plan for EECCA reflected accurately the recommendations made at the "Saltsjöbaden 3" workshop, stressing the importance of the methodological support for compiling emission inventories. It noted that more than 50 per cent of the emissions in the EECCA countries were from mobile sources. Another important point was assistance for the preparation of national implementation plans for the Protocols, as well as making an environmental and economic assessment of their implementation and the establishment of EMEP stations, including the training. The delegation of Belarus suggested, as a follow-up to the CAPACT project, to consider a capacity-building project for capacity in the EECCA countries for air quality management, emission inventories improvement and reduction of emissions from mobile sources.

55. The delegate of Georgia informed the Working Group about steps taken to accede to the EMEP Protocol. She also informed that the equipment of a level I monitoring station in Abastumani was completed in August with the support of Norway, and measurements were due to start in October.

56. The delegate of Armenia informed the Working Group that the establishment of a level I EMEP station was under way. The equipment would be purchased in early 2008 with Norwegian support and it was expected that the monitoring station would be operational in the second half of 2008.

57. Mr. Schneider informed the Working Group that the EECCA region was in a special focus of the EMEP Steering Body and that more resources were allocated for cooperation next year.

58. Mr. Johannessen noted that all programmes of the Working Group on Effects had included an item on strengthening the involvement of the EECCA countries in their workplans and that the first summary on the activities had been presented at the twenty-sixth session of the Working Group (ECE/EB.AIR/WG.1/2007/3).

59. The delegation of the Czech Republic drew attention to the grant it had provided, through the secretariat, to assist Moldova in implementing the three most recent protocols to the Convention.

60. The delegate of the Netherlands informed about the Netherlands contribution of €40,000 to the Trust Fund to support countries with economies in transition. He stressed the importance of the active participation of representatives from the EECCA countries in the meetings of the expert groups and task forces. He invited the lead countries, with the assistance of the secretariat, to disseminate information about the financial assistance available for each meeting.

61. The Working Group:

- (a) Welcomed the results of the CAPACT project and the plans of the secretariat to develop follow-up projects;
- (b) Agreed with the revised Action Plan for EECCA set out in ECE/EB.AIR/WG.5/2007/17, and recommended it to the Executive Body for adoption;
- (c) Stressed the need to increase the number of ratifications of the Protocol, and towards this end:
 - (i) Noted the need to identify both the problems encountered in ratification and the steps that might be taken to address these, and requested the secretariat to write to non-Parties to the EMEP Protocol, the Protocol on Heavy Metals, the Protocol on POPs and the Gothenburg Protocol inviting them to share their experiences for consideration by the Working Group at its forty-first session;
 - (ii) Noted the need to support countries' efforts to ratify protocols and invited the secretariat to complete as soon as possible the guidance documents on the implementation of the three most recent protocols and to make them available in Russian;
- (d) Welcomed the developments taking place in EECCA countries, in particular the establishment of EMEP monitoring sites in some countries supported by the Government of Norway;
- (e) Welcomed the bilateral activities, undertaken by Parties to provide technical assistance and support the efforts of countries in transition to implement and accede to the Convention's Protocols, and in particular the support given by the Czech Republic to Moldova, and the Netherlands to the South-East European countries;
- (f) Noted the need for resources to support projects in countries with economies in transition, especially to support a coordinator for the activities currently carried out by the secretariat;
- (g) Invited Parties to continue to contribute to the Trust Fund to support countries with economies in transition to participate in the activities of the Convention.

IX. 2008 WORKPLAN

62. The Working Group discussed its draft workplan for 2008 (ECE/EB.AIR/WG.5/2007/19) and agreed on a number of amendments. It requested the secretariat to reflect these in a revised document and submit it for consideration by the Executive Body.

X. ELECTION OF OFFICERS

63. The Working Group re-elected Mr. P. Jilek (Czech Republic), Ms. N. Karpova (Russian Federation) and Mr. Sliggers (Netherlands) as Vice-Chairs. It thanked Ms. C. Heathwood (Canada) for her contribution as a Vice-Chair of the Working Group. It elected Ms. K. Scavo (United States) as a new Vice-Chair.

XI. OTHER BUSINESS

64. The Chair reminded the Working Group that the forty-first session would be held from 14 to 18 April 2008. He proposed to have the forty-second session tentatively scheduled from 1 to 5 September 2008, pending decision of the twenty-fifth session of the Executive Body.

65. The Chair informed the session about a preliminary proposal from the delegation of Sweden for the celebration of the thirtieth anniversary of the Convention in 2009, to be discussed by the Executive Body Bureau.

XII. ADOPTION OF THE DECISIONS OF THE WORKING GROUP

66. In accordance with the revised practice adopted by the Executive Body at its twenty-third session, the Working Group adopted the decisions taken during the session.
