

Comments by the European Environmental Bureau (EEB) to the findings, conclusions and recommendations of the ad hoc Policy Review Group (PRG) presented in the document “Policy response to the 2016 scientific assessment of the Convention” (ECE/EB.AIR/WG.5/2017/3).

The PRG report presents a series of pertinent findings and conclusions as well as a large number of good and constructive recommendations – so many, in fact, that it would have been helpful if there had also been a clearer priority setting.

We agree on the need for **increased focus on certain source-sectors** that are lagging behind, **in particular agriculture, domestic solid-fuel heating, and shipping** (e.g. recommendations 8, 9, 10, 12, 19, 20, 42, 43, 44, 60, 61, 62, 64, 89). Additional action is urgently required to reduce emissions from these sectors, and we think this should be among the top priorities.

Another issue of priority is the **review and revision of the Gothenburg Protocol**. We support the PRG’s proposals for **actions to reduce methane and black carbon** and for including these pollutants in the review of the Gothenburg Protocol (e.g. rec. 14,15, 42), and we believe that a revised protocol should be extended to **set binding emission reduction commitments for methane, black carbon and mercury**.

While the PRG has labelled some of their recommendations linked to the forthcoming review and revision of the Gothenburg Protocol (e.g. in section II B 3(a) on “Possible updates to the Gothenburg Protocol”) as “longer-term” and some as “short-term”, we suggest they should all be short-term. We see no reason to further delay the preparatory analytical work that is needed for the review and subsequent revision of the Gothenburg Protocol.

Already, more than five years have passed since the adoption of the amended Gothenburg Protocol on 4 May 2012. To enter into force it needs 17 ratifications, but so far only two of the 26 Parties (namely Sweden and the US) has ratified. A quick ratification is vital for several reasons.

Firstly, because the emission reduction commitments for 2020 are far from sufficient to attain the agreed objective of reducing air pollutant emissions enough to protect health and the environment. (More specifically, the agreed objective is to ensure non-exceedance of the WHO’s air quality guidelines to protect health and of the critical loads and levels to protect the environment.)

It is therefore clear that the protocol must be revised and strengthened. But a revision cannot take place before the protocol has come into effect.

Secondly, there is the question of credibility. The ratification of protocols has tended to be ever more long-drawn-out. It is, to say the least, a mighty paradox that countries should be willing to expend great resources on bringing about important international agreements, and then - after compromise solutions have been reached after great effort and agreements signed - they should either delay ratification or actually ignore it.

This trend will undoubtedly undermine public confidence in international environmental agreements - as indeed it has already started to do because several of them have become indefensibly attenuated, and because several countries have neglected to fulfill their commitments.

It is therefore imperative that those Parties that have not already done so should ratify the amended Gothenburg Protocol without further procrastination.

From the meeting of the Executive Body in December 2016, we know that some countries had already last year started the ratification process and that several countries expect to ratify either this or next year. Moreover, the fact that EU last year adopted a revised National Emission Ceilings Directive makes it even easier for EU's 28 member states to ratify.

It is therefore fully possible – and even highly likely – that enough Parties will within the next 6-12 months ratify, which would lead to the Protocol's entry into force in 2018.

Consequently, work and actions linked to the review of the Gothenburg Protocol should be included in the short-term workplan for 2018-2019.

Regarding **implementation and enforcement**, the PRG concludes that the current procedures and steps to address Parties' non-compliance are "effective" (para 27a). **We do not share this view.** Taking the Gothenburg Protocol's national emission ceilings that should have been achieved by 2010 as an example, we can see that many Parties remained in non-compliance for several years, in some cases for more than one pollutant. In fact, the Implementation Committee reported as late as last year that some Parties still are in non-compliance with their 2010 emission ceilings, i.e. **non-compliance have lasted for at least six years!** Following the letter of the 1999 Protocol, the number of Parties in non-compliance should have been significantly larger, but several Parties have chosen to take "retroactive" advantage of the so-called 'adjustment procedure' and that way they have managed to achieve formal compliance even though their national emissions ceilings are actually exceeded.

This links to an issue of great concern to us, namely **the use of 'flexible mechanisms'**, such as adjustment of emission inventories and three-year averaging. Our concerns are that these flexibilities make agreements overly complex and more difficult to enforce properly. The increased complexity also complicates communication with the public and therefore risks to counter efforts to improve awareness-raising. Moreover, flexibilities are likely to result in higher emissions and associated health and environment impacts.

We support the PRG's recommendations to set **emission standards based on best available techniques (BAT)** for domestic solid-fuel heating appliances (rec. 19, 44) and for reducing ammonia emissions in agriculture (rec. 43). We would, however, like to point out that emission standards and other policy instruments that are based on **BAT should apply to all source sectors, and should not be limited to new sources only, but apply also to existing ones.** The latter is especially important for emission sources that has a long life-length (i.e. slow turnover-rates), such as domestic heating appliances, ships and industrial point sources, including power plants.

To sum up, we agree that further work of the Convention should focus on ratification and implementation of the three latest Protocols, and on the urgent need to pursue further emission reductions under the Gothenburg Protocol.

It is not acceptable that even after 2020, air pollution will still cause several hundreds of thousands of premature deaths among European citizens each year, and that millions of hectares of sensitive ecosystems will still be exposed to pollutant depositions in excess of their critical loads.

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