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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Long-range Transboundary Air Pollution
Forty-first session of the Executive Body (EB 41)
(Geneva/hybrid, 6-8 December 2021)
- 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
Forty-first session of the Executive Body (EB 41)
(Geneva/hybrid, 6-8 December 2021)

- Statements by the EU and its Member States -

Agenda item 4: Review of the implementation of the 2020–2021 workplan

(a) Science

The EU and its Member States take note of the report as presented.

On inventory adjustments guidance

We are in particular interested in complete and updated guidance on inventory adjustments in the transition from ceilings to percentage reduction commitments.

We thank TFEIP for the note on the way forward on inventory adjustment guidance. We would be interested in hearing more on the assessment about the need to review the related EB Decisions. We propose to request the EMEP SB to prepare an update of the Technical Guidance for Parties Making Adjustment Applications and for the Expert Review of Adjustment Applications (ECE/EB.AIR/130) during 2022, for consideration by the Executive Body at its forty-second session. The updated technical guidance should be aligned, as relevant and appropriate, with guidance shared in the context of the EU Directive 2016/2284 (National Emission reduction Commitments Directive).

If an advance version can be shared early 2022, before an update is formally available and adopted, this would be helpful as tentative advice to Parties for preparing their adjustment applications in 2022.

On resources for inventory adjustment reviews

The EU and its Member States take note of the necessity to find resources for inventory adjustment reviews, primarily the provision of inventory experts.

On reporting of emissions and projections

We would be interested in hearing more about progress on work plan item 1.1.2.6 on updating the Guidelines on reporting emission and projections following the entry into force of the amended Gothenburg Protocol. We will also come back to this issue under agenda item 8, draft work plan.

On the condensables process

We are concerned that the work of the ad hoc experts group on condensable parts, which is to coordinate the work on a roadmap for the science progress, has so far made less progress than expected. This initiative was announced at the 58th session of the WGSR and the EU and its Member States have repeatedly emphasised the importance and urgency of this file. We welcome the information that the group has been convened and encourage the ad hoc expert group to accelerate its work notably with a view to the Gothenburg Protocol review and its follow-up, with the support of, and with due consideration of input from, the Parties.

On changing ICP IM host country

We thank Finland for having hosted the ICP IM programme centre until now and welcome the offer by Sweden to take over the hosting.

(b) Policy

On the proposal by the European Union for a decision on methodology to update tables 2 to 6 of annex II to the Gothenburg Protocol as amended to account for changes in the membership of the European Union

We thank the chair for the opportunity of presenting this proposed EB Decision. We have submitted this methodology for enabling a certain type of technical correction of the European Union values set out in tables 2 to 6 of Annex II to the amended Gothenburg Protocol. The possibility to make such technical corrections is necessary following changes in the membership of the EU. The proposed methodology is based exclusively on a mathematical calculation, using only information that is already set out in those tables. The methodology proposal does not relate to any adjustment of national emission ceilings or national emission reduction commitments in the tables of Annex II to the amended Gothenburg Protocol. We hope for and appreciate the support of other Parties to adopt the EB decision on the proposed methodology.

(c) Compliance

The EU and its Member States take note of the Implementation Committee report. We continue to emphasise the importance of the fulfilment of all obligations to the Convention by all Parties and we remain committed to reducing our emissions and to report emission data and projections in a correct and timely manner.

(d) Communication, outreach and cooperation

On the future of BACA

We support the proposal to make use of the BACA international toolbox within the Forum on international cooperation on air pollution. The Forum website could host information about the BACA set of recommended measures, possibly to be updated at some point, and about the voluntary commitments submitted by countries or organisations. This does not necessarily imply that TFICAP would be responsible for active follow-up on the implementation of such commitments. Information-sharing on BACA commitments may however provide an interesting and useful framework for Forum dialogue with other regions.

Agenda item 5: Review of sufficiency and effectiveness of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone

The EU and its Member States welcome the presentation on progress and the first draft of the review report. We much appreciate the work done by all involved experts and groups.

Regarding the review report, we have the following general comments which primarily relate to “next steps”, rather than to comments on the report text itself:

- (a) Paragraphs 18-19 stress that a decision is needed on the metrics for reporting black carbon in the emission inventories, to enable an update of the EMEP/EEA inventory guidebook. For Parties to be able to make an informed decision on this, we would need a clear and comprehensive outline of the metrics options to choose between, transparently presenting the advantages, disadvantages, costs and trade-offs for each option. The compilation of information should also take into account knowledge and definitions in the emission abatement field from e.g. TFTEI. We propose to request that the EMEP SB organises the development of such a summary, to be tabled for discussion and possible decision in EB 42.
- (b) Paragraphs 18-19 also refer to the need for certain decisions regarding the inclusion of condensables into the emission inventories. A policy decision on this will not be possible before we have more information on scenarios of policy implications, to better understand the impacts (notably the uncertainties outlined in the review report paragraph 46 (a) and (b)).
- (c) We take note especially of the information regarding the ozone-related challenges ahead, and the importance of looking into the synergies with climate policy notably with a view to methane as an ozone precursor. We look forward to further discussions and fact-finding linked to review question 6.3. The question *if* methane is to be included in future instruments (review report, paragraph 100) will rather be solved in the next phase following review conclusions on the evaluation result.
- (d) The work on the options to include marine ecosystem protection in future emission reduction strategies (paragraph 34) is not clearly included in the draft workplan 2022-2023 (see item 1.3.1 referring only to evaluation of impacts). More information on the timelines for the development of these options would be useful. We propose that this work strand should be clarified also in the workplan, for consistency. We will come back to this with a proposal under agenda item 8.

We have also sent a number of written inputs which we hope are of help to the GPG in their continued drafting.

On the continued process, we remain committed to contributing inputs and information in line with the agreed timeline. We remain interested in maximising opportunities for Parties to have both formal and informal fact-finding and information exchanges, to ensure quality outputs of the review.

Agenda item 6: Financial requirements for implementation of the Convention

On the proposed use of resources 2022-2023

The EU and its Member States regret that there are still missing cash contributions and trust fund payments, including by EU Member States. These contributions should be paid in full and without further delay.

We support the proposed decisions on the use of resources and schedule for EMEP contributions and contributions for core activities not funded through the EMEP Protocol.

With the editorial correction submitted by the EU, we support the amendment of decision 2002/1 following the change in ICP IM programme centre host country.

On the proposed EB Bureau note on the current financial situation

The EU and its Member States thank the EB Bureau for the work on this note, clarifying the financial situation of the Air Convention. We note in particular the high level of support by Parties in hosting of centres and task forces, and in providing national experts to perform the Convention work. The total volume of Convention activities is therefore higher than in many other MEAs. We propose to acknowledge and thank Parties for these significant contributions in the meeting report.

We agree on the need to strengthen the financing of the scientific activities, notably the core activities other than those covered by the EMEP Protocol. The first option should be to increase awareness raising and communication about the financing decision to ensure full contributions in cash or in kind in line with the agreed annual budget. The drafting of the annual financing note may need to be reconsidered to reduce the risk of misunderstanding. If this does not succeed, a review of other options may become necessary.

We are worried about the reported vulnerability of relying to a high extent on the UN regular budget and the stretched situation for the secretariat. We take note of the EB Bureau conclusion that status quo is not sustainable. In order to decide on the options for going forward, we need to receive more information about the exact resource gaps identified, as well as expected impact of a possibly decreasing UN budget on the Air Convention in the coming years. The assessment of such resource requirements needs to be detailed and well justified, including taking into account possibilities for efficiency gains. A transparent explanation of the current amount of secretariat work per task would help us understand the options for either increasing the financing or decreasing activities.

We therefore support the proposal of requesting the EB Bureau to undertake further analysis and present a proposal for Parties consideration at the sixtieth session of the WGSR.

Agenda item 7: Forum for international cooperation on air pollution

The EU and its Member States reiterate our support for the Forum initiative and thank Sweden and the United Kingdom for offering to co-lead the new Task Force.

We are deeply committed to actively supporting the Forum to ensure its success. We will contribute by promoting the Forum in relevant international organisations, as a highly suitable platform for information exchanges with related advantages for all. We welcome the outline of work presented by the co-leads and the plans of the Task Force to hold a first event in 2022.

We support the establishment of the new Task Force in line with the draft decision and we support adoption of the draft mandate as presented, and as updated in line with our submitted proposal.

We look forward to continued progress on the international cooperation issues.

Agenda item 8: Draft 2022–2023 workplan for the implementation of the Convention

Regarding the list of main meetings (section VI)

We reiterate our view that the week 11-14 April is not ideal for the WGSR meeting in 2022 because it coincides with holidays for many countries. However, if the Air Convention secretariat has not managed to secure a better option for the meeting, we will accept these dates in order not to delay planning of the event and of delegates' travels.

An additional meeting of the EB Bureau will likely be needed notably considering the additional needs for coordination and preparation of the forty-second session of the EB in 2022 (review of the Gothenburg Protocol).

Regarding the list of official documents

In the list of documents for WGSR61-62 in 2023, the guidance documents¹ should be referred to as *Draft guidance documents*.

In line with our proposal under agenda item 4a, the updated *Technical Guidance for Parties Making Adjustment Applications and for the Expert Review of Adjustment Applications* should be added to the list of official documents for 2022.

¹ On non-technical and structural measures; on co-mitigation of methane and ammonia, etc.; on methane mitigation technologies and on shipping

We would like to know what will happen if the sixty-second WGSR session is not confirmed for 2023; will the documents listed here be discussed in the sixty-first WGSR session in 2023 or in the sixty-second WGSR in 2024?

Agenda item 9: Review of the rules of procedure for the Executive Body

The EU and its Member States thank Canada for developing this clear proposal.

We agree to performing a review of the Rules of Procedure, to ensure they remain fit for the purpose of supporting the smooth and efficient functioning of the Convention. We support the proposal to ask the WGSR chair to convene an ad hoc group to perform this review.

However, we should not pre-empt the outcome of this review: it may conclude that changes are needed, that changes are not needed or that clarifications may be needed but can be achieved by other means than amendment of the Rules of Procedure. To conclude now that revisions or amendment proposals will be needed is premature. The mandate for the group should therefore not, as a first step, be to propose updates to any section but to critically assess whether any section is not fit for purpose or in need of clarification. Only if a problem is identified should the group propose solutions to it.

We further propose that the group should comprise interested national experts with policy and/or legal expertise *and Air Convention experience*. Such experience is crucial for the assessment of whether or not the Rules of Procedure are conducive to the smooth and efficient functioning of this particular Convention.

We agree with the good proposal that, should there be a conclusion that amendment proposals are justified, the legal ad hoc group should be called upon for a legal assessment of such proposals.

The proposed timeline with final draft revision proposals – if any will be needed – by July in the year of expected EB adoption is much appreciated. As a decision with legal effect, the EU will need sufficient time to coordinate our position to be able to support the adoption.

Agenda item 11: Other business

Earlier this year, the UNECE secretariat acted upon what they thought might have been a risk of conflict of interests, causing a halt to the transfer of funding and the contract procedures to two of the Air Convention centres. The EU and its Member States are not pleased with the process and the way this matter was handled. The officials in question were elected by the Parties and answer to the bodies by which they were elected. The matter should therefore have been brought first to the Executive Body or its Bureau.

To reduce the potential for such misunderstandings in the future, we propose that the EB considers a commonly accepted good practice: that elected officials either submit a signed conflict of interest declaration to the Executive Body via the Executive Body chair, or else make an oral statement to this effect to the Executive Body during the session.

This EB recommendation would concern the EB chair and vice-chairs, the WGSR chair and the Implementation Committee chair and members, who all answer to the Executive Body. The WGSR, EMEP SB and WGE may wish to implement the same good practice in connection to their elections of chairs and vice-chairs.

We propose that the EB Bureau can be asked to look into the details of such a procedure, in consultation with the ad-hoc group of legal experts as appropriate.
