



Council of the  
European Union

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### **INFORMATION NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Convention on Long-range Transboundary Air Pollution  
Forty-second session of the Executive Body (EB 42)  
(Geneva/hybrid, 12-16 December 2022)  
- Statements by the EU and its Member States

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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-second session of the Executive Body (EB 42)**  
**(Geneva/hybrid, 12-16 December 2022)**

**- Statements by the EU and its Member States -**

**Agenda item 1 - Adoption of the agenda**

**EU and MS Statement to item 1 Adoption of the agenda:**

The EU and its Member States support the adoption of the proposed agenda as revised. Our key priority is the review of the Gothenburg protocol, it means we need sufficient time for agenda item 5.

**EU and its MS statement to the Ukraine declaration in the opening of the EB session:**

Multilateral cooperation, based on mutual respect, is crucial to address the huge environmental challenges ahead of us. We therefore recall our deep concern and condemn Russia's unprovoked and unjustified act of aggression against Ukraine with the complicity of Belarus, which grossly violates international law and the UN Charter, and undermines international security and stability. We demand that Russia immediately ceases its military actions, withdraws all its troops from the entire territory of Ukraine and fully respects Ukraine's territorial integrity, sovereignty and independence within its internationally recognised borders.

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**Agenda item 3 – Thematic session on barriers towards ratification and implementation of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012**

EU and its Member States reiterate our continued strong support for efforts to promote ratification and implementation of the Convention and its Protocols.

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## **Agenda item 4. Review of the implementation of the 2022–2023 workplan**

### **a) Science**

#### **On the update of Guidelines for Reporting Emissions and Projections Data under the Convention**

EU and its Member States appreciate the finalisation of the work plan item 1.1.2.6 on updating the Guidelines on reporting emissions and projections following the entry into force of the amended Gothenburg Protocol.

We support the adoption and implementation of these guidelines, as amended at the 8<sup>th</sup> joint session of EMEP SB/WGE, with some proposed editorial corrections in the draft guidelines and proposed changes to the text of the Draft Decision of the Executive Body as submitted in writing before session. The changes we have proposed to the decision aim to clarify the application date and to expressly decide that this update is covered by decision 2013/4, paragraph 2. As a consequence of the updated guidelines, we want to draw attention to the need to also update EB decision 2013/4 in order to ensure consistency between the text of the guidelines and the EB decision and we have submitted a proposed amendment decision that we would like to see discussed and adopted.

We finally note the removal of the alternative to report gridded emissions in a grid of 50 x 50 km<sup>2</sup> in the updated reporting guidelines and we hope that this particular removal will not create a new barrier for EECCA and Western Balkan countries.

#### **On Technical Guidance for Parties Making Adjustment Applications and for the Expert Review of Adjustment Applications (ECE/EB.AIR/130)**

The EU and its Member States support the updated version of technical guidance as presented in the informal document to this session. However, we disagree with the proposal to formally adopt it by the EB. This is not in line with previous procedure on this technical level document. We propose instead that the EB should take note of and welcome the updated guidance.

For procedural and practical reasons, we do not consider a formal adoption by the Executive Body necessary. The Executive Body took note of the current version of the Technical Guidance for making adjustment applications, presented at its 33<sup>rd</sup> session, but did not adopt it. As this is a technical document to be used in the context of a technical procedure which is not brought to the level of the Executive Body, we propose that the Executive Body again take note of this revised Technical Guidance without formal adoption. It would also make it easier to keep it updated.

#### **On the Strategy for scientific bodies under the Convention**

The EU and its Member States appreciate the work by the Convention science bodies to compile this thorough document and the science vision for 2022-2030 and beyond.

We recognise the importance and the major achievements by the Convention science network, building on significant contributions and involvement of the Parties and their national experts. The science work performed under EMEP and WGE provides added value for the entire Convention and beyond.

We support the adoption of the proposed science strategy.

**b) Policy**

**On ratification progress**

We reiterate our strong support for ratification of the latest protocols and confirm the intention of the EU Member States to finalise them as soon as possible. We are pleased to note that with the ratifications by Latvia and Canada this year also the final amendments to the POPs Protocol enter into force. As regards the status of ratification we have sent the information in written before the session.

**c) Compliance**

**On the Implementation Committee report:**

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. We regret that a number of cases of possible non-compliance have not been referred to the Implementation Committee by the secretariat. We emphasise that the work of the Implementation Committee is a key priority and should receive all necessary support from the Secretariat. We would like to thank the current chair Manfred Ritter for his excellent work.

**d) Capacity-building and awareness-raising to promote ratification and implementation**

**On the review of the EECCA coordination group mandate or proposal of termination of the group:**

The mandates of the other centres, committees and task forces have been or are being reviewed; it is reasonable to also review this mandate. As the EECCA coordination group reports to the EB, this review should be led by the EB Bureau in close consultation with the EECCA Parties to the Convention, reporting back at EB43.

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**Agenda item 5 - Review of sufficiency and effectiveness of the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as amended in 2012**

**On the review report**

The EU and its Member States welcome the final version of the report on the review of the Gothenburg Protocol. We much appreciate the excellent work done by all involved experts and groups.

We submitted written comments by the 7 November deadline and are pleased to see that these have been taken well into account.

On the revised text version we would like to propose the following:

- For the sake of the report word count, we would accept removing the word “hybrid” in all sentences referring to EB40 as superfluous information
- Regarding the remaining text within square brackets: these proposals are useful but not strictly necessary. For the sake of the word count we can therefore accept deleting them.

- For the same reason, we would also propose to delete the following text in brackets in paragraph 89d: (i.e., as far as possible, in the long term and in a stepwise approach, no exceedance of critical loads and levels). This is a quote from GP article 2 which is already clearly referenced, so does not need to be word by word repeated in the report text.

With these changes, we fully support the adoption of the final review report and the conclusion of the review process.

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## **Agenda item 6 - Financial requirements for implementation of the Convention**

### **On the overall financial requirements and annual budget**

The EU and its Member States welcome the significant contributions in cash and in kind provided by the Parties, enabling the unique and substantial work done on science and policy developments under the Air Convention, notably by the involvement and commitment by a large number of national experts. The contributions due under the EMEP Protocol and decision 2002/1 should also be paid in time and in full.

For this, and for the good functioning of the Air Convention, we call on the Secretariat to send out the payment requests for the 2023 contributions as early as possible. We regret the delay in the payment requests in 2022 and the significant harm this caused to all centres existing under the Convention who are dependent on predictable pay-outs from the Convention.

### **To the Ukraine objecting to inclusion of MSC-E funding in the 2023 budget**

We support Ukraine and agree to the need to reconsider the hosting and functioning of the MSC-E in the current circumstances. We support the proposal that the EB requests the EMEP SB to assess the options for reorganisation and relocation of these activities. We should strive to maintain as far as possible a geographical balance of centres and would welcome offers from countries in the EECCA region for taking over the hosting of MSC-E activities in the mid- or long-term. EMEP SB should report back on this assessment by EB43.

### **On the long-term financing of the secretariat**

We welcome the work by the EB Bureau, supported by the secretariat, to assess the long-term financing situation for the secretariat core functions. We invite the EB Bureau to continue to coordinate this analysis in 2023, including by consulting the Parties when possible and necessary, for a proposal on options to be considered at the 43<sup>rd</sup> session of the Executive Body.

We invite the EB Bureau to explore the optimal timing for the sessions of the Executive Body and subsidiary bodies (from 2024 onwards) and ways to make the functioning of the Convention and in particular the meetings of the Executive Body and subsidiary bodies more effective and productive, in order to make optimal use of the Secretariat's support, and Parties' time. Notably, as we have commented in previous meetings. April is not the ideal month for the WGSR with too short preparation time after the EB sessions; September is also not ideal as too close to the next EB session. We very strongly urge the Secretariat to attempt to get better time slots for the Convention in 2024, such as in May or early June.

For 2023, our preference is for two WGSR meetings. If only one WGSR session in 2023, informal complementary processes e.g. written calls for comments, informal on-line meetings or a Party-hosted HoD meeting could help keep the momentum and ensure a steady work flow and Party involvement over the year.

On the proposed temporary measures to restrict activities, we can agree with the proposed three items by the Bureau, on the understanding that these cutbacks are for 2023 only and for reassessment by the Parties at EB43. The reduced number of IC meetings does not imply we would accept down-prioritisation of IC activities or referrals.

We emphasise that only the Parties can make the final decision about prioritisation of resources under the Convention.

### **On WGSR session in 2023**

We invite the Secretariat to send a letter to the Parties requesting support for an additional WGSR meeting in 2023 (formal or informal, by cash or in-kind contributions) and requesting to notify the Secretariat of any intention to contribute such support by 1 March 2023.

The list of official WGSR documents proposed for meetings in 2023 should then refer to the WGSR62 and the WGSR meeting in April be based primarily on informal documents.

We note that an April session leaves very little time for the preparation of official documents and propose that, at least, the review follow-up ad hoc group's draft paper on options would need to be delivered only as an informal document to this session.

### **On the cost of 2 WGSRs:**

We find it highly unfortunate that the information received about these conference costs has completely changed since April 2022. It makes planning extremely difficult. We encourage the Secretariat to provide full explanations to the EB Bureau.

We propose that, in combination with the 2023 streamlining proposal by the Bureau and the cut-down to primarily only informal documents, the conference costs should be sufficient to cover.

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## **Agenda item 8 - Impartiality declaration for elected officers**

The EU welcomes the draft decision on an impartiality declaration and support its adoption and implementation, with some proposed changes to the text of the Draft Decision of the Executive Body as submitted in advance of the session and as amended during the EB session. We see this as a continuation and formalisation of the already well-established principle that candidates are open about their potential conflicts of interest and refrain from taking part in decisions where those interests are concerned. This new mechanism therefore does not change the way the Air Convention EB Bureau or Implementation Committee works today. We also emphasise our gratitude to the Parties nominating officers to Air Convention positions, thereby enabling Convention work at a high level of expertise.

We propose that the EB invites its subsidiary bodies to follow this example and adopt the same practice for the elections done under those bodies.