

## **Checklist for national implementation plans for the Protocol on Heavy Metals under the Convention on Long-range Transboundary Air Pollution**

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### **Introduction**

This checklist aims at assisting Parties to the Convention on Long-range Transboundary Air Pollution (the Convention) in establishing and/or reviewing their national implementation plans for the Protocol on Heavy Metals (the Protocol). It is an additional tool to the detailed implementation guide prepared by the UNECE secretariat. The list contains 11 questions summarizing the steps to be taken by the country at the national level prior to ratifying the Protocol in order to meet the obligations of the Protocol and the Convention. The list constitutes a general tool for use by all Parties to the Convention and does not cover specific national legislative or administrative measures and procedures that are mandatory for a given Party for implementation and ratification of international legal instruments, e.g. state committee/intergovernmental consultations, parliamentary approvals, cost-benefit analyses etc. The list goes through the obligations under the Protocol, provides some explanation on them and for each obligation spells out relevant questions that the national implementation plan for the ratification of the Protocol should address.

### **Basic obligations**

The core of the Protocol are the “basic obligations of Parties” (in Article 3) that should be met upon ratification/accession.

*The first* of these obligations is to reduce the emissions of cadmium (Cd), lead (Pb) and (mercury) Hg. (Art. 3.1).

#### 1. What is the base year?

Parties must reduce their annual emissions from the emissions of 1990, except if they specify another base year (between 1985 and 1995) upon ratification of the Protocol.

#### 2. What are the emissions in the base year?

These data need to be forwarded to the EMEP Centre for Emission Inventories and Projections (CEIP) and the secretariat notified about these data.

*The second* obligation is to apply best available technologies (BAT) and emission limit values (ELVs) to each new and existing stationary source within the source categories for which the Protocol specifies BAT and ELVs (Art 3.2).

#### 3. Have the BAT and ELVs outlined in annexes III and V to the Protocol been transposed in national regulations or law?

**The third** obligation is to apply product control measures (Annex VI) and consider applying other product management measures (Annex VII). (Article 3 paragraphs 3 and 4). (Please note that the other measures on products are voluntary).

4. Are the limitations to lead in petrol and mercury in batteries transposed in national regulations or law?

**The fourth** obligation is to develop and maintain emission inventories for Cd, Pb and Hg (Art. 3.5.).

5. Does your country have an emission registration system for making emission inventories according to the methodologies of EMEP?

Guidance how these inventories can be calculated is given in the EMEP/EEA Air Pollutant Emission Inventory Guidebook. There are methodologies ranging from simple (Tier 1) to more elaborate (Tier 3). If countries have difficulties with the more elaborate ones they can use the simpler methods.

**Possible exemptions to the basic obligations**

6. Are the emissions not going down?

Art. 3.6. contains an exemption from the obligation to reduce emissions from the base year (Art 3.1). If your country after having implemented all BAT and ELVs (Art. 3 paragraphs 2 and 3) cannot achieve an emission reduction you are exempted from the obligation to reduce emissions.

7a. Is your country of over 6 million km<sup>2</sup> area? and if so

7b. Does your country want to make use of Article 3.7?

In line with Art 3.7, large countries can benefit from exemptions to applying BAT and ELV's (Art.3.2. (b)-(d) provided that they can reduce their emissions of heavy metals by at least 50% over the eight years following the Protocol's entry into force). The intention to apply this exemption must be specified upon ratification.

**General obligations**

A country that prepares to ratify the Protocol should also be able to comply with obligations in articles 4 to 7. It is therefore important to address them in the implementation plan.

Please note that articles 4 and 6 address the Parties to the Protocol as a whole. For instance the effect programme of the Working Group on Effects works on the effect side of research and monitoring and EMEP is working on modelling of concentrations and depositions but of course all Parties to the Convention can contribute to these activities.

**Article 5** obliges Parties to develop a strategy, policy and programme to fulfil the obligations of the Protocol. The national implementation plan of your country would be

such a strategy, policy and programme. Art. 5 suggest further measures to take and allow Parties to take more stringent measures than required by the Protocol.

**Article 7** provides for two kinds of reporting obligations:

Article 7, para 1 (a) calls for information on the measures that Parties are taking to implement the protocol. This information must be reported via a “Strategies and Policies Questionnaire” every two year. (Parties’ replies are compiled and published by the secretariat: see <http://www.unece.org/env/lrtap/conv/conclusi.htm>)

Article 7, para. 1 (b) requires Parties to provide data annually on emissions of Cd, Pb and Hg. Guidance on what data should be submitted is given in the Emission Reporting Guidelines (ECE/EB.AIR/2008/4). Please note that this data must be annually reported to CEIP, and the secretariat notified of this submission.

9. Who and which institution is responsible for the reporting of:

- a. the strategies and policies (i.e. filling in the Strategies and Policies Questionnaire)
- b. the emissions?

**Articles 8 to 19** describe procedures for amendments and regular reviews of the Protocol obligations and other procedural issues. These are less relevant for the preparation of a national implementation plan.

**Article 8** addresses EMEP (the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe).

**Article 9** provides for an obligation to review the compliance by the Parties with its obligations and mandates the Implementation Committee to carry out this work.

**Article 10** deals with the reviews to be carried out at the Executive Body’s sessions.

**Article 11** sets out procedures for the settlement of disputes between Parties.

**Article 12** specifies that Annexes III to VII are not mandatory but recommendatory in character. Articles 13 – 19 set out procedural issues, related to signature, ratification, entry into force, etc.

**Article 16** describes the procedure for acceding to the Protocol.

**Article 17** specifies the dates of the entry into force of the Protocol and that for a country that has completed the procedures for acceding to the Protocol, the Protocol obligations will enter into force for this country ninety days later.

## **Monitoring**

The Protocol does not contain obligations for the monitoring of concentrations to air or depositions of heavy metals. However, in practice, most countries wish to monitor the levels of pollutants and if these levels are going down. The Chemical Coordinating Centre (CCC) of EMEP coordinates the monitoring network under the Convention. Emissions from sources have to be monitored if exceedances of limit values occur and when the mass flow of particulates is higher than 10 kg/h.

10. Is monitoring of emissions in the cases above taking place?

## **Inspection and enforcement**

It is not only important to ensure that BAT and ELVs are appropriately addressed in national regulations and law but also that they are effectively implemented and enforced.

11. How does the regulatory framework in your country make sure that BAT and ELVs are implemented (permitting, inspection, control and enforcement)?