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Review and revision of protocols

Draft decision on amending the text of and annexes II, IV, V and VI to the Protocol on Heavy Metals

Note by the ad hoc group of legal experts*

Summary

At its twenty-ninth session, the Executive Body for the Convention on Long-range Transboundary Air Pollution requested the Working Group on Strategies and Review to continue, in accordance with its revised mandate (ECE/EB.AIR/106, para. 57 (a)–(c)), discussions on the Protocol on Heavy Metals at its fiftieth session in September 2012, after finalization of the Gothenburg Protocol revision process, to give the highest priority to securing agreement on the text of an amended protocol before devoting time to any other substantive issue.

At its fiftieth session, the Working Group on Strategies and Review considered options for revising the Protocol on Heavy Metals contained in document ECE/EB.AIR/WG.5/2011/19 and informal document no. 1, as well as additional proposals made during the session. The outcome of these considerations is reflected in a revised informal document no. 1 prepared by the secretariat for the thirty-first session of the Executive Body. The Working Group on Strategies and Review requested the ad hoc group of legal experts, in cooperation with the secretariat, to prepare two formal decision documents reflecting the proposed amendments, in accordance with the two amendment procedures stipulated in article 13 of the 1998 Protocol on Heavy Metals, so that they may be translated into all working languages in time to permit their consideration and possible adoption by the Executive Body. This document presents a draft decision on amending the text of and annexes II, IV, V and VI to the Protocol on Heavy Metals. Text appearing in square brackets indicates possible amendments on which the Working Group on Strategies and Review did not complete its consideration.

* The present document is being issued without formal editing.

Draft Decision 2012/5

Amendment of the text of and annexes II, IV, V and VI to the 1998 Protocol on Heavy Metals

Article 1 Amendment

The Parties to the 1998 Protocol on Heavy Metals, meeting within the thirty-first session of the Executive Body,

Decide to amend the 1998 Protocol on Heavy Metals (“the Protocol”) to the Convention on Long-range Transboundary Air Pollution as set out in the annex to this Decision.

Article 2 Relationship to the Protocol

No State or regional economic integration organization may deposit an instrument of acceptance of this amendment unless it has previously, or simultaneously, deposited an instrument of ratification, acceptance or approval of or accession to the Protocol.

Article 3 Entry into force

In accordance with article 13, paragraph 3, of the Protocol, this amendment shall enter into force on the ninetieth day after the date on which two thirds of the Parties to the Protocol have deposited with the Depositary their instruments of acceptance thereof.

Annex

A. Article 1

1. In paragraph 10 the words “of: (i) this Protocol; or (ii) an amendment to annex I or II, where the stationary source becomes subject to the provisions of this Protocol only by virtue of that amendment.” are replaced by the words “for a Party of the present Protocol. [A Party may decide not to treat as a new stationary source any stationary source for which approval has already been given by the appropriate competent national authority at the time of entry into force of the Protocol for that Party and provided that the construction or substantial modification is commenced within 5 years of that date.]”
 2. A new paragraph 12 is added after paragraph 11 as follows:
12. The terms “this Protocol”, “the Protocol” and “the present Protocol” mean the 1998 Protocol on Heavy Metals, as amended from time to time.

B. Article 3

3. In paragraph 2 (a) the words “for which annex III identifies best available techniques” are replaced by the words “for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques”.
4. In paragraph 2 (c) the words “for which annex III identifies best available techniques” are replaced by the words “for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques”.
5. In paragraph 2 (d) at the end of the second sentence the full stop “.” is replaced by “; and”.
6. New paragraph 2 (e) is added after paragraph 2 (d) as follows:

[(e) For stationary sources for which the construction (if the source was never substantially modified) or last substantial modification commenced prior to the year 1990 [1995], Parties may, as an alternative to applying paragraphs (c) and (d), choose to require that such sources be closed or phased out according to the timescale in annex IV. A Party that elects this alternative shall include in its reports pursuant to article 7 [a list of all sources] that are to be closed or phased out pursuant to this paragraph.]
7. New paragraphs 2bis and 2ter are inserted after paragraph 2 as follows:

2bis. A Party that was already a Party to the present Protocol prior to entry into force of an amendment that introduces new source categories may apply the limit values applicable to an “existing stationary source” to any source in such a new category the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.

2ter. A Party that was already a Party to the present Protocol prior to entry into force of an amendment that introduces new limit values applicable to a “new stationary source” may continue to apply the previously applicable limit values to any source the construction or substantial modification of which is commenced before the

expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.

8. In paragraph 5:

(i) the words “, for those Parties within geographical scope of EMEP, using as a minimum the methodologies specified by the Steering Body of EMEP, and, for those Parties outside the geographical scope of EMEP, using as guidance the methodologies developed through the work plan of the Executive Body” are deleted.

(ii) the following text is added after the first sentence:

Parties within the geographic scope of EMEP shall use the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographic scope of EMEP shall use as guidance the methodologies developed through the workplan of the Executive Body.

9. New paragraph 8 is added at the end of Article 3 as follows:

8. Each Party should actively participate in programmes under the Convention on the effects of air pollution on human health and the environment and programmes on atmospheric monitoring and modelling.

C. [Article 3bis]

10. [A new article 3bis is added as follows:]

/Flexible Transitional Arrangements

1. Notwithstanding article 3, paragraphs [...] a Party to the Convention that becomes a Party to the present Protocol between *[January 1, 2014]*, and *[December 31, 2019]*, may apply flexible transitional arrangements for the implementation of limit values specified in Annexes [...] under the conditions specified in this article.

2. Any Party electing to apply the flexible transitional arrangements under this article shall indicate in its instrument of ratification, acceptance, approval or accession to the present Protocol the following:

- (a) the specific provisions of Annex [...] for which the Party is electing to apply flexible transitional arrangements; and
- (b) an implementation plan identifying a timetable for full implementation of the specified provisions.

3. An implementation plan under paragraph 2(b) shall, at a minimum, provide for implementation of the limit values for new and existing stationary sources specified in Tables [...] of Annex [...] and Tables [...] of Annex [...] no later than [eight years] after entry into force of the present Protocol for the Party, or *[December 31, 2022]*, whichever is sooner.

4. In no case may a Party’s implementation of any limit values for new and existing stationary sources specified in Annexes [...] be postponed past December 31, 2030.

5. A Party electing to apply the flexible transitional arrangements under this article shall provide the Executive Secretary of the Commission with a triennial report of its progress towards implementation of Annexes [...]. The Executive Secretary of the Commission will make such triennial reports available to the Executive Body.]

D. Article 7

11. In paragraph 1(a):
 - (i) the semi-colon at the end of the paragraph ";" is replaced by ". Moreover:";
and
 - (ii) new sub-paragaphs (i) and (ii) are inserted as follows:
 - (i) Where a Party applies different emission reduction strategies under article 3 paragraphs 2 (b), (c) or (d), it shall document the strategies applied and its compliance with the requirements of those paragraphs;
 - (ii) Where a Party judges the application of certain limit values, as specified in accordance with article 3 paragraph 2 (d), not to be technically and economically feasible, it shall report and justify this;
12. For paragraph 1(b) there is substituted the following:

Each Party within the geographical scope of EMEP shall report, through the Executive Secretary of the Commission, to EMEP, on a periodic basis information on the levels of emissions of heavy metals using the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographical scope of EMEP shall report available information on levels of emissions of the heavy metals listed in Annex I. Each Party shall also provide information on the levels of emissions of the substances listed in annex I for the reference year specified in that annex;
13. New paragraphs are added after paragraph 1(b) as follows:
 - (c) Each Party within the geographical scope of EMEP should report available information to the Executive Body, through the Executive Secretary of the Commission, on its air pollution effects programmes on human health and the environment and atmospheric monitoring and modelling programmes under the Convention using guidelines adopted by the Executive Body;
 - (d) Parties in areas outside the geographical scope of EMEP should make available information similar to that specified in subparagraph (c), if requested to do so by the Executive Body.
14. In paragraph 3:
 - (i) the words "In good time before each annual session of" are replaced by "Upon the request of and in accordance with timescales decided by";
 - (ii) the words "and other subsidiary bodies" are inserted after the word "EMEP";
 - (iii) the word "relevant" is inserted after the word "provide".

E. Article 8

15. The words "EMEP shall, using appropriate models and measurements and in good time before each annual session of the Executive Body" are replaced by "Upon the request of and in accordance with the timescales decided by the Executive Body, EMEP and its technical bodies and centres shall, using appropriate models and measurements,".

F. Article 10

16. In paragraph 4:
 - (i) the word "consider" is inserted after the word "shall";
 - (ii) the word "develop" is replaced by the word "developing";
 - (iii) the words "to reduce emissions into the atmosphere of the heavy metals listed in annex I" are deleted.

G. Article 13

17. In paragraph 3 the words "on which two thirds of the Parties" are replaced by the words "on which two thirds of those that were Parties at the time of their adoption"

18. In paragraph 4 the word "ninety" is replaced by the words "one hundred and eighty".

19. In paragraph 5 the word "ninety" is replaced by the words "one hundred and eighty".

20. New paragraphs 5bis and 5ter are inserted after paragraph 5 as follows:

[5 bis. For those Parties having accepted it, the procedure set out in paragraph 5 ter supersedes the procedure set out in paragraph 3 in respect of amendments to annexes II, IV, V and VI;]

[5 ter. Amendments to annexes II, IV, V and VI shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of one year from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to any such annex shall become effective for those Parties which have not submitted to the Depositary a notification in accordance with the provisions of subparagraph (a):

(a) Any Party that is unable to approve an amendment to annexes II, IV, V and VI shall so notify the Depositary in writing within one year from the date of the communication of its adoption. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the amendment to such an annex shall become effective for that Party;

(b) Any amendment to annexes II, IV, V and VI shall not enter into force if an aggregate number of 16 or more Parties have either:

- (i) Submitted a notification in accordance with the provisions of subparagraph (a); or
- (ii) Not accepted the procedure set out in this paragraph and not yet deposited an instrument of acceptance in accordance with the provisions of paragraph 3.]

H. Article 15

21. A new paragraph 3 is added after paragraph 2 as follows:

[3. A State or regional economic integration organization shall declare in its instrument of ratification, acceptance, approval or accession if it does not intend to be bound by the procedures set out in article 13, paragraph 5ter, as regards the amendment of annexes II, IV, V and VI.]

I. Annex II

22. [In the table under subheading II, the words "lead and zinc" in the first line under the description of category 5 are replaced with the words "lead, zinc and manganese".]

J. Annex IV

23. The number "1." is added in front of the first paragraph.

24. In subparagraph (a), the words "for a Party" are inserted after the word "Protocol".

25. In subparagraph (b):

[(a) In the first sentence the words "eight years" are replaced by "XX years".]

(b) At the end of the first sentence, the words "for a Party" are inserted after the word "Protocol".

[(c) The last sentence is deleted.]

[26. At the end of the annex new paragraphs 2, 3 and 4 are inserted as follows:

2. The timescales for the close or phase out of stationary sources according to article 3, paragraph 2 (e), of the Protocol shall be within five years up to fifteen years after the date of entry into force of the Protocol for a Party but not later than [December 31, 2030].

3. Notwithstanding paragraph 1, but subject to paragraph 4, a Party to the Convention that becomes a Party to the present Protocol between [January 1, 2014], and [December 31, 2019], may declare upon ratification, acceptance, approval of, or accession to, the present Protocol that it will extend any or all of the timescales for application of the limit values [and best available techniques] referred to in article 3, paragraphs [...], as follows:

(a) For existing stationary sources, up to fifteen years after the date of entry into force of the present Protocol for the Party in question;

4. A Party that has made an election pursuant to article 3bis of the present Protocol with respect to Annex [...] may not also make a declaration pursuant to paragraph 3 applicable to the same annex.]]

K. Annex V

27. For annex V the following text is substituted:

"LIMIT VALUES FOR CONTROLLING EMISSIONS FROM MAJOR STATIONARY SOURCES"

[1. Section A applies to Parties other than Canada and the United States of America, section B applies to Canada and section C applies to the United States of America.]

I. Introduction

2. Two types of limit value are important for heavy metal emission control:
- Values for specific heavy metals or groups of heavy metals; and
 - Values for emissions of particulate matter in general.
3. In principle, limit values for particulate matter cannot replace specific limit values for cadmium, lead and mercury, because the quantity of metals associated with particulate emissions differs from one process to another. However, compliance with these limits contributes significantly to reducing heavy metal emissions in general. Moreover, monitoring particulate emissions is generally less expensive than monitoring individual species and continuous monitoring of individual heavy metals is in general not feasible. Therefore, particulate matter limit values are of great practical importance and are also laid down in this annex in most cases to complement or replace specific limit values for cadmium or lead or mercury.
- A. Parties other than Canada and the United States of America**
4. In this section only, "dust" and "total suspended particulate matter" (TSP) means the mass of particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions.
5. For the purpose of this section, "emission limit value" (ELV) means the quantity of dust and/or TSP and specific heavy metals under this Protocol 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 per volume of the waste gases, (expressed as mg/m³), 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 waste gas, the values given for each major stationary 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.
6. Emissions shall be monitored in all cases via measurements or through calculations achieving at least the same accuracy. Compliance with limit values shall be verified through continuous or discontinuous measurements, or any other technically sound method including verified calculation methods. Measurements of relevant heavy metals shall be made at least once every three years for each industrial source. Guidance documents on the methods for undertaking measurements and calculations adopted by the Parties at the session of the Executive Body shall be taken into account. In case of continuous measurements, compliance with the limit value is achieved if the validated monthly emission average does not exceed the ELV. In case of discontinuous measurements or other appropriate determination or calculation procedures, compliance with the ELVs is achieved if the mean value based on an appropriate number of measurements under representative conditions does not exceed the value of the emission standard. The inaccuracy of the measurement methods may be taken into account for verification purposes. Indirect monitoring of substance is also possible via sum parameters/cumulative parameters (e.g. dust as a sum parameter for heavy metals). In some cases using a certain technique to treat emissions can assure a value/limit value is maintained or met.
7. Monitoring of relevant polluting substances and measurements of process parameters, as well as the quality assurance of automated measuring systems and the reference measurements to calibrate those systems, shall be carried out in

accordance with CEN standards. If CEN standards are not available, ISO standards, national or international standards which will ensure the provisions of data of an equivalent scientific quality shall apply.

II. Specific limit values for selected major stationary sources

Combustion of fossil fuels (annex II, category 1)

8. Combustion plants (boilers and process heaters) with a rated thermal input exceeding 50 MW_{th} or combustion plants when combined to a common stack with a total rated input exceeding 50 MW_{th}¹. Limit values refer to 6% O₂ in flue gas for solid fuels and to 3% O₂ for liquid fuels. These values do not apply to combustion plants running less than 500 hours a year. The Party may derogate from the obligation to comply with the emission limit value for combustion plants not operated more than 17,500 operating hours, starting from 1 January 2016 and ending no later than 31 December 2023.

9. Limit values for dust emissions for combustion of solid and liquid fuels, other than biomass and peat:

*Table 1
Limit values for dust emissions from combustion plants^{a/}*

<i>Fuel type</i>	<i>Thermal input (MW_{th})</i>	<i>ELV for dust (mg/m³)^{b/}</i>
Solid fuels	50–100	New plants: 20 (coal, lignite and other solid fuels) Existing plants: 30 (coal, lignite and other solid fuels)
	100–300	New plants: 20 (coal, lignite and other solid fuels) Existing plants: 25 (coal, lignite and other solid fuels)
	>300	New plants: 10 (coal, lignite and other solid fuels) Existing plants: 20 (coal, lignite and other solid fuels)
Liquid fuels	50–100	New plants: 20 Existing plants: 30 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants

¹ Individual combustion plants below 15 MW_{th} shall not be considered to calculate the total rated input.

<i>Fuel type</i>	<i>Thermal input (MWth)</i>	<i>ELV for dust (mg/m³)^{b/}</i>
Liquid fuels	100–300	New plants: 20 Existing plants: 25 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants
	>300	New plants: 10 Existing plants: 20 (in general) 50 for the firing of distillation and conversion residues within refineries from the refining of crude oil for own consumption in combustion plants

^{a/} In particular, the ELVs shall not apply to: Plants using biomass and peat as their only fuel source
Plants in which the products of combustion are used for direct heating, drying, or any other treatment of objects or materials;

Post-combustion plants designed to purify the waste gases by combustion which are not operated as independent combustion plants;

Facilities for the regeneration of catalytic cracking catalysts;

Facilities for the conversion of hydrogen sulphide into sulphur;

Reactors used in the chemical industry;

Coke battery furnaces;

Cowpers;

Recovery boilers within installations for the production of pulp;

Waste incinerators; and

Plants powered by diesel, petrol or gas engines or by combustion turbines, irrespective of the fuel used.

^{b/} The O₂ reference content is 6% for solid fuels and 3% for liquid fuels.

[10. For sources covered by paragraph 9, the following specific heavy metals emission limit values apply:

(a) [Limit value for cadmium emissions: [0.05] mg/m³;

(b) Limit value for lead emissions: [0.5] mg/m³;

(c) Limit value for mercury emissions: [0.03] mg/m³.]

[These limit values could be increased by a factor of three if countries implemented Article 3 bis.]]

Primary and secondary iron and steel industry (annex II, category 2 and 3)

11. Limit values for dust emissions

Table 2
Limit values for dust emissions released from primary iron and steel production

<i>Activity and capacity threshold</i>	<i>ELV for dust (mg/m³)</i>
Sinter plant	50

<i>Activity and capacity threshold</i>	<i>ELV for dust (mg/m³)</i>
Pelletization plant	20 for crushing, grinding and drying 15 for all other process steps
Blast furnace: Hot stoves (>2.5 t/hour)	10
Basic oxygen steelmaking and casting (>2.5 t/hour)	30
Electric steelmaking and casting (>2.5 t/hour)	15 (existing) 5 (new)

12. The following specific heavy metals emission limit values apply for sinter plants:

- (a) [Limit value for cadmium emissions: [0.05] mg/m³;]
- (b) [Limit value for lead emissions: [1.0] mg/m³;]
- (c) Limit value for mercury emissions: [0.05] mg/m³.

[These limit values could be increased by a factor of three if countries implemented Article 3 bis.]

13. The following specific heavy metals emission limit values apply for pelletization plants, blast furnaces, basic oxygen steelmaking and electric steelmaking and casting:

- (a) [Limit value for cadmium emissions: [0.05] mg/m³;]
- (b) [Limit value for lead emissions: [0.5] mg/m³;]
- (c) Limit value for mercury emissions [for electric steelmaking and casting]: [0.05] mg/m³.

[These limit values could be increased by a factor of three if countries implemented Article 3 bis.]

Iron foundries (annex II, category 4)

14. Limit value for dust emissions for iron foundries

Table 3
Limit values for dust emissions released from iron foundries

<i>Activity and capacity threshold</i>	<i>ELV for dust (mg/m³)</i>
Iron foundries (>20 t/day):	20
- all furnaces (cupola, induction, rotary)	
- all mouldings (lost, permanent)	
Hot rolling	20
	50 where a bag filter cannot be applied due to the presence of wet fumes

[15. The following specific heavy metals emission limit values apply for iron foundries:

- (a) [Limit value for cadmium emissions: [0.05] mg/m³;
- (b) Limit value for lead emissions: [0.5] mg/m³;
- (c) Limit value for mercury emissions: [0.05] mg/m³.]]

Production and processing of copper, zinc [and manganese], including Imperial Smelting furnaces (annex II, categories 5 and 6):

16. Limit value for dust emissions for copper, zinc and [manganese] production and processing

*Table 4**Limit values for dust emissions released from copper, zinc and [manganese] production and processing*

<i>ELV for dust (mg/m³) (daily)</i>	
Non-ferrous metal processing	20

[17. The following specific heavy metals emission limit values apply for copper, zinc and [manganese] production:

- (a) [Limit value for cadmium emissions: [0.05] mg/m³;
- (b) Limit value for lead emissions: [1.0] mg/m³;
- (c) Limit value for mercury emissions: [0.05] mg/m³.]]

Production of lead (annex II, categories 5 and 6)

18. Limit value for dust emissions for lead production and processing

*Table 5**Limit values for dust emissions released from lead production and processing*

<i>ELV for dust (mg/m³) (daily)</i>	
Lead production	5

[19. The following specific heavy metals emission limit values apply:

- (a) [Limit value for cadmium emissions: [0.05] mg/m³;
- (b) Limit value for lead emissions: [2.0] mg/m³;
- (c) Limit value for mercury emissions: [0.05] mg/m³.]]

Cement industry (annex II, category 7)

20. Limit value for dust emissions for cement industry

*Table 6**Limit values for dust emissions released from cement production^{a/}*

		<i>ELV for dust (mg/m³)</i>
Cement installations, kilns, mills and clinker coolers		20
Cement installation, kilns, mills and clinker cooler using co-incineration of waste		20

^a Installations for the production of cement clinker in rotary kilns with a capacity >500 Mg/day or in other furnaces with a capacity >50 Mg/day. The reference oxygen content is 10 %.

21. The following specific heavy metals emission limit values apply for cement production:

- (a) Limit value for cadmium emissions: [0.05] mg/m³;
- (b) Limit value for lead emissions: [0.5] mg/m³;
- (c) Limit value for mercury emissions: [0.05] mg/m³.

[These limit values could be increased by a factor of three if countries implemented Article 3 bis.]

Glass industry (annex II, category 8)

22. Limit value for dust emissions for glass industry

*Table 7**Limit values for dust emissions released from glass production^{a/}*

		<i>ELV for dust (mg/m³)</i>
New installations		20
Existing installations		30

^a Installations for the production of glass or glass fibres with a capacity of 20 Mg/day or more. Concentrations refer to dry waste gases at 8% oxygen by volume (continuous melting), 13% oxygen by volume (discontinuous melting).

23. The following specific heavy metals emission limit values apply for glass industry:

- (a) Limit value for cadmium emissions: [0.05] [1] mg/m³, [except where cadmium is a colouring compound for product quality reasons [0.2 mg/m³];
- (b) Limit value for lead emissions: [1] [5] mg/m³;
- (c) Limit value for mercury emissions: [0.05] mg/m³.]

[These limit values could be increased by a factor of three if countries implement Article 3 bis.]

Chlor-alkali industry (annex II, category 9)

24. Limit values refer to the total quantity of mercury released by a plant into the air, regardless of the emission source and expressed as an annual mean value.

25. Existing chlor-alkali plants using the mercury cell process shall convert to use of membrane technology [or close by 31 December, 2020]: during the period up until conversion the levels of 1 g per Mg chlorine produced apply.

26. New chlor-alkali plants are to be operated mercury free.

Waste incineration (annex II, categories 10 and 11)

27. Limit value for dust emissions for waste incineration:

Table 8

Limit values for dust emissions released from waste incineration

		<i>ELV for dust (mg/m³)</i>
Municipal or Non-hazardous waste incineration plants (> 3 Mg/hour)		10
Hazardous waste incineration (> 1 Mg/hour)		10

Note: Oxygen reference: dry basis, 11%.

28. The following specific heavy metals emission limit values apply for waste incineration in sources covered by paragraph 27 and waste co-incineration in sources covered by paragraph 9:

- (a) Limit value for mercury emissions: for waste incineration and co-incineration [0.05] mg/m³.

B. Canada

[Canada has acted in accordance with paragraph 7 of Article 3 of this Protocol and, as such, is exempted from the obligations to apply the limit values specified in this Annex.]

C. United States of America

Limit values for controlling emissions of particulate matter and/or specific heavy metals from stationary sources in the following stationary source categories, and the sources to which they apply, are specified in the following documents:

[...]"

L. Annex VI

28. For paragraph 5, the following text is substituted:

Each Party shall prohibit, no later than [10] years after the entry into force of the amendment contained in decision XXXX/XX, the placing on the market of batteries that contain more than 0.0005% of mercury by weight, whether or not incorporated into appliances. The restriction shall not apply to:

- (a) Button cell batteries with a mercury content of no more than 2% mercury by weight; and
- (b) Mercury-containing batteries used in:
 - (i) Equipment connected with the protection of a Party's essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes;

- (ii) Equipment designed to be sent into space.
- [29. At the end of the annex new paragraphs 6, 7, 8, 9 and 10 are inserted as follows:
- [["]6. Each Party shall prohibit, no later than [10] years after the entry into force of the amendment contained in decision XXXX/XX, the placing on the market of: fever thermometers that contain mercury; and other measuring devices that contain mercury intended for sale to the general public ([e.g.], manometers, barometers, sphygmomanometers, thermometers other than fever thermometers). The restriction shall not apply to:
- (a) Measuring devices more than 50 years old [*on 3 October 2007*]; and
 - (b) Marketing or use for research and development or analysis purposes.]
- [7. Each party shall [no later than [10] years after the entry into force of the amendment contained in decision XXXX/XX] take legal or administrative measures to:
- (a) Prevent the installation of mercury-containing switches in automobiles; and
 - (b) Separate and recover mercury-containing switches from end of life automobiles prior to their being recycled or otherwise disposed of, so as to ensure environmentally sound disposal of their mercury content.]
- Alternative:
- [7. Each party shall prohibit, no later than [10] years after the entry into force of the amendment contained in decision XXXX/XX, the placing on the market of vehicles if they contain mercury-containing materials and components exceeding 0.1% mercury by weight in homogenous materials. The restriction shall not apply to:
- (a) Discharge lamps for headlight application; and
 - (b) Fluorescent tubes used in instrument panel displays.
- These components shall be labelled or made identifiable to facilitate removal at end-of-life. The exemptions are valid for vehicles type approved before [*1 July 2012*] and spare parts for these vehicles.]
- [8. Each party shall prohibit, no later than [5+x] years after the entry into force of the amendment contained in decision XXXX/XX, the placing on the market of new electrical and electronic equipment exceeding 0.1% mercury by weight in homogenous materials. The restriction shall not apply to:
- (a) Lamps, except for fluorescent lamps for which certain limit values apply;
 - (b) Medical devices;
 - (c) Monitoring and control instruments;
 - (d) Electrical and electronic equipment designed for use with a voltage rating exceeding 1,000 volts for alternating current and 1,500 volts for direct current;
 - (e) Large-scale stationary industrial tools; and
 - (f) Spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before [*1 July 2006*.]

[9. Each party shall prohibit, no later than [5+x] years after the entry into force of the amendment contained in decision XXXX/XX, the placing on the market of mercury-containing fluorescent lamps if their mercury content exceed, for:

- (a) Compact fluorescent lamps: 5 mg mercury per lamp; and
- (b) Straight fluorescent lamps for general purposes:
 - (i) 10 mg mercury for lamps with halophosphate;
 - (ii) 5 mg mercury for lamps with triphosphate and normal lifetime;
 - (iii) 8 mg mercury for lamps with triphosphate and long lifetime.]

[10. Each Party [shall ensure] [shall develop measures to provide for] [shall promote/encourage] the installation of amalgam separators at dentist practices within its territory.]
