

**EU proposal to amend the Gothenburg Protocol (GP) addressing the definition and application of "new stationary source" (Art 1.16, 3.2, 3.6 and annexes IV, V, VI, VII, X) and "existing stationary source" (Art 3.3, 3.6 and annexes IV, V, VI, VII, X).**

*Introduction*

Amendment of the GP would turn "new stationary sources" defined under the existing GP into "existing stationary sources" under an amended GP – this will create uncertainty of requirements for a party on the obligations for sources built before the entry into force of an amended GP (and/or further amendments); depending on the requirements set in the amended GP. It could also create a situation that for some sources the requirements under an amended GP are actually weaker than under the original GP, although this may have not been the intention. The secretariat has suggested an amendment to the GP in line with the amendment made to the POPs protocol. The EU wishes to discuss the possibility to amend the text in a different way that would also help in future amendments under an expedited procedure that could update the requirements listed in the annexes.

*Proposed changes to the main text (based on negotiation text provided by CLRTAP secretariat ECE/EB.AIR/WG.5/2011/7 – underlined meaning added text and strikethrough deleted text).*

Remove definition for “new stationary source” in Article 1.16.

Change article 3 as follows:

Article 3.2:

“Each Party shall apply the limit values specified in annexes IV, V[ and - delete][,] VI [and X] to each ~~new~~ stationary source within a stationary source category as identified in those annexes, no later than the timescales specified in annex VII. ~~As an alternative, a Party may apply different emission reduction strategies that achieve equivalent overall emission levels for all source categories together.~~”

Article 3.3

~~“Each Party shall, insofar as it is technically and economically feasible, and taking into consideration the costs and advantages, apply the limit values specified in annexes IV, V, [and - delete] VI and X to each existing stationary source within a stationary source category as identified in those annexes, no later than the timescales specified in annex VII. For stationary sources of which the construction or substantial modification is commenced earlier than one year after the date of entry into force of the Protocol for the Party in question or 31 December 2020, whichever is the later, the limit values specified in the annexes IV, V, VI and X shall only apply in so far it is technically and economically feasible and taking into consideration the costs and advantages. It shall be a matter for the competent national authorities to decide whether a modification is substantial or not, taking into account such factors as the environmental benefits of the modification.”~~

**Article 3.3 bis/3.4**

“As an alternative **to paragraph.2 and 3**, a Party may apply different emission reduction strategies that achieve equivalent overall emission levels for all source categories together,

or for Parties outside the geographical scope of EMEP, that are necessary to achieve national or regional goals for acidification abatement and to meet national air quality standards.”

Article 3.6:

“Each Party should apply best available techniques to mobile sources covered by annex VIII and to each ~~new or existing~~ stationary source covered by annex IV, V, VI and X, taking into account guidance documents I [to V - delete] [and II] adopted by the Executive Body at its [seventeenth - delete] [xxth] session (decision [1999/1 - delete] [201x/x]) and any amendments thereto.”

*Proposed changes to the annexes (based on negotiation text provided by CLRTAP secretariat)*

The consequences for the annexes are exemplified by Annex IV (document ECE/EB.AIR/WG.5/2011/9) by introducing definitions for "Class A" and "Class B" stationary sources in the introductory part of the annexes (chapeau). For future amendments (possibly through an expedited procedure) a new class C could be introduced in the annexes allowing the inclusion of more stringent ELV for the new to be built plants (without a need for amending the main text of the protocol). Also Annex VII would be amended.

#### EXAMPLE Annex IV

[...]

#### **"A. Parties other than Canada and the United States of America**

2. For the purpose of **this** section [A, except tables 3, 4 and 5, – ~~delete~~] “**emission limit value**” (ELV) means the quantity of [a gaseous substance – ~~delete~~] **SO<sub>2</sub> (or SO<sub>x</sub>, where mentioned as such)** contained in the waste gases from an installation that is not to be exceeded. Unless otherwise specified, it shall be calculated in terms of mass of [pollutant – ~~delete~~] **SO<sub>2</sub> (SO<sub>x</sub>)** per volume of the waste gases (expressed as mg/m<sup>3</sup>), assuming standard conditions for temperature and pressure for dry gas (volume at 273.15 K, 101.3 kPa). With regard to the oxygen content of the [exhaust – delete] **waste** gas, the values given in the tables below for each source category shall apply. Dilution for the purpose of lowering concentrations of pollutants in waste gases is not permitted. Start-up, shutdown and maintenance of equipment are excluded. For the purpose of this section a Class A plant means a plant for which the construction or substantial modification is commenced **later** than one year after the date of entry into force of the Protocol for the Party in question or 31 December 2020, whichever is the later, and a Class B plant means a plant for which the construction or substantial modification is commenced **earlier** than one year after the date of entry into force of the Protocol for the Party in question or 31 December 2020, whichever is the later. It shall be a matter for the competent national authorities to decide whether a modification is substantial or not, taking into account such factors as the environmental benefits of the modification.

[.....]

~~Existing plants: 50 – 300 MW: 92 %~~

**Existing Class B plants: 50 - 100 MW: 80 %**

**Existing Class B plants: 100 - 300 MW: 90 %**

~~New Class A~~ plants: 50 - 300 MW: 93 %  
~~Existing Class B~~ plants: > 300 MW: ~~96~~ **95** %  
~~New Class A~~ plants: > 300 MW: 97 %

etc....

#### EXAMPLE Annex VII

"1. The timescales for the application of the limit values referred to in article 3, paragraphs 2 and 3, shall be:

- (a) For ~~new~~ stationary sources in Class A, one year after the date of entry into force of the present Protocol for the Party in question; and
- (b) For ~~existing~~ stationary sources in Class B:
  - (i) In the case of a Party that is not a country with an economy in transition, one year after the date of entry into force of the present Protocol **for the Party in question**, or 31 December ~~2007~~ **2020**, whichever is the later; and
  - (ii) In the case of a Party that is a country with an economy in transition, ~~eight~~ **fifteen years** after the entry into force of the present Protocol for the Party in question. **[If necessary, this period may be extended for specific existing stationary sources in accordance with the amortization period provided for by national legislation]**