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### Executive Body for the Convention on Long-range Transboundary Air Pollution

#### Thirty-first session

Geneva, 11–13 December 2012

### Report of the Executive Body on its thirty-first session

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## **I. Introduction**

1. The thirty-first session of the Executive Body for the Convention on Long-range Transboundary Air Pollution was held from 11 to 13 December 2012 in Geneva, Switzerland. The decisions adopted by the Executive Body at the session can be found in an addendum to the present report (ECE/EB.AIR/113/Add.1).

### **A. Attendance**

2. The session was attended by representatives of the following Parties to the Convention: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Kyrgyzstan, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and the European Union (EU).

3. The following States not Parties to the Convention were represented: Japan and Uzbekistan. Representatives from the United Nations Environment Programme (UNEP) Chemicals Branch and the World Meteorological Organization (WMO) also attended. In addition, the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP) Meteorological Synthesizing Centre-East, the National Institute for Public Health and the Environment (Netherlands) and Scand Environment Advisory Services (Sweden) were represented, as were the European Environmental Bureau and the Union of the Electricity Industry (EURELECTRIC).

### **B. Organizational matters**

4. Mr. M. Williams (United Kingdom) chaired the meeting. The Deputy Director of the Environment Division of the United Nations Economic Commission for Europe (ECE) welcomed the participants.

5. The Executive Body adopted the agenda for its thirty-first session, as set out in document ECE/EB.AIR/112 and Corr.1. The Executive Body adopted the report of its thirtieth session (ECE/EB.AIR/111), noting that it was fairly short and decision-oriented.

## **II. Report on credentials**

6. In accordance with rule 13 of the rules of procedure, delegations were invited to submit their credentials to the secretariat within 24 hours after the opening of the session. The officers of the session reported that 32 Parties to the Convention had valid credentials. Of the 33 Parties to the Protocol on Heavy Metals, 24 were present with credentials. Of the 25 Parties to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol), 19 were present with credentials. The officers noted that there was a sufficient number of Parties to the Protocol on Heavy Metals present to adopt the proposed amendments to it. The Executive Body adopted the report on credentials.

### III. Review and revision of protocols

#### A. Protocol on Heavy Metals

7. The Executive Body continued and finalized negotiations on amendments to the Protocol on Heavy Metals on the basis of informal document No. 1 and the revised annexes IV and V, as presented in-session. The EU had introduced a conference room paper addressing three main areas that needed further discussion after the fiftieth session of the Working Group on Strategies and Review in September 2012, which was also considered in the negotiations. These concerned the flexibilities introduced, the emission limit values for stationary sources and annexes VI and VII on mercury-containing products.

8. Many Parties to the Protocol and the Convention had expressed a desire that the Protocol incorporate provisions to provide flexibility for Parties to the Convention that had not previously joined the Protocol but aimed to do so in the near future. The Coordinating Group on promotion of actions towards implementation of the Convention on Long-Range Transboundary Air Pollution in Eastern Europe, the Caucasus and Central Asia (Coordinating Group for Eastern Europe, the Caucasus and Central Asia) had identified several major concerns:

(a) That the flexibility provisions be based on the model adopted by the Parties to the Gothenburg Protocol, which they felt addressed their needs well;

(b) That, while it was important to provide extended timescales for application of limit values for existing sources generally, there were certain source categories — which might differ for different countries — that posed particular difficulties for particular countries;

(c) That older stationary sources, especially those constructed or substantially modified prior to 1990, presented specific problems such that it might be easier in many cases for countries to ensure that a source was closed down rather than require that it be controlled or retrofitted.

9. Following the initial discussion, Parties met in an informal breakout group after which some Parties developed language to address the concerns raised. The language, based on the amendments to the Gothenburg Protocol model, added an article 3 bis to the Protocol and a flexible timescale option to its annex IV. Under those provisions, a country that became a Party to the Protocol between 1 January 2014 and 31 December 2019 was eligible to establish flexible transitional arrangements according to either of those two provisions.

10. A Party electing flexible transitional arrangements under article 3 bis for particular existing sources or source categories would be able to postpone the application of best available techniques and limit values to such sources or source categories. Just as under the Gothenburg Protocol, such a Party would be obligated to take certain priority actions (i.e., to apply best available techniques to sources in certain significant categories) by 2022 at the latest, and would be obligated to meet the remaining requirements of the Protocol no later than 2030. The Party's implementation schedule would be set forth in a plan submitted upon ratification and would be subject to triennial reporting. In addition, to address the issue of older sources, Parties would be able to designate, by 2022, certain sources to be closed down by 2030. Those sources would not have to apply best available techniques unless they were still in operation after 2030, in which case they would have to meet the requirements applicable to new sources at that time.

11. Alternatively to those provisions, such a Party could (according to annex IV) postpone its application of all limit values for existing sources (art. 3, para. 2 (d)) for a

maximum of 15 years after it became a Party, but in that case it would still have to apply best available techniques to such sources two years after becoming a Party or by 31 December 2020, whichever was the later.

12. Parties considered the addition of manganese to the list of stationary source categories, and agreed to extend the emission source category 5 in annex II to include production of silico- and ferro-manganese alloys. The main content of annex III had been transferred to the guidance document on best available techniques for controlling emissions of heavy metals and their compounds from the source categories listed in annex II. The Chair of the Task Force on Heavy Metals presented the final version of that guidance document (ECE/EB.AIR/2012/L.5 and Corr.1) at the session. Annex IV was amended to include the flexibilities for new Parties mentioned above. Annex V was amended to update and make more stringent the emission limit values that the Parties would commit to meet, in many cases based on similar updates already agreed in the framework of the amended Gothenburg Protocol.

13. Many Parties emphasized the importance of the ongoing and soon-to-be-concluded negotiations under UNEP on a global, legally binding instrument on mercury. Particular note was taken of the potential to address topics like products on a broader basis in that negotiation process. Parties also reaffirmed their commitment to meet the objectives of and to implement the Long-term Strategy for the Convention. In the light of those considerations, the Parties focused amendments to annex VI on structural changes and not on substantive amendments on mercury-containing products.

14. Many Parties emphasized that the work performed in the Track A and Track B reviews of mercury-containing products nominated by Parties for inclusion in the Protocol on Heavy Metals was valuable and should not be lost. It was suggested that, after the conclusion of the negotiations under UNEP, and depending on the outcome of those negotiations, the Parties should review that work and investigate the possibility of further amendments to the Protocol on Heavy Metals that would be consistent with the objectives of the Convention's Long-term Strategy and that would provide environmental benefits for the ECE region as a whole.

15. During the session, the Executive Body invited the ad hoc group of legal experts to work on reflecting the agreed amendments to the Protocol on Heavy Metals in the pre-session draft decision documents (ECE/EB.AIR/2012/L.3 and ECE/EB.AIR/2012/L.4).

16. On that basis, the Parties to the 1998 Protocol on Heavy Metals, meeting within the thirty-first session of the Executive Body:

(a) Adopted amendments to the Protocol on Heavy Metals, as contained in decision 2012/5 on amendment of the text of and annexes other than III and VII to the 1998 Protocol on Heavy Metals and decision 2012/6 on amendment of annex III to the 1998 Protocol on Heavy Metals;

(b) Requested the secretariat to maintain the work of the Parties and the Task Force on Heavy Metals on mercury-containing products, so that a future review could update and build on that existing work;

(c) Requested the secretariat to place on the agenda of the Executive Body for its thirty-third session in 2014 an item to consider the outcomes of the UNEP negotiations with respect to mercury-containing products and emission limit values for heavy metals and to consider any impact on future work under the Protocol on Heavy Metals.

17. The Executive Body:

(a) Invited the secretariat to deposit the adopted amendments to the Protocol on Heavy Metals with the Secretary-General of the United Nations by forwarding them to the Treaty Section of the United Nations Office of Legal Affairs;

(b) Mandated the secretariat to produce and translate into all three official languages a consolidated text of the Protocol on Heavy Metals with its annexes, on the basis of the decisions on amendments to the Protocol adopted at the session;

(c) Adopted the guidance document on best available techniques for controlling emissions of heavy metals and their compounds from the source categories listed in annex II, as set out in decision 2012/7, and requested the secretariat, insofar as possible, to expedite the preparation of the final document in all three languages to facilitate its possible use at the fifth session of the Intergovernmental Negotiating Committee on Mercury, scheduled to be held from 13 to 18 January 2013.

## **B. Guidance documents to the amended Protocol to Abate Acidification, Eutrophication and Ground-level Ozone**

18. The Parties to the Gothenburg Protocol meeting within the thirty-first session of the Executive Body adopted the following decisions containing in their annexes the guidance documents to the Gothenburg Protocol:

(a) Decision 2012/8 on adoption of guidance document on control techniques for emissions of sulphur, nitrogen oxides, volatile organic compounds and particulate matter (including PM<sub>10</sub>, PM<sub>2.5</sub> and black carbon) from stationary sources;

(b) Decision 2012/9 on adoption of guidance document on economic instruments to reduce emissions of regional air pollutants to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone;

(c) Decision 2012/10 on adoption of guidance document on national nitrogen budgets;

(d) Decision 2012/11 on adoption of guidance document on preventing and abating ammonia emissions from agricultural sources.

19. The Executive Body mandated the secretariat to produce a consolidated text of the Gothenburg Protocol and its annexes, as amended at its thirtieth session and contained in the addendum to its report (ECE/EB.AIR/111/Add.1), in the three official languages of ECE.

## **C. Guidance document on the adjustment procedure provided for in decision 2012/3**

20. The Chair recalled that, in its decision 2012/3 adopted at its thirtieth session, the Executive Body had requested the EMEP Steering Body to develop provisional guidance, for consideration by the Executive Body at its thirty-first session, related to the application of the adjustment procedures provided for in paragraphs 2 and 3 in the circumstances referred to in paragraph 6 of the decision. The “Revised Draft — Guidance on adjustments under the amended Gothenburg Protocol to emission reduction commitments or to inventories” (informal document No. 2) and a conference room paper by the EU formed the background to the Executive Body’s deliberations in a break-out group in the course of the session.

21. The Executive Body:

(a) Thanked the Task Force on Emission Inventories and Projections for the elaboration of the draft guidance document on the adjustment procedure provided for in decision 2012/3;

(b) Decided to adopt guidance for adjustments under the Gothenburg Protocol to emission reduction commitments or to inventories for the purposes of comparing total national emissions with them as set out in the decision 2012/12.

#### **D. Proposals for adjustment to annex II to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone**

22. The Chair recalled that, in accordance with article 13 of the Gothenburg Protocol, Montenegro had submitted a proposal for adjustment to annex II to the Protocol, to add to it its name, together with emission levels and emission ceilings. The proposal had been circulated to Parties to the Protocol at least 90 days in advance of the session in accordance with article 13, paragraph 2.

23. In addition, Parties to the Gothenburg Protocol, at their thirtieth session, had decided to defer a decision on a proposed adjustment by the former Yugoslav Republic of Macedonia at that session until the present session, to allow for further technical review of the proposed adjustment. A representative of the former Yugoslav Republic of Macedonia explained that, according to the recommendations from EMEP, they had been in contact with the Centre of Integrated Assessment Modelling (CIAM) hosted by the International Institute for Applied Systems Analysis (IIASA). IIASA had been provided with the national emission reduction programme and a request for expert support had been sent. Consequently, a mission would be carried out in February/March 2013. The representative of the former Yugoslav Republic of Macedonia suggested that its adjustment proposal might be modified as a result of that work, and that any such modifications to the national emission values would be sent 90 days before the thirty-second session of the Executive Body, in accordance with article 13, paragraph 2.

24. The Parties to the Gothenburg Protocol, meeting within the thirty-first session of the Executive Body, considered the proposals submitted by the former Yugoslav Republic of Macedonia and by Montenegro for adjustments to annex II of the Gothenburg Protocol, and:

(a) Requested the former Yugoslav Republic of Macedonia to forward the revised proposal for its 2010 emission ceilings in annex II, in line with article 13 of the Gothenburg Protocol, for consideration by the EMEP Steering Body at its thirty-seventh session;

(b) Requested the EMEP Steering Body to review the rationale for the revised proposal and to make a respective recommendation to the Parties meeting at the thirty-second session of the Executive Body in 2013;

(c) Agreed that the adjusted proposal would be considered as an amendment of the existing proposal that had been circulated to Parties at least 90 days in advance of the session, in accordance with article 13, paragraph 2, of the Gothenburg Protocol;

(d) Furthermore encouraged the former Yugoslav Republic of Macedonia to include in its revised proposal, in addition to revised ceilings for 2010, emission reduction commitments for 2020 and beyond as would be required if the former Yugoslav Republic of Macedonia were to seek to join the amended Gothenburg Protocol;

(e) Requested the secretariat to send a formal response to Montenegro inviting it to submit a revised proposal for the adjustment to annex II for the consideration by the EMEP Steering Body at its thirty-seventh session;

(f) Invited the EMEP Steering Body to technically scrutinize the revised proposal by Montenegro for its emission ceilings and make a respective recommendation to the Parties meeting at the thirty-second session of the Executive Body in 2013;

(g) Decided to take up both adjustment proposals at its thirty-second session.

## **E. Protocol on Persistent Organic Pollutants**

25. The Executive Body deferred the discussion of the Protocol on Persistent Organic Pollutants (Protocol on POPs) to its next session, following the conclusion of the discussion on the Action Plan for the Implementation of the Long-term Strategy for the Convention, which had been deferred to the fifty-first session of the Working Group on Strategies and Review.

# **IV. Progress in the implementation of the 2012–2013 workplan**

## **A. Strategies and policies**

26. The Chair of the Working Group on Strategies and Review reported on the implementation of relevant issues under item 1 of the workplan, on strategies and policies. In that connection, he recalled the recommendations made by the Working Group at its fiftieth session to the Executive Body, as contained in its report (ECE/EB.AIR/WG.5/108), which the Executive Body had been invited to consider for adoption. He also drew attention to several issues concerning item 1 of the workplan, as outlined below.

27. Concerning item 1.4, “Techno-economic Issues”, the Working Group had invited heads of delegations to nominate experts on techniques to abate emissions from mobile sources (off- and on-road) to participate in the work of the Expert Group on Techno-economic Issues in further revising the guidance on control techniques for emissions of sulphur, nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs) and dust (including PM<sub>10</sub>, PM<sub>2.5</sub> and black carbon) from mobile sources.

28. Concerning item 1.6, “Reactive Nitrogen”, in addition to the items mentioned in the workplan the Task Force would liaise with countries in Eastern Europe, the Caucasus and Central Asia in the development of approaches for managing reactive nitrogen in industry and agriculture in order to investigate the barriers to implementation of the Gothenburg Protocol and improve collaboration with the Coordinating Group for Eastern Europe, the Caucasus and Central Asia. Two workshops were foreseen during the period covered by the workplan: with the Task Force on Emission Inventories and Projections, as soon as feasible, a joint workshop on agricultural emissions and projections; and, with the Task Force on Integrated Assessment Modelling, a joint workshop on nitrogen emissions and green economy.

## **B. Steering Body to the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe**

29. The Chair of the EMEP Steering Body presented a summary of the main issues discussed at and the results of the thirty-sixth session of the EMEP Steering Body, and highlighted conclusions and recommendations for consideration by the Executive Body. She reported on progress by the EMEP centres under section 2 of the workplan (on EMEP), focusing on aspects of particular relevance to the Long-term Strategy for the Convention.

She also presented a draft decision on changing the EMEP grid, elaborated with support from the secretariat.

### **C. Effects of major air pollutants on human health and the environment**

30. The Chair of the Working Group on Effects presented the major outcomes of the Working Group's activities over the past year, in particular, the support provided by the Working Group and its subsidiary bodies to the review of the Gothenburg Protocol in the form of a guidance document<sup>1</sup> and an impact assessment report.<sup>2</sup> In addition, attention was drawn to other Working Group reports of particular importance, e.g., a report on the influence of ozone on carbon sequestration.

31. The Chair also mentioned that the work undertaken in the framework of the Working Group on Effects had already taken into account several of the recommendations in the Long-term Strategy for the Convention and its Action Plan. The Working Group welcomed the proposed review of the International Cooperative Programmes (ICPs), but recommended that the review be undertaken before any decision on a possible merging of EMEP and the Working Group on Effects. In 2013, the work would in particular include a report on air pollution effects on ecosystem services. The effects-related work within each Party was also important, and that would be given particular attention at the next meeting of the Working Group on Effects. The continuing close collaboration between EMEP and the Working Group on Effects was appreciated and the meetings of the two bodies in 2013 would be organized back to back with a joint session in between. Discussions had already begun between the Working Group on Effects and the EMEP Steering Body on how to include more effects-related information into the country reports<sup>3</sup> generated by EMEP centres.

32. The Executive Body:

(a) Took note of the reports of the Chairs of the Working Group on Strategies and Review, the EMEP Steering Body and the Working Group on Effects, and considered them in light of the discussion on the Action Plan for the Long-term Strategy;

(b) Considered and approved the revised long-term strategies of the EMEP Steering Body (revised strategy for EMEP 2010–2019 (ECE/EB.AIR/2009/16/Rev.1)); and the Working Group on Effects (revised long-term strategy for the effects-oriented activities (ECE/EB.AIR/2009/17/Rev.1)), now aligned with the Long-term Strategy for the Convention;

(c) Requested the EMEP Steering Body to consider the inclusion of the ozone flux-based approach in integrated assessments;

(d) Invited the EMEP Steering Body and the Working Group on Effects to add elements to their workplan with regard to the contribution of European-wide nitrogen abatement measures to prevent the loss of biodiversity in protected nature areas;

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<sup>1</sup> Guidance document VII on health and environmental improvements, submitted to the Executive Body at its thirtieth meeting (Informal document No. 3); available from <http://www.unece.org/index.php?id=28153>.

<sup>2</sup> 2012 impact assessment: effects indicators as tools to evaluate air pollution abatement policies (ECE/EB.AIR/WG.1/2012/13), available from <http://www.unece.org/index.php?id=24661>.

<sup>3</sup> See [http://emep.int/mscw/mscw\\_datanotes.html](http://emep.int/mscw/mscw_datanotes.html).

(e) Invited the EMEP Steering Body to continue to address the linkages between air and climate policy, as well as the effects of ozone and black carbon in integrated assessment modelling and the consideration of long-term scenarios;

(f) Adopted decision 2012/13 on changing of the EMEP grid projection, spatial resolution and domain.

33. Furthermore, the Executive Body took note of the policy paper prepared by the Joint Task Force on the Health Aspects of Air Pollution on the “health effects of particulate matter” (ECE/EB.AIR/2012/18).

## V. Compliance with protocol obligations

34. The Chair of the Implementation Committee presented the results of the Committee’s work in 2012, as contained in its fifteenth report (ECE/EB.AIR/2012/16) and its recommendations to the Executive Body concerning Protocol obligations (ECE/EB.AIR/2012/17). Informal document No. 3 contained the tables on reporting obligations referred to in the Committee’s report. In addition to its usual tasks, and in accordance with the workplan for 2012–2013, the Committee had continued its review of the reporting under the Protocol on POPs. The Chair also presented the Committee’s progress on its work to improve the compliance mechanism in accordance with paragraph 2 of the Action Plan for the Implementation of the Long-term Strategy, and drew attention to proposed amendments to decision 2006/2 on the functioning of the Committee. The Committee had considered submissions and referrals regarding 10 Parties in 2012, in total accounting for 16 individual cases of non-compliance or possible non-compliance.

35. A representative of the United States thanked the secretariat for restoring the database containing the questionnaire on strategies and policies and making the additional responses available on the Convention website. The United States supported the Committee’s recommendations that the questionnaire be updated next year.

36. Representatives of Spain, Estonia, Germany, and Italy presented information with respect to their cases under review, as requested by the Executive Body at its twenty-ninth session.

37. A representative of Spain presented new data according to which Spain would be in compliance with the Protocol on Volatile Organic Compounds. A new report on its expected compliance would be sent to the attention of the Implementation Committee in sufficient time before its next meeting.

38. A representative of Estonia reported that the country was still in non-compliance with the Protocol on POPs and that this was mainly due to hexachlorobenzene (HCB) emissions from residential heating, namely from wood combustion encouraged by energy policy measures. Energy consumption was relatively high compared to other Nordic countries, giving much room for improvement (e.g., through insulation) to improve energy efficiency. A measurement campaign had been carried out to clarify Estonia’s emission factors, testing three typical stove types. It had been concluded that the measured emission factors were higher than those in the *EMEP/EEA air pollutant emission inventory guidebook*.<sup>4</sup> Next steps were to add more modern stoves and expand the testing to newer equipment.

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<sup>4</sup> The joint European Environment Agency (EEA)/EMEP guidebook is available from <http://www.eea.europa.eu/publications/emep-eea-emission-inventory-guidebook-2009>.

39. A representative of the United States noted that the emission factors for residential combustion listed in the guidebook had been questioned by many countries facing similar issues at the Implementation Committee, as well as by the Committee itself. The United States therefore expressed its appreciation for Estonia's work on the issue.

40. The Chair of the Implementation Committee underscored that, with respect to the referrals of Estonia, Italy, Latvia and the Republic of Moldova, the Executive Body was invited to request the Task Force on Emission Inventories and Projections to review the reported persistent organic pollutants (POPs) emissions in question, considering the doubts those countries had expressed regarding the accuracy of their reported data. The Committee welcomed information received from EMEP and its subsidiary technical bodies on that matter, and noted that several activities under the EMEP umbrella addressed the POPs reporting issue. The Committee also recommended to the Executive Body to request that the stage 3 in-depth reviews give more priority to POPs inventories in future and that all Parties be invited to nominate POPs review experts to accommodate that request. The Chair of the EMEP Steering Body invited all Parties that had similar problems with inventories to be active in the Task Force. She encouraged the Implementation Committee to be mindful of the limited quality of POPs emission inventories.

41. A representative of Germany reported that poor HCB emission inventories might be the reason for its non-compliance with the Protocol on POPs. Specifically for HCB, the inclusion of combustion plants into the calculations had resulted in a change of emissions in the base year, as well as more recent years now showing a decrease in emissions. However, Germany had been undertaking several measures independently from those calculations to decrease real emissions, notably from small combustion plants. Germany expected those measures to further reduce HCB emissions despite an increasing use of biomass.

42. A representative of the United States remarked that Germany's message was an important one, as it was not just about revising emission inventories, but also about reducing emissions. It would be useful to receive further information from Germany concerning the measures it had taken to reduce its emissions, as there were still many countries in non-compliance and Germany's experiences might be helpful in their evaluation. The representative of Germany confirmed that that information could be made available at a later stage, as the regulation had not yet been translated into English. The Chair of the Implementation Committee proposed to update the best available techniques guidance so that it would also take HCB into account, on the basis of the report on measures.

43. A representative of Italy observed that Italy had recently updated its emission data on POPs, but noted also that uncertainties remained. The data on polycyclic aromatic hydrocarbon (PAH) emissions seemed to indicate that Italy's emission reduction commitments were met. As the main driver for the decreasing trend of HCB emissions, Italy had identified the use of pesticides that had not been included in the previous inventory. The updating of the emission factors had led to a recalculation of total PAH emissions. The provisional data had indicated problems in meeting the obligations under the Protocol on POPs, but uncertainties remained and further studies were under development, particularly concerning the biomass combustion in residential plants. Emissions from iron and steel plants (ILVA) would be reduced in the next few years due to new integrated pollution prevention and control integrated permits introduced in 2012, which established more stringent PAH emission limit values.

44. The Chair informed the Executive Body that the representatives of Greece and Latvia had also been invited to make presentations but were not attending the session.

45. In discussing the proposed amendments to the terms of reference of the Implementation Committee, several representatives raised questions about the proposed

rule that all members of the Committee should be Party to at least one of the three most recent Protocols — i.e., the Protocol on Heavy Metals, the Protocol on POPs or the Gothenburg Protocol. A proposal was made to delay implementation of that rule such that it would become effective on 1 January 2017. That amendment would give Parties the possibility to nominate candidates for the Implementation Committee from countries not yet Parties to one of those Protocols.

46. The Executive Body:

(a) Adopted the following recommendations and decisions:

(i) Decision 2012/14 concerning compliance by Cyprus with the Protocol on Heavy Metals (ref. 8/10);

(ii) Decision 2012/15 concerning compliance by Spain with the Protocol on Volatile Organic Compounds (ref. 6/02);

(iii) Decision 2012/16 concerning compliance by Denmark with the Protocol on Persistent Organic Pollutants (ref. 1/06);

(iv) Decision 2012/17 concerning compliance by Estonia, Germany, Italy and Latvia with the Protocol on Persistent Organic Pollutants (refs. 2/10, 5/10, 10/10, 3/10 and 11/10);

(v) Decision 2012/18 concerning compliance by Iceland with the Protocol on Persistent Organic Pollutants (ref. 6/10);

(vi) Decision 2012/19 concerning compliance by the Republic of Moldova with the Protocol on Persistent Organic Pollutants (ref. 14/10);

(vii) Decision 2012/20 concerning compliance by Luxembourg with its reporting obligations;

(viii) Decision 2012/21 concerning compliance by France, Latvia, the Russian Federation and the European Union with their obligations to report on strategies and policies;

(ix) Decision 2012/22 concerning compliance by the former Yugoslav Republic of Macedonia, France, Hungary, Italy, Latvia, Republic of Moldova, Romania, Switzerland and the United Kingdom of Great Britain and Northern Ireland with their obligations to report gridded emission data;

(x) Decision 2012/23 concerning compliance by Albania, Belgium, Croatia, the Czech Republic and the former Yugoslav Republic of Macedonia with their obligations to report annual emission data;

(xi) Decision 2012/24 concerning the reporting of persistent organic pollutants;

(xii) Decision 2012/25 on improving the functioning of the Implementation Committee;

(b) Requested the secretariat to take appropriate follow-up action, as called for in the decisions mentioned above;

(c) Decided to establish an ad hoc group of experts to review the structure of the questionnaire on strategies and policies for air pollution abatement, and to present a draft questionnaire to be issued in 2014 to the Executive Body at its thirty-second session for approval;

(d) Invited all Parties facing challenges with regard to their POPs emission inventories to actively participate in the work of the Task Force on Emission Inventories and Projections, which had been requested to review the emissions data of some countries.

## **VI. Action Plan for the Implementation of the Long-term Strategy for the Convention**

47. The Executive Body decided to defer the in-depth discussion on the Action Plan for the Implementation of the Long-term Strategy for the Convention to the fifty-first session of the Working Group on Strategies and Review (Geneva, 30 April–3 May 2013), and proposed that the Working Group session be devoted in part to considering the proposals set out in the report of the ad hoc group of experts on the Action Plan for the Implementation of the Long-term Strategy for the Convention (ECE/EB.AIR/2012/15) as well as a draft 2014–2015 workplan to be prepared by the Bureau of the Executive Body with the secretariat.

48. It further requested the Bureau of the Executive Body to appoint a time-limited ad hoc expert group to exclusively review the ICPs with a view to making recommendations as outlined in paragraph 23 of the report of the ad hoc group of experts on the Action Plan. Parties, in particular Parties hosting programme centres and/or acting as lead countries for ICPs, should provide nominations of candidates to be members of the expert group to the Chair of the Executive Body by 13 January 2013. By 31 January 2013, the Chair and other members would be appointed by the Bureau of the Executive Body on the basis of their appropriate expertise.

49. In addition, the Executive Body requested the secretariat to prepare an overview of meetings and reports by all the subsidiary bodies to the Convention, and to provide a template format for workplans and reporting for the subsidiary bodies to follow for the preparation and implementation of future workplans.

## **VII. Action Plan for the countries of Eastern Europe, the Caucasus and Central Asia and capacity-building activities in countries with economies in transition**

50. With regard to the Action Plan for the countries of Eastern Europe, the Caucasus and Central Asia and capacity-building activities in countries with economies in transition, the Executive Body:

(a) Took note of the information presented by the Chair of the Coordinating Group for Eastern Europe, the Caucasus and Central Asia on progress in made by the Group in 2012 and by delegations on their efforts to implement and ratify the most recent protocols under the Convention and any needs for capacity-building and assistance;

(b) Adopted decision 2012/26 on a High-level Meeting on Actions to Promote Improved Air Quality in the United Nations Economic Commission for Europe countries of Eastern Europe, Caucasus and Central Asia.

## **VIII. Financial requirements for implementation of the Convention**

51. The secretariat introduced the note on the financial requirements for the implementation of the Convention (ECE/EB.AIR/2012/14) and informed the Executive Body about the status of Parties' contributions to the trust funds for financing the implementation of the Convention and the expenditures in 2012. The Executive Body took subsequently took a number of decisions on financial matters, as set out below.

52. With respect to EMEP activities, the Executive Body:

(a) Adopted, in accordance with article 4, paragraph 3, of the Protocol on long-term financing of EMEP, the revised annex, which includes Albania, as set out in the annex to document ECE/EB.AIR/2012/14;

(b) Decided on the detailed use of resources in 2013 as set out in table 2 of document ECE/EB.AIR/2012/14, and on the scale of mandatory contributions as set out in table 3 of that document;

(c) Supported the Steering Body's call on the Parties to the Protocol on long-term financing of EMEP to consider making additional voluntary contributions (in kind or in cash through the trust fund) to ensure that the work in 2013 could be accomplished as foreseen in the 2012–2013 workplan for the implementation of the Convention (ECE/EB.AIR.109/Add.2);

(d) Requested the Steering Body, with the assistance of its Bureau, to present the details of the 2014 budget for approval by the Executive Body at its thirty-second session in 2013;

(e) Urged Parties that have not yet done so to pay their 2012 contributions in cash to the trust fund and, in 2013, to pay their contributions so that they reached the trust fund in the first half of the year;

(f) Requested Ukraine to take urgent action to finalize the project for establishing an EMEP monitoring site as an in-kind contribution to cover its long-standing arrears for 1996–2001 (equivalent to \$175,205).

53. With respect to effects-oriented activities, the Executive Body:

(a) Took note of the contributions made to the trust fund for effects-oriented activities for 2012, and welcomed the payments made, but also expressed disappointment at the lack of response by many Parties;

(b) Urged all Parties that have not yet done so to consider providing the recommended contributions to the trust fund for financing core activities without undue delay;

(c) Decided that the essential international coordination costs for financing the core activities of the Convention and its protocols, other than those covered by the Protocol on long-term financing of EMEP, would be \$2,152,700 in 2013, and would provisionally be \$2,152,700 in 2014 and \$2,152,700 in 2015;

(d) Maintained the 2010 United Nations scale of assessments for use in calculating the recommended contributions, as set out table 9 of document ECE/EB.AIR/2012/14;

(e) Invited the secretariat to provide the information to the Executive Body on the amount of contributions made to trust fund for effects-oriented activities as of 30 November each year, and to use the amount to co-fund the effects-oriented activities in the following year;

(f) Requested the secretariat to inform Parties of the recommended contributions to the trust fund to meet the 2013 budget, inviting them to make them as agreed in revised decision 2002/1;

(g) Encouraged Parties to make the recommended contributions to the trust fund before 30 November each year;

(h) Noted with appreciation the essential support provided to the Convention and its bodies by lead countries, countries hosting coordinating centres and those organizing meetings, as well as countries that funded activities of their national focal centres/points and the active participation of national experts.

54. With respect to the trust fund for countries in transition, the Executive Body:

(a) Reiterated its support to that element of the work programme, the success in an enlarged implementation of the Convention in countries in transition of Eastern Europe, the Caucasus and Central Asia being crucial for the future of the Convention;

(b) Welcomed the contributions to the trust fund and thanked those countries that had contributed;

(c) Approved the proposed budget for trust fund E112 of \$378,550 for 2013, and invited Parties to make contributions to the trust fund;

(d) Invited all Parties, but especially those that led task forces and expert groups, to promote activities such as special workshops in countries of Eastern Europe, the Caucasus and Central Asia and South-Eastern Europe, and to collaborate with the secretariat in developing and carrying out such projects.

## **IX. Election of officers**

55. The Chair reminded delegations that at its twenty-eighth session, the Executive Body had re-elected two members to the Implementation Committee for a second and third term of two years respectively. At its twenty-ninth session, the Executive Body had elected two new members for a term of two years, and had re-elected five members to the Committee for a second, third or further period of two years. Those elected at the twenty-seventh session had completed their terms of office. One Party, elected for a third term of two years at the twenty-ninth session, informed the secretariat that it would not complete its term of office. The Chair informed the Executive Body that it was expected to elect three new members to the Committee.

56. The secretariat informed participants of the nominations received for members of the Implementation Committee, namely, from Belarus, Norway and the Republic of Moldova.

57. The United States requested clarification with regard to the nomination from the Republic of Moldova, pointing out that the Implementation Committee was to consist of "Parties" and that the nominee was the Executive Director of a non-governmental organization. In response, the secretariat clarified that the official letter of nomination from the Republic of Moldova had been signed by the Deputy Minister and that furthermore, a confirmation had been sent that the candidate would represent the Government of the Republic of Moldova in discharging her functions as member of the Implementation Committee. The representative of the United Kingdom mentioned that she had contacted via telephone the incoming Chair of the Implementation Committee, who had concurred with the comments voiced by the representative of the United States. The EU and Norway supported the candidature. Furthermore, the EU noted its appreciation for the increased involvement of the countries in Eastern Europe, the Caucasus and Central Asia also in the Implementation Committee.

58. A representative of the Russian Federation on behalf of the Coordinating Group for Eastern Europe, the Caucasus and Central Asia and a representative of Belarus supported the candidature. At the same time, Belarus declared the withdrawal of its own candidacy for the Committee. Following several requests for explanation with regard to the new paragraph introduced into the terms of reference of the Implementation Committee, a

representative of Belarus explained that, with regard to decision 2012/25, no assurance could be given with regard to the country's political commitment to accede to one of the three most recent Protocols in the coming years.

59. The representative of the Republic of Moldova thanked those Parties supporting its candidacy, explained that the candidate was a legal expert knowledgeable in environmental matters and mentioned the possibility of a subcontracting arrangement with the Government. The Chair suggested that the issue be referred to the Bureau of the Executive Body for further exploration and, in the meantime, proposed that the Executive Body prolong the mandate of the members of the Implementation Committee from Belgium and Bulgaria.

60. The Executive Body:

(a) Elected Mrs. C. Hamilton, United Kingdom, as the new Chair of the Implementation Committee from among its members;

(b) Elected a representative of Norway, Ms. A. Gaustad, as new member of the Implementation Committee;

(c) Decided to refer to the Executive Body Bureau the issue of the nomination of two additional candidates as members of the Implementation Committee, including consideration of the candidate nominated by the Republic of Moldova, Ms. I.-R. Iordavov, with a view to finding candidates that could be approved by the Parties;

(d) Requested the representatives of Belgium, Mr. P. Meulepas, and Bulgaria, Mr. I. Angelov, to continue acting as members of the Implementation Committee on an interim basis until the issue was clarified;

(e) Took note that the representative of Spain, Ms. M. Muñoz, had been replaced by Mr. D. Poderoso Godoy;

(f) Thanked Mr. Meulepas for his significant contribution to the work of the Implementation Committee as its Chair.

61. The Chair recalled that, at its twenty-eighth session in 2010, the Executive Body had adopted its rules of procedure (ECE/EB.AIR/106/Add.1, decision 2010/19). In accordance with rule 17 of those rules, the Executive Body elected its Chair and three Vice-Chairs and, in accordance with rule 21, it elected a Chair of the Working Group on Strategies and Review. In accordance with rule 17, the term of office for a chair or vice-chair was two years. The Chair reported on the two nominations received for the Chair of the Working Group on Strategies and Review: Mr. W. Harnett (United States) and Mr. A. Pilipchuk (Belarus). A secret ballot vote resulted in 23 votes in favour of the United States and 6 votes in favour of Belarus. The following 30 Parties present at the meeting participated in the vote: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Norway, Republic of Moldova, Russian Federation, Spain, Sweden, Switzerland, United Kingdom and United States. One vote was void and one Party with credentials did not cast a vote. A representative of the EU said that the EU would abstain from voting.

62. The secretariat informed participants of the nomination of Mr. M. Williams received from the United Kingdom for the second term as Chair of the Executive Body. No other nominations had been received for the position.

63. The Executive Body:

(a) Thanked Mr. R. Ballaman, Chair of the Working Group on Strategies and Review, for his significant and long-term contribution as Chair;

- (b) Elected Mr. Harnett (United States), as Chair of the Working Group on Strategies and Review;
- (c) Thanked Mr. T. Johannessen, Norway for his work as Chair of the Working Group on Effects until 2011;
- (d) Re-elected Mr. Williams as Chair of the Executive Body.

## **X. Other business**

64. Two items — matters arising from the session of the Economic Commission for Europe and other related meetings; and activities of bodies of the United Nations Economic Commission for Europe and international organizations relevant to the Convention — were not addressed during the session, due to time constraints.

## **XI. Adoption of decisions taken at the thirty-first session**

65. The Executive Body adopted the decisions taken at its thirty-first session on 13 December 2012 (ECE/EB.AIR/113/Add.1).

66. The EU thanked the Chair for guiding the Parties through the revision of two protocols, the secretariat for its support and the parties for their spirit of cooperation. The Chair also thanked the legal group, the secretariat and all Parties, as well as the interpreters.

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