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LONG-RANGE TRANSBOUNDARY AIR POLLUTION

Working Group on Strategies and Review

Forty-fourth session
Geneva, 20–23 April 2009

**REPORT OF THE WORKING GROUP ON STRATEGIES AND REVIEW
ON ITS FORTY-FOURTH SESSION**

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I. ATTENDANCE

1. The forty-fourth session of the Working Group on Strategies and Review was held in Geneva from 20 to 23 April 2009.
2. The session was attended by representatives of the following Parties to the Convention: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Kyrgyzstan, Netherlands, Norway, Portugal, Republic of Moldova, Russian Federation, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain, United States of America and the European Community.
3. The Association of the Electricity Industry in Europe (EUROELECTRIC), the Centre for Integrated Assessment Modelling (EMEP), the European Environmental Bureau (EEB), the Interprofessional Technical Centre for Studies on Atmospheric Pollution (CITEPA), the Oil Companies European Association for Environment Health and Safety in refining (CONCAWE) were represented.
4. The meeting was chaired by Mr. R. Ballaman (Switzerland).

II. ADOPTION OF THE AGENDA

5. The Working Group adopted the agenda of the meeting as set out in ECE/EB.AIR/WG.5/95.

III. ADOPTION OF THE REPORT OF THE FORTY-THIRD SESSION

6. The Working Group noted that the short time available between its forty-third and the forty-fourth sessions did not allow the finalization and official submission of the report of its forty-third session. It postponed the adoption of the report to its next session on 31 August-4 September 2009.

IV. OPTIONS FOR REVISING THE GOTHENBURG PROTOCOL

7. The Chairman of the Working Group on Effects presented recent results on the effects of air pollutants on human health and the environment. He noted that many lakes still remained acidified and biological recovery was slow and not widespread. Atmospheric load was above critical levels and loads in large areas, causing inter alia vegetation changes. Ozone affected the health of a large share of the population and particulate matter was linked to several severe

health effects. The aspirational aim for 2050 would be no further threats to human health and the environment from the atmosphere. The Working Group on Effects was evaluating chemical and biological parameters based on these and other effects of air pollution, and selected indicators would be linked to the integrated assessment modelling.

8. The Chair of the EMEP Steering Body presented the latest results of the work carried out by EMEP for the revision of the Gothenburg Protocol. With regard to the choice of a reference year for which the emission data was better, Ms. Vidic mentioned that this could be 2000, 2005 or 2010, but stressed that further discussion with the Task Force on Integrated Assessment Modelling was necessary before making a final decision on this matter.

9. The Co-Chair of the Task Force on the Hemispheric Transport of Air Pollution, Mr. A. Zuber, provided updated information on the work of the Task Force. He referred to the interim report which was produced to support the revision of the Gothenburg Protocol. A full assessment report will be provided by mid-2010.

10. The secretariat and the Chairman introduced a draft working document on options for revising the Gothenburg Protocol (ECE/EB.AIR/WG.5/2009/4), which was prepared by the Bureau of the Working Group on Strategies and Review and the secretariat.

11. The Czech presidency presented a suggestion for a new paragraph 1 a and 1b of Article 3 of the amended Gothenburg Protocol on the basis of a corrective compliance mechanism for national emission ceilings for PM 2.5 and other air pollutants prepared by the European Commission on the basis of the revision of the NECD.

12. The delegation of the United States expressed its support for the addition of PM to the Protocol, the introduction of flexibility to promote ratification in EECCA, and for changes in the amendment procedure in art. 13 and 15. It informed that it could support appropriate technical updates to the Protocol. The delegation of the United States expressed its strong preference for an amended protocol as opposed to a new protocol. This would better enable the US and other countries to participate in the work on the protocol even though they may not be able to accept each and every change.

13. The Chairman recalled that the decision on the adoption of a new or an amended protocol would be made by the Executive Body and therefore was not on the agenda for the meeting.

14. The delegation of the Czech Republic, speaking on behalf of the EU, expressed its readiness to exchange views and positions on the revision of the Protocol, but noted that it was

not ready to discuss numerical values. It was also of the view that the decision on a new or amended protocol was not the major issue for the current session.

15. The representative of the European Commission informed the Working Group that the revision of the NEC directive which implemented the Gothenburg Protocol had been put on hold, in view of a new commission coming in office in November 2009. He welcomed the continuation of the technical work in relation to the revision of the Protocol, the promotion of ratifications and the introduction of flexibility.

16. The delegation of Norway welcomed the document on the options for revising the Gothenburg Protocol and noted that it had not yet have a fixed position with regard to an amended or a new protocol. It expressed support for the inclusion of PM in a new or revised protocol and the introduction of flexibility to the extent feasible and wanted. It expressed a wish for simplifying the procedures for amending the protocols.

17. The Chairman drew attention to annex III concerning the designation of pollutants emissions management areas (PEMA) by countries with big territories and invited the Russian Federation to consider whether its current PEMA was still valid or should be reconsidered.

18. The Chairman further drew attention to the two options for the objective of the protocol as well as to the need for amending the name of the protocol to reflect the addition of PM.

19. The delegation of the Russian Federation reiterated the need for flexibility in the protocol and stressed that it would facilitate participation of EECCA and SEE countries in the negotiation of the emission ceilings.

20. The Co-Chair of the Expert Group on Techno-economic Issues, Mr. J.-G. Bartaire, presented progress in the work of the experts group, and to introduce the draft revised Annexes IV, V and VI and the two draft new annexes on TSP (Annex X) and on VOC for products (Annex XI), which have been made available to the Working Group as informal documents. He drew attention to the three options for ELVs proposed by the expert group according to the ambition level chosen by the Working Group. He presented the results of the fourteenth meeting of the Expert Group, held in Italy in October 2008 (ECE/EB.AIR/WG.5/2009/2) and the fifteenth meeting, held in April 2009, as well as plans for finalization of the draft technical annexes (and guidance documents) for submission to the forty-fifth session of the Working Group in September 2009. Mr. Bartaire also provided information on the updating of the guidance documents, which would be completed by the end of May.

21. The delegation of the Czech Republic, speaking on behalf of the EU, expressed preference for combining regulations on BAT and ELV, with regard to the three options for ELVs. It noted that the final decision on the ambition levels should reflect the opinion of the EECCA and SEE countries.

22. In the discussion that followed it was recommended to clarify further the BAT associated emission levels and to specify whether they correspond to annual, monthly or daily averages.

23. With regard to the revision of annex IV, the delegation of Bulgaria raised the issue of providing for an alternative to ELVs to enable countries using lignite coal to cope with the requirements for SO₂. It was suggested that such an alternative or derogation could be introduced in para. 4 of Annex IV, which contains special provisions for combustion plants and some possible derogations for old existing plants.

24. The delegation of Switzerland noted that waste incineration and glass production were not covered in Annex V and requested if the Expert Group could come up with some proposals as to how options 1, 2, and 3 for ELVs could look like for such high temperature processes. Mr. Bartaire explained that NO_x emissions for glass production and waste incineration were not addressed, as they were not included in the current Gothenburg Protocol. He noted that the glass production sector is included in the new annex on PM. The co-Chair of the Expert Group informed that, while such work cannot be accomplished for the next session of the Working Group, it could be taken up by the Expert Group in the future, if needed.

25. The Co-Chair of the Expert Group on Techno-economic Issues, Mr. J.-G. Bartaire, informed that the Expert Group had considered whether any significant sectors or source categories were missing in the scope of the Protocol and had come to the conclusion that about 90% of the emissions in the territory of the Convention were covered and there was no need to add new sources or sectors.

26. The delegation of Greece expressed that view that in the annexes the location and the size of the emission sources should be taken into account when ELVs are specified. Greece was highly interested in annex V due to some peculiarities in relation to its islands.

27. The delegation of Denmark made a request that the Expert Group considers the issue of limit values and experience with offshore turbines.

28. With regard to Annex VIII, the Co-Chair of the Expert Group on Techno-economic Issues, Mr. Bartaire, reminded that the Expert Group lacked expertise in the field of mobile sources and therefore could only provide a summary of the relevant EU legislation.

29. It was noted that there was a lack of consistency between the terms and definitions of the different fractions of PM used in the Protocol and in the annexes, in particular the use of the terms “PM”, “PM2.5”, “PM10”, “dust” and “TSP”. It was agreed that the Chair of the Expert Group on PM would contribute to bringing further clarification into this matter.

30. The delegation of Switzerland noted that only burning installations bigger than 50MW were concerned in the draft new annex on PM, while smaller domestic burning installations were important sources and should also be addressed in the annex. The delegation of Germany suggested that this sector should also be addressed in the guidance document.

31. The Co-Chair of the Expert Group on Techno-economic Issues, Mr. Bartaire, agreed that wood combustion in the domestic sector should be taken into account. If this work does not prove to be possible by June, this issue would be addressed but we could work on this after the WGSR September meeting. He welcomed contribution from Switzerland on this.

32. The delegation of the Czech Republic raised the question of the interpretation of paragraph 15 of the report of the Expert Group on Techno-economic Issues (ECE/EB.AIR/WG.5/2009/2) and noted that further clarification and discussion on this issue was needed.

33. The Chairman drew attention to the proposed timescales under art. 3 on ELVs for new and existing sources and the guidance document (ECE/EB.AIR/WG.5/2009/4) and invited delegations to prepare their position on these for the forty-fifth session of the Working Group.

34. The Canadian delegate provided an update on Canada’s efforts to address emissions covered by the Gothenburg Protocol. He highlighted new measures to address emissions of particulate matter and ozone, from transportations sources such as rail and marine and regulations on off road vehicles and small engines. He noted that there are three new product regulations targeting VOC emissions that were introduced in 2008 and provided an update on the federal government’s announced plan to regulate industrial sources of emissions, which is being developed. The development of critical loads and exceedance estimates for aquatic and terrestrial ecosystems were also highlighted.

35. The delegation of the United States described its ongoing work on mobile and stationary sources to prepare for a revised Gothenburg protocol that would include particulate matter. It indicated that standards were adopted that would address emissions from heavy and light duty trucks, automobiles, off road vehicles, and locomotives. It also discussed its new source performance standard program for stationary sources and ambient air quality standards for PM2.5, PM10 and ozone. It pointed out that the United States they have made the first official

request to establish Emission Control Areas under the recent IMO agreement and had proposed a buffer zone of 200 nautical miles around its coast lines. It also discussed efforts to control SO₂ and NO_x from electric utility generating units in the eastern part of the country. It stated that new regulations would be in place by January 2011. Finally, it discussed that work was ongoing between the Canada and the U.S. to add an annex on PM to the Canada-U.S. Air Quality Accord. Work has been slowed recently while both countries do analytical work and work on development of appropriate control measures but it is continuing to progress forward.

36. The Head of CIAM, presented the ongoing work to compile a baseline energy projection, with default data from the Primes model meeting reflecting energy and climate policies and updates from expected national data submissions. He informed that there would be an informal report for the forty-fifth session of the Working Group describing the emissions, costs, effects on the environment and health, and scoping the impacts of the economic crisis. Further analyses on different target-setting would be carried out in the end of the year.

37. The Chair of the Task Force on Integrated Assessment Modelling, presented in detail the main conclusions from the the workshop on non-binding aspirational targets for air pollution for the year 2050 (Utrecht, the Netherlands, 5– 6 March 2009) and an informal document on further possibilities for setting such goals. He also drew attention to possible considerations on implementing emission controls at different paces in different geographical areas. Finally, Mr. Maas drew attention to an informal document prepared to explain the role of methane and nitrogen as linkages between air pollution and climate change, requested by the forty-third session of the Working Group. The Working Group noted that a focus on 2050 could offer a new way to define interim targets for 2020 and also guide on investing in technologies that are needed in the longer run. It also reconfirmed the importance of the effects-based approach and its request to be provided with various effects indicators linked to integrated assessment modelling later this year.

38. The Co-Chair of the Task Force on Reactive Nitrogen, Mr. O. Oenema, presented progress in assessing the whole reactive nitrogen cycle, in particular with respect to revising annex IX on ammonia. He noted that the current text addressed pig and poultry but not cattle. He further emphasized that options to control emissions have improved in recent years and that overall benefits appeared to be larger than abatement costs. Finally, he requested guidance from the Working Group for the Task Force on amending annex IX, in particular options on ambition levels, manure storage and spreading, animal housing, and reporting requirements.

39. The delegation of the United Kingdom reported on the outcome of the workshop of NEBEI on cost benefit analysis of the Gothenburg Protocol, held in June 2008, drawing attention, in particular to the conclusion that when reviewing the current Gothenburg Protocol, it was very

important that the original projections and assumptions were also reviewed. There was also a need to take into account recent advances in cost-benefit analysis, such as the inclusion of PM2.5 impacts. It was noted that ecosystems and cultural heritage impacts were not yet included. It was also suggested that the cost-effectiveness of the Protocol could be increased by putting a stronger focus on East European countries and the shipping sector, and by exploring synergies with climate and agricultural policies.

40. The delegation of the Netherlands raised the issue about the revision of the guidance document on economic instruments and noted that there was no firm commitment and funding for a cost-benefit analysis for the Gothenburg Protocol.

41. Ms. Erika Ekman (Sweden), on behalf of the ad hoc group of legal experts presented preliminary legal considerations for an amended or a new Gothenburg Protocol for the EECCA and SEE countries, in terms of adoption, ratification and entry into force, noting inter alia, the options of waiver and suspension. It was suggested that these considerations, if presented in a written form, would constitute a basis for further discussion.

42. The Working Group:

(a) Took note of the work carried by EMEP, the Task Force on Integrated Assessment Modelling and the Working Group on Effects in preparation for the revision of the Protocol;

(b) Encouraged the Task Force on Integrated Assessment Modelling to continue its work, in cooperation with the Working Group on Effects, on further exploration of target-setting and on aspirational non-binding targets for 2050 and to develop indicators linked to integrated assessment modelling;

(c) Took note of the working document on options for revising the Gothenburg Protocol (ECE/EB.AIR/WG.5/2009/4), agreed that it would be a basis for negotiations of the revision at the forty-fifth session and invited the secretariat to collect additional contributions and proposals for revision by 20 May 2009 and present these to the forty-fifth session of the Working Group;

(d) Welcomed the work carried out by the Expert Group on Techno-economic issues on updating the technical annexes IV, V, VI and VIII and the guidance documents and on elaborating new annexes on VOC in products and on PM;

(e) Reminded Parties that comments could be submitted to the Expert Group on Techno-economic Issues on the finalization of the revised draft annexes and guidance documents by 15 May 2009 and requested the secretariat to submit them as official documents for negotiation at the forty-fifth session of the Working Group;

(f) Took note of the work carried out by the Task Force on Reactive Nitrogen on updating the technical annex on ammonia and invited it to present a draft for discussion at the next session of the Working Group;

(g) Recognized that the commitment for reducing ammonia emissions undertaken by Parties to the Protocol within the geographic scope of EMEP should be followed by further steps for reduction and comprehensive measures covering all sources; and welcomed a more integrated approach toward controlling ammonia emissions;

(h) Requested the Task Force on Reactive Nitrogen to present options for further reduction of ammonia emissions, including percentage reductions and describing measures for achieving them, at the forty-fifth session of the Working Group;

(i) Further requested the Task Force on Reactive Nitrogen to consider and present a set of options concerning cattle farms of different sizes at the forty-fifth session of the Working Group;

(j) Took note of the need for further updates to the Guidance document on ammonia, and invited the Task Force on Reactive Nitrogen to consider reflecting this issue in its future workplans, as well as a quantitative estimation of the benefits of the reductions of ammonia emissions, in parallel with a revision of the Framework Advisory Code;

(k) Took note of the preliminary legal considerations for an amended or a new Gothenburg Protocol for the EECCA and SEE countries, provided by the ad hoc group of legal experts and recognized the complexity of the issue;

(l) Requested the ad hoc group of legal experts to present the above considerations in a written form for discussion at the forty-fifth session of the Working Group;

(m) Took note of the outcome of the workshop of NEBEI and stressed the importance of conducting a cost-benefit analysis for the revision of the Gothenburg Protocol as well the need for updating the Guidance document on economic instruments;

(n) Recalled the need for a formal proposal by a Party to amend the Protocol in accordance with article 13, in case the option of an amended Protocol is chosen.

V. PROGRESS IN THE IMPLEMENTATION OF THE ACTION PLAN FOR EASTERN EUROPE, CAUCASUS AND CENTRAL ASIA

43. The delegate of the Czech Republic informed the meeting about the outcome of the informal consultation with representatives of the EECCA and SEE countries on obstacles to ratification of the Protocol on POPs, the Protocol on Heavy Metals and the Gothenburg Protocol.

44. The delegation of the Russian Federation stressed that, in addition to discussing the various obligations under the protocols, it was also important to put an emphasis on the benefits of acceding to them, for example that with the help of the Convention EECCA and SEE countries could reform the system of their emission inventories, use the models developed under the Convention and implement some air quality policies. It stressed that it was very helpful to exchange experience with colleagues from other EECCA and SEE countries and expressed support for similar meetings in the future.

45. The delegation of the Russian Federation also presented a project at the initiative of the Russian Federation to assist EECCA countries to accede to the Convention's Protocols, and in particular the most recent ones. It outlined the proposed project's stages and expected results, as well as its tentative time plan and costs. The project included all the territory of the Russian Federation covered by the geographic scope of EMEP and the total costs amounted to 840000 EUR. The project consisted of five stages and could be implemented stage-by-stage. The Working Group was informed that the Russian Federation could provide funding of about 10-15% of the project costs in order to start the project.

46. In the discussion that followed it was suggested that for POPs and heavy metals, it could be useful to extend the project to the whole territory of the Russian Federation, not just the European part. The Chair of the Working Group on Effects and the Chair of the EMEP Steering Body expressed the willingness of the two bodies and their task forces and centres to cooperate with the Russian Federation in the course of the project's implementation. It was noted that the Russian Federation was already taking part in some of the effects-oriented activities.

47. The secretariat provided information on progress in the implementation of the funded by the Netherlands for strengthening the implementation of the Protocols to the Convention in SEE, and in particular the successful kick-off meeting held in February 2009 in Belgrade. The secretariat also described the changes and delays which occurred in the project's development of the project to support the Republic of Moldova in ratifying and implementing the Gothenburg

Protocol, funded by the Czech Republic. The delegation of the Czech Republic reiterated its commitment for the successful implementation of the project and expressed its readiness to collaborate with the secretariat in order to establish a reliable channel of communication with the Moldovan authorities and speed up the start of the project.

48. The delegation of the Former Yugoslav Republic of Macedonia informed the Working Group that it was in the process of preparing national action plans for the three latest protocols with a view to completing them in September 2009. It expected that ratifications would follow within half a year after that. Some problems could be expected if the reference year was 1990, as well as with the application and timetables for some BAT.

49. The delegation of Sweden provided information on the completion of the first phase of a bilateral project with the Russian Federation which resulted in improved data from the Russian Federation for use in the GAINS model, as well as on preparations for the second phase. The delegation of Belarus informed that it had also joined this Swedish project and would aim to supply data for integrated assessment modelling.

50. The delegation of Armenia informed that the first EMEP station had started functioning in October 2008 as planned and that was submitted to the EMEP Chemical Coordinating Centre (CCC). It announced that Armenia had started a process of ratification of the EMEP Protocol and drew attention to a workshop of the Task Force on Heavy Metals on ratification of the Protocol on Heavy Metals, hosted by Armenia.

51. The delegation of Belarus expressed its need for assistance in reviewing the national implementation plans developed by Belarus for the protocols, with regard to their sufficiency, adequacy and comprehensiveness. Concerning the Protocol on POPs and the Protocol on Heavy Metals, the delegation of Belarus was advised to contact the chairs of the Task Force on POPs and the Task Force on Heavy Metals.

52. The Working Group:

(a) Thanked the Czech Presidency of the European Union and the delegation of Bulgaria for having organized informal EECCA and SEE consultations back to back to the forty-fourth session of the Working Group and encouraged the holding of such consultations in the future. It took note of the information on the obstacles to ratification and implementation of protocols and the need to introduce flexibility in a revised Gothenburg Protocol;

(b) Took note of the project proposal by the Russian Federation and noted that only partial funding was available from the Russian Federation for the project's implementation. It

invited Parties to explore ways and means to support financially the project. It requested the delegation of the Russian Federation to report on progress in the project's implementation and funding at its next session;

(c) Took note of the information provided by the secretariat on the start of the project funded by the Netherlands for the implementation and ratification of the three most recent protocols to the Convention in SEE;

(d) Took note of the information on the development of the project funded by the Czech Republic to support Moldova in implementing and ratifying the Gothenburg Protocol and encouraged the delegation of the Czech Republic, in cooperation with the secretariat, to take steps to speed up the project's start and implementation;

(e) Took note of the successful completion of the first stage of the bilateral project between Sweden and the Russian Federation, which, inter alia, resulted in improved data from the Russian Federation for use in the GAINS model and welcomed the initiation of a similar project with Belarus and Ukraine;

(f) Welcomed the proposal to organize a joint workshop of the Expert Group on Techno-economic Issues and the Task Force on Heavy Metals in St. Petersburg on 26-27 October 2009;

(g) Urged EECCA and SEE countries to participate actively in the negotiations for revision and amendment of protocols to the Convention;

(h) Requested the secretariat to update document ECE/EB.AIR/WG.5/2008/11 on progress in the implementation of the Action Plan for EECCA and present it at the forty-fifth session of the Working Group, as well as a document on the outcomes of the informal consultations of EECCA and SEE countries, held in conjunction with the forty—third and the forty-fourth session.

VI. OTHER BUSINESS

53. The Czech Presidency of the EU requested to include the item "EU proposal to extend EB decisions on emission data and reporting under the Convention and its Protocols" under the item "Other business" for the forty-fifth session of the Working Group.

54. The Chair reminded the Working Group that its forty-fifth session would be held from 31 August to 4 September 2009.

**VII. ADOPTION OF THE DECISIONS OF THE WORKING GROUP ON
STRATEGIES AND REVIEW**

55. In accordance with the revised practice continued by the Executive Body at its twenty-fifth session, the Working Group on Strategies and Review adopted the decisions taken during the session.
