



Council of the
European Union

008867/EU XXVI. GP
Eingelangt am 23/01/18

Brussels, 23 January 2018
(OR. en)

5448/18

ENV 28
ENT 5
ONU 2

INFORMATION NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Convention on Long-range Transboundary Air Pollution (CLRTAP): 37th Session of the Executive Body (EB 37) (Geneva, 11-14 December 2017) - Statements by the EU and its Member States

Delegations will find in the Annex, for information purposes, a compilation of agreed statements as delivered at the abovementioned meeting on behalf of the European Union and its Member States.

**Convention on Long Range Transboundary Air Pollution (CLRTAP)
37th session of the Executive Body (EB 37)
(Geneva, 11 - 14 December 2016)**

- Statements by the EU and its Member States -

Agenda item 4: Matters arising from meetings of the United Nations Economic Commission for Europe and other related meetings

The EU and its Member States acknowledge and appreciate the work of the 6th Ministerial Conference on Environment and Health held in Ostrava, the 3rd Session of the United Nations Environment Assembly (UNEA-3), and The United Nations Economic Commission for Europe Committee on Environmental Policy (CEP): Batumi Action for Cleaner Air (BACA) initiatives — tools, which are inspiring countries to improve air quality and protect human health.

The EU and its Member States recognise that air pollution is a global problem that has transboundary impacts and that it is the greatest environmental risk to health and one of the main avoidable causes of premature mortality.

The EU and its Member States urge all Parties to take actions regarding air pollution mitigation and all the above mentioned initiatives are helpful tools in order to take further steps regarding better air quality.

The EU and its Member States welcomes that the 6th Ministerial Conference Environment and Health, held in Ostrava, Czech Republic, has focused on air quality issues. The Ministerial Conference provided a unique intersectoral policy platform bringing together relevant sectors and partners to shape policies and actions on environment and health, supported the implementation of effective evidence-based policies and advanced actions on environment, health and well-being in the WHO European Region. At the Conference, Members of the WHO European Region adopted the Ostrava Declaration, which includes an action plan for its implementation and agreement on revised institutional arrangements for the European Environment and Health Process after 2017. This includes development of national portfolios of actions on the protection of environment and human health by the end of 2018, either as stand-alone policy documents or parts of others. The Declaration is the result of a long and complex consultation process, backed by long-standing intersectoral collaboration. The EU invites Parties who have signed the agreement, to take actions in line with the Ostrava Declaration and to ensure that by the end of 2018 national portfolios are developed and implemented.

Agenda item 5: Status of ratification of the Convention and its Protocols

The EU has ratified (all) the 2009 amendments to the POPs Protocol and the 2012 amendments to the HM Protocol. The ratification instruments have been deposited and registered by the UN HQ 24 June 2016. Following the conclusion of the negotiations and the entry-into-force of the new National Emissions Ceilings Directive (Directive 2016/2284/EU) on 16 December 2016, the EU has ratified the 2012 amendments of the Gothenburg Protocol, and the ratification instruments have been deposited and registered by UN HQ 30 August 2017.

The EU Member States have indicated their ratification status and intentions for the three Protocols and this information was communicated to the Secretariat in writing.

Some EU Member States are willing to provide further information about their status of ratification.

Agenda item 6: Review of implementation of the 2016–2017 workplan

(a) Science

The EU and its Member States welcome the report of the third joint session and the progress made therein. We would like to comment on three issues:

The first is the EMEP budget.

- The EU and its Member States note the comprehensive explanations provided in the documentation circulated by the chair, and the fact that the budget broadly reflects the allocation of funds in previous years. For those reasons, the EU and its Member States support the adoption of the budget for 2018 as proposed.
- However, given the ongoing discussion on the priorities of the Convention, in particular in light of the Scientific Assessment, PRG Policy Response and the Convention's reactions to those, we would suggest that a short review of the budget allocations could be timely. One focus of this review should be on increasing transparency and participation by Parties in prioritisation of projects funded under the EMEP Protocol, to support an open and coordinated process. We propose that this be conducted during 2018 and should report to the EMEP Steering Body.

The second point is the conduct of the Stage 3 inventory reviews:

- The EU and its Member States note the recommended use of the updated document on Methods and Procedures for 2018 reviews, and invite TFEIP and CEIP to finalize the document and submit it for discussion and formal adoption in 2018. This is important to ensure the streamlined conduct of the next phase of reviews.

- Following the discussions during the Steering Body meeting in September 2017 on the basis of an informal document circulated to that meeting, we also welcome the conclusion on how best to coordinate between the EMEP Stage 3 reviews and the EU inventory reviews carried out under , the new National Emissions Ceilings Directive. The first stage of this EU review which focused on the 5 main pollutants was just finalized and the results of these review of Member States inventories will be published on the website of the European Commission. We agree with the proposed scheduling that the 3rd phase of stage 3 reviews will focus on EECCA states in the initial review years, and review the EU Member States in the last years, once the second phase of EU reviews has been done. This will allow the Stage 3 reviews of EU Member States to make use of the findings from the EU analysis, and free up resources within the Convention for the review of EECCA inventories.

The third point is the provision of gridded data:

- The EU and its Member States support the call to Parties to provide reliable gridded data. As the chair reported, in 2017, the MSC-W source-receptor matrices were not delivered because all MSC-W resources were focused on the evaluation of the gridded emission data, prior to future use for policy purposes. Such diversion of resources should be avoided in the future.
- We also would like to take this opportunity to thank the WGE and the ICPs for their support to the drafting a European Commission Guidance document on the monitoring of ecosystem impacts of air pollution in support of the implementation of the relevant obligations for EU Member States under the new National Emissions Ceilings Directive. The Guidance document should be ready before the end of the year and will be available on the website of the European Commission.

(b) Policy

The EU and its Member States welcome and support the outcome of the fifty-fifth session of the Working Group on Strategies and Review and we support the idea to have dedicated thematic sessions also in the future during the WGSR meetings as was organized in 2017, with the thematic session on agriculture and air pollution which was broadly welcomed by the Parties. In addition to that the EU and its Member States are following-up on the different Batumi Actions for Cleaner Air and some EU Member States are willing to provide further information about the implementation of their actions.

(c) Compliance

The EU and its Member States thank the Implementation Committee and its Chair for their important work. We emphasise the importance of the fulfilment of obligations to the Convention by all Parties. The EU and its Member States take the obligation to report emission data and projections in a correct and timely manner very seriously. Therefore, we regret that in some cases we have not been able to fulfil this requirement adequately yet. Also, we acknowledge that we have had problems complying with some of the ceilings. On a positive side we can emphasise that a number of issues have been resolved and that we are working actively on resolving issues that are mentioned in the Implementation Committee reports as soon as possible.

Also, the EU and its Member States were requested by the 36th session of the Executive Body to propose an approach to the modification of the EU's ceilings to reflect its changing membership. The EU has developed a draft decision which has been made available as a meeting document. This is mainly a technical calculation issue and we hope the approach proposed is clear and satisfactory in view of possible adoption by the Executive Body. A two-step process is proposed. The first step is that the EB adopt at this session a decision establishing a methodology for the adjustment of the EU's Annex II obligations under Article 13.2 of the revised protocol. In a second step, the EU would make an application for adjustment of its obligations according to the agreed methodology, which would be considered by the EB at its 38th session.

Further to the draft decision that was circulated, we would propose two additional paragraphs that do not change the logic of the proposed adjustment methodology, but rather serve as clarification and stress the need for a prior review of such an adjustment.

The EU and its Member States can support the proposed draft decisions contained in Document [ECE/EB.AIR/2017/5](#).

(d) Capacity-building to promote ratification and implementation in Eastern and South-Eastern Europe, the Caucasus and Central Asia

The EU and its Member States recall the primacy for the EU of the Convention's work on EECCA air pollution and the great importance of progress in ratification and implementation of the most recent Protocols, by the EU and its Member States but also by all other Parties, which will lead to better air quality and less pollution of the environment.

For the EECCA states, we recognise the progress that capacity building has delivered, and this is an important step on the path towards the ultimate aim of ratification. However, we consider it very important to continue to raise the profile of the advances being made as well as the additional work that is needed. The clearest signal of advance in the work of the Convention is the securing of additional ratifications.

We would therefore support additional creative thinking on how we can best move forward. In this regard, the European Commission is currently developing an overview of the support provided to air policy implementation in the EECCA states under EU external cooperation programmes.

There are three relevant EU instruments each with a specific focus: the European Neighbourhood Instrument, the Development Cooperation Instrument and the Instrument for Pre Accession Assistance. One good example is the project on 'Strengthening Air Quality and Environmental Management in Belarus' under the European Neighbourhood Instrument with a budget of €14,5 million, and which includes a specific target for ratification of the Gothenburg Protocol. We would encourage other EECCA parties to explore the possibilities to replicate this sort of action with the EU delegations in your country, and we are happy to provide contact assistance as appropriate.

In this context we are interested to hear what needs for capacity-building and assistance the EECCA states have identified and support additional creative thinking on how we can best address those needs in order to move forward with ratification and implementation.

(e) Communication and outreach

The EU and its Member States welcome progress made in the frame of the Air Convention and strongly encourages the Secretariat to take further actions related to the communication with other Conventions and international initiatives related to the air pollution mitigation.

The EU and its Member States agree that cooperation should be sought in particular in areas where efficiency could be increased, costs cut and duplications (e.g. with the Minamata Convention and the Stockholm Convention) avoided. In addition, cooperation with the Climate and Clean Air Coalition to Reduce Short-lived Climate Pollutants (Climate and Clean Air Coalition) should be supported.

The EU and its Member States welcome and support the UNEA-3 resolution on preventing and reducing air pollution to improve air quality globally which reaffirms the call for all UNEP member states to take action across sectors to reduce all forms of air pollution and special thanks for those colleagues who were in Nairobi and supported the drafting the UNEA-3 resolution.

We welcome, for example, the encouragement to:

- consider using available tools, such as BACA, to inspire national action;
- join or cooperate with relevant global initiatives such as the Climate and Clean Air Coalition and the Global Methane Initiative, and to develop and implement national methane reduction strategies where appropriate;
- prioritise particulate matter reduction measures that also reduce black carbon;
- and to pursue synergies and co-benefits between national clean air policies and policies in other areas such as transport, urbanisation, climate change, energy access and agriculture.

The Assembly provided a unique occasion to promote increased cooperation between UNEP and relevant international organisations, such as UNECE CLRTAP, to share knowledge and support the enhancement of regional cooperation to address air pollution and notably transboundary air pollution. We invite the Secretariat and Parties to consider and discuss ways of how to increase cooperation with UNEP and other global initiatives to follow-up on the UNEA-3 resolution.

The EU and its Member States support further cooperation between Air Convention and other Conventions and initiatives as set out in the Convention long term strategy, to make the best possible use of existing mechanisms and frameworks, maximise synergies and avoid duplication.

Agenda item 7: Draft 2018 – 2019 workplan for the implementation of the Convention

The EU and its Member States welcome the significant work done by the Secretariat to elaborate the workplan 2018 - 2019 for the implementation of the Convention. We welcome that the biannual workplan incorporates recommendations by the ad hoc policy review group of experts on the 2016 scientific assessment of the Convention. Activities laid out in the workplan are also clearly linked to the Sustainable Development Goals.

The EU and its Member States support updating the mandates of the task forces and centres under the EMEP Steering Body and the Working Group on Effects according to the recommendations of the scientific assessment report.

With regard to the workplan 2018 - 2019 the EB has to find the right balance between, on one hand, the work which has to be done and, on the other hand, the resources available to do it. The EU and its Member States emphasise the need to prioritise (and where necessary deprioritise) activities so that the highest priority projects can be taken forward within available budgets. It should also be clear where there are funding gaps for high priority activities to allow Parties to contribute if they are able to do so.

Addition to the workplan item 2.1.3 under expected outcome/deliverable: Policy discussions in the framework of WGSR sessions, on the basis of scientific and technical work, to inform any future review of the Gothenburg Protocol pursuant to Article 10, and preparatory work in the context of Article 10, paragraphs 3 and 4.

The EU and its Member States are proposing an short annual review by the Secretariat of the fulfilment of the short term (ST) recommendations given by the Policy Review Group (PRG).

Agenda item 8: Policy response to the 2016 scientific assessment of the Convention

The EU and its Member States welcome the report of the WGSR on the PRG's short-term recommendations, the PRG's highlights of proposed updates to the long-term strategy and the Chair's synthesis into proposals to focus the discussion.

Regarding the WGSR's identification of short-term recommendations of relevance to the 2018-19 work programme, the EU and its Member States can support the selection made. *[Any issues where particular priority should be given should be identified.]*

Regarding a potential revision of the Gothenburg Protocol, as you know, one of the EU's primary objectives is to broaden participation to and ratification of the Convention in general and this Protocol in particular, and we have discussed this issue already under agenda point 6(d). We would therefore like to stress two points. The first is that any move towards a revised Protocol must be accompanied by a focused drive towards ratification of the 2012 revised Protocol by all signatories. The second is that the timing and design of any new obligations should be considered carefully to ensure they support and encourage ratifications of any future amendment.

Working towards a 2030 timeline would fit with the EU's domestic policy timeframe as set out in the new National Emission Ceilings Directive. Under the revised National Emission Ceilings Directive, EU Member States have agreed on ambitious, binding emission reduction commitments for the five most damaging air pollutants to be achieved by 2030 with the aim of reducing negative health impacts of air pollution in the EU by half. Working towards those commitments for 2030 along with existing commitments under the Convention will be our priority over this timeframe.

Regarding the long-term issues to be covered under any review of the Protocol we would have the following comments on the proposals made.

With regard to emission reduction commitments for black carbon (BC), BC emission reductions are a consequence of the primary PM_{2,5} reductions mandated in the current Protocol, as all the sources concerned are the same (diesel transport, domestic combustion, agricultural field burning and the energy sector). We believe that a first step would be to calculate the BC reductions that will be delivered consequentially on the PM reductions to make more visible the contribution the Protocol already makes towards Short Lived Climate Pollutants. It can then be investigated whether there is any added value in moving towards separate reduction commitments.

With regard to emission reduction commitments for methane, the EU considered including methane reduction commitments for 2030 in the new NEC Directive but in the end decided instead to keep the issue under review, particularly in an international context given the hemispheric nature of methane's contribution to ozone formation. A key requirement is a policy-relevant assessment from the Task Force on Hemispheric Transport of Air Pollution of the cost-effectiveness of Northern Hemispheric Emission reduction strategies, as recommended by the PRG and highlighted by the WGSR. We welcome HTAP's intention to publish such an assessment in 2018. In terms of policy options it would be appropriate to consider the full range of existing actions to reduce methane emissions, as well as alternatives to reduction commitments - e.g. by means of Best Available Techniques (BAT) for the main contributing sectors.

With regard to strengthened commitments for ammonia abatement, the EU has established legally binding ammonia reduction commitments for 2030 which would go beyond the GP 2020 commitments and we would in principle support a wider commitment to further ammonia reductions by 2030. It would also be useful to explore policy options which could support implementation of the reduction commitments, for instance integrated nitrogen management, and applies and updates of the Framework Code for Good Agricultural Practice and the Ammonia Guidance Document as appropriate.

With regard to emissions from shipping, the EU is of the view that the IMO is and will remain the global forum for agreeing and implementing emission reductions from shipping. The introduction of the 0,5% sulphur standard globally, confirmed by the IMO for 2020, will already greatly reduce the impact of sulphur emissions from shipping, while emission control areas for NO_x will also deliver emission reductions in the designated zones. However, the Convention could usefully work on the contribution of shipping emissions to air pollution problems in the UNECE area, in particular SO_x, NO_x and PM and the actions needed to resolve them. As coastal shipping constitutes the biggest contribution to air pollution on land from shipping, the Convention could in particular address this issue in priority.

With regard to the issues highlighted regarding the scientific basis for the Convention, we support the main points made, including:

- examining the ozone-nitrogen-climate-biodiversity interactions when developing policy options;
- pursuing an integrated approach to air pollution and climate change;
- identifying the impacts of regional reductions on local and urban air quality;
- identifying the impacts of hemispheric pollution on regional and local air quality;
- further linking the activities of EMEP and the WGE;
- designing monitoring networks for multiple use.

With regard to the timing for revision of the long-term strategy, we consider that it is worth starting discussions now so as to ensure that a revised version is in place well before 2020 when the current long-term strategy expires. We support the proposed timeframe of 2030 but also looking out towards 2050 so as to set the context for future policy developments.

Finally, we would like to provide some comments on the Chair's summary of proposals for updating the long term strategy (informal document four). While we support the overall direction of travel, it is important to emphasise that the long term strategy should set strategic direction and objectives rather than introducing specific commitments or obligations. In line with this, we would expect the language proposed for the update to be more open and less prescriptive than that used in this summary, particularly in relation to proposals for future policy development. We also believe that the focus of such proposals should include the need to further reduce emissions of current Gothenburg pollutants.

Based on the above proposals we propose the following changes to section 4 of the text in informal document no4 (the Chair's letter):

In the first paragraph:

- To say that 'the Convention parties should maintain and where necessary extend its scientific network';
- To add a sentence at the end: The Convention should also continue its scientific work on heavy metals and POPs.

In the second paragraph:

- Intervene as necessary to ensure that reference is maintained not only to the impact of air measures on other environmental issues, but of the impact of measures in those fields on air quality.
- If needed to accommodate concerns of other Parties, insert text at the beginning of the paragraph as follows: 'While the Convention's focus is on air pollution, it should strive for an integrated approach to environmental policy.'

The fourth paragraph should be replaced by the following text:

- Any future review of the Gothenburg Protocol should consider the need to further reduce emissions of current Gothenburg pollutants, including reduction of ammonia emissions. It should also consider appropriate steps towards reducing emissions of black carbon, methane, and emissions from shipping.

On the fifth paragraph:

- We can accept deletion if proposed by another party and if not would propose to soften the formulation, along the lines that we should aim for a timeframe of 2030 for any revised GP commitments.

Insert a sixth paragraph containing two of the key points from our broader comments, as follows:

- 'Any move towards an amended protocol should be accompanied by a focused drive towards ratification of the 2012 amended protocol. The timing and design of any new obligations should be considered carefully to ensure they support and encourage ratifications of any future amendment.'

Agenda item 9: Financial requirements for the implementation of the Convention

The EU and its Member States are contributing to fulfil most relevant activities and encourage other Parties to the Air Convention to allocate resources to cover other important activities without current funding. The EU and its Member States can support the proposed decisions contained in the Document about Financial requirements for the implementation of the Convention ([ECE/EB.AIR/2017/2](#)).

However, given the ongoing discussion on the priorities of the Convention, in particular in light of the Scientific Assessment, PRG Policy Response and the Convention's reactions to those, we would suggest that a short review of the budget allocations could be timely. One focus of this review should be on increasing transparency and participation by Parties in prioritisation of projects funded under the EMEP Protocol, to support an open and coordinated process. We propose that this be conducted during 2018 and should report to the EMEP Steering Body.

Agenda item 10: Activities of the international organizations relevant to the Convention

The EU held the first Clean Air Forum in Paris on 16-17 November 2017. More than 300 participants from government, industry, non-governmental organisations and citizens and more than 30 high-level speakers shared their views on improving air quality and reflected on the clean air challenge. Discussions focused on three themes: air quality in cities; air pollution from the agricultural sector; and clean air business opportunities. The Forum also saw the launch of the European Clean Air Index.

The Forum concluded with a clear message: solutions to improve air quality are within reach. But to tackle air pollution successfully, we need to work together across economic sectors - transport, energy, agriculture, and industry across decision-making levels - European, national, regional, and city level - across policy areas - environment, climate and energy, mobility, agriculture, and fiscal policy - and together with citizens. Cleaner air will not only improve the health of citizens, it also makes good economic sense.

A summary of the main discussions will be published on the Forum website shortly (we can provide the link) and the next Forum will be held in two years' time.
