

### Annex 3

## Draft decision on adjustments under the Gothenburg Protocol to account for changes in the membership of the European Union

*The Executive Body,*

Acting in accordance with paragraph 11 of the structure and functions and procedures for review of the Implementation Committee under the Convention on Long-range Transboundary Air Pollution (ECE/EB.AIR/113/Add.1, decision 2012/25, annex),

Recalling its decisions 2013/14 and 2016/4 concerning compliance by the European Union with the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol)

Also recalling paragraph 37 of its report on its thirty-sixth session (ECE/EB.AIR/137), in which the European Union was requested to consider ways forward regarding possible procedures by which the ceilings of the Gothenburg Protocol could be adjusted to reflect European Union membership, and to report back to the Executive Body at its thirty-seventh session.

Noting that while paragraph 2 of Article 13 of the Gothenburg protocol as amended provides a procedure to adjust the ceilings of the Gothenburg Protocol to reflect European Union membership, Executive Body Decisions 2012/3 and 2012/12 on adjustments would not apply to this type of adjustment thus requiring a new methodology to adjust the EU's emission reduction commitments in accordance with paragraph 2 of Article 13.

Decides, in accordance with paragraph 2 of Article 13 of the Gothenburg Protocol as amended and provisionally [applicable to the original Gothenburg Protocol] pursuant to Decision 2012/4, to establish a methodology for adjustment of the ceilings or reduction commitments listed for the European Community in Annex II to the Gothenburg Protocol or its 2012 revision in the event of changes in the membership of the EU, as follows:

- Where a signatory or Party to the original Gothenburg Protocol accedes to the EU, the EU ceiling for each pollutant under Annex II of the original Gothenburg Protocol shall be the sum of (a) the EU ceiling before the accession in question and (b) the ceiling of the acceding signatory or Party. In case a signatory or Party does not have emissions ceilings in Annex II, the EU shall submit a proposal for consideration by the Executive Body outlining the additional emissions for each pollutant that should be added to the EU ceiling.
- Where a signatory or Party to the original Gothenburg Protocol leaves the EU, the EU ceiling for each pollutant under Annex II of the original Gothenburg Protocol shall be the difference between (a) the EU ceiling before the leaving in question and (b) the ceiling of the leaving signatory or Party.

- [Where a signatory or Party to the revised Protocol accedes to or leaves the EU, the EU reduction commitment for each pollutant under Annex II of the revised Gothenburg Protocol shall be calculated by
  - (a) taking the 2005 emissions of all the Member States in the EU, incorporating the accession or leaving in question;
  - (b) applying to the emissions of each Member State the reduction commitments for 2020 set out in Annex II of the revised Protocol; and
  - (c) expressing the sum of the result as a percentage of the sum of the 2005 emissions.

For this purpose, the 2005 emissions shall be those listed in tables 2-6 of Annex II of the revised Gothenburg Protocol, unless for a given signatory no estimate is made in that document, in which case the latest reported 2005 emissions shall be used.

Also Further decides that in accordance with paragraph 4 of Article 13, as amended the European Union may submit proposed adjustments using the above methodology in writing to the Executive Secretary, who shall communicate the proposals to all Parties. The Parties shall discuss any proposed adjustments at the next session of the Executive Body, provided that those proposals have been circulated by the Executive Secretary to the Parties at least 90 days in advance.

Further decides that, in accordance with paragraph 2 of Article 13, as amended, prior to discussion of the proposed adjustments by the Executive Body, the proposals shall be reviewed by the EMEP Steering Body, in conjunction with other appropriate technical bodies under EMEP, on the basis of the supporting documentation and on consistency with the methodology contained in this Decision and forward its findings to the Executive Body.

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