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2013/0448 (NLE)

Proposal for a

COUNCIL DECISION

on the acceptance of the Amendment to the 1999 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone

{SWD(2013) 531 final}

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EXPLANATORY MEMORANDUM

The 1979 Convention on Long-Range Transboundary Air Pollution (the LRTAP Convention) concluded under the auspices of the UN Economic Commission for Europe (UNECE) is the main international legal framework for cooperation and measures to limit and gradually reduce and prevent air pollution and its adverse effects upon human health and the environment in the UNECE region, with a specific focus on long-range transboundary air pollution.

The LRTAP Convention was signed on behalf of the European Economic Community on 14 November 1979 and approved by Council Decision 81/462/EEC of 11 June 1981.¹

To date, the LRTAP Convention has been extended by eight Protocols, including the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (the Protocol). This Protocol promotes a multi-pollutant approach to prevent or minimize exceedances of critical loads of acidification and nutrient nitrogen and critical levels of ozone for human health and vegetation. To that effect, it sets national emission ceilings for each Party to be met by 2010 and thereafter for the following four air pollutants: sulphur (mainly sulphur dioxide, SO₂), nitrogen oxides (NO_x), ammonia (NH₃) and volatile organic compounds other than methane (VOC). To support the achievement of the national emission ceilings, the Annexes of the Protocol establish emission limit values to control emissions of air pollutants generated at source from relevant categories of stationary and mobile sources.

The accession of the Community to the Protocol was approved on behalf of the Community by Council Decision 2003/507/EC of 13 June 2003². The Protocol, which entered into force on 17 May 2005, has been transposed into EU law mainly through Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on large combustion plants³ and Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants (NEC Directive)⁴.

In accordance with Article 10(2) of the Protocol, the obligations have been reviewed in 2005 to 2007. The review concluded that more efforts would be needed to meet the environmental and human health-related objectives of achieving critical loads and levels for long term protection of human health and the environment. In 2007, the Parties opened negotiations with a view to amending the Protocol.

The negotiation process led to the adoption by consensus of the Parties present at the 30th session of the Executive Body for the LRTAP Convention (EB) of two Decisions (EB Decisions 2012/1 and 2012/2), which amended the text of the Protocol and its Annexes and added two new annexes (X and XI)⁵. Two other Decisions on the implementation of the Protocol provisions (provisional application of adjustments to national emission reduction commitments⁶ or to national emission inventories) were also adopted by consensus of the Parties.⁷

¹ OJ L 171, 27.6.1981, p. 11.

² OJ L 179, 17.7.2003, p. 1.

³ OJ L 309, 27.11.2001, p. 1.

⁴ OJ L 309, 27.11.2001, p. 22.

⁵ Decisions 2012/1 and 2012/2, 30th session of the Executive Body for the Convention, 30 April – 4 May 2012. The text of those Decisions is available at: http://www.unece.org/env/lrtap/multi_h1.html

⁶ National emission ceilings set out in Annex II of the Protocol shall now be replaced by national emission reduction commitments established in Annex II of the Protocol, as amended.

⁷ Decisions 2012/3 and 2012/4, 30th session of the Executive Body for the Convention, 30 April – 4 May 2012. The text of those Decisions is available at: http://www.unece.org/env/lrtap/multi_h1.html

EB Decision 2012/1, which updates the definitions of critical loads and critical levels, as set out in Annex I of the Protocol, does not call for ratification by the Parties. In accordance with Article 13(4) of the Protocol, this amendment was communicated to all Parties to the Protocol on 7 March 2013⁸ and entered into force on 5 June 2013.

EB Decision (2012/2) amends the main text of the Protocol and all its Annexes (except for Annex I). In accordance with Article 13(3) of the Protocol, this Decision has to be ratified by the Parties.

The amended Protocol sets out new national emission reduction commitments to be met by 2020 and beyond for the above-mentioned four air pollutants as well as for fine particulate matter (PM_{2,5}). It also promotes emission reductions for black carbon (a component of particulate matter a short-lived climate pollutant), updates the emission limit values set in the Protocol Annexes, establishes new standards on the content of non-methane volatile organic compounds in products, and completes the reporting obligation of the Parties regarding the emissions of air pollutants as well as the progress made in the fields of technology and research.

The amendment to the Protocol shall be transposed into EU law through several legal instruments. To that purpose, the Commission has proposed a Directive of the European Parliament and of the Council to amend⁹ the NEC Directive and a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants¹⁰. Both those Directives shall apply alongside existing EU emission source control Directives, including Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions¹¹.

In view of the above, it is appropriate for the European Union to accept the Amendment to the Protocol.

The Annex to this Decision includes the amending text to the Protocol as laid down in Decision 2012/2 of the EB.

⁸ Ref.: ECE/ENV/2013/30.

⁹ COM(2013) XXX

¹⁰ COM (2013) XXX

¹¹ OJ L 334, 17.12.2010, p. 17.

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on the acceptance of the Amendment to the 1999 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192, in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Union is a Party to the UNECE Convention on Long-Range Transboundary Air Pollution following its approval in 1981¹².
- (2) The Union is a Party to the 1999 Protocol to the Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone following its approval on 13 June 2003¹³.
- (3) The Parties to the Protocol of the Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone opened negotiations in 2007 with a view to improving further the protection of human health and the environment, including through the establishment of new emission reduction obligations for selected air pollutants to be achieved by the year 2020 and the updating of emission limit values addressing emissions of air pollutants at source.
- (4) The Parties present at the 30th session of the Executive Body of the UNECE Convention on Long-Range Transboundary Air Pollution adopted [by consensus?] Decisions 2012/1 and 2012/2 amending the Protocol to the Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone.
- (5) Decision 2012/1 entered into force and became effective on the basis of the expedited procedure provided for in Article 13(4) of the Protocol.
- (6) Decision 2012/2 requires ratification by the Parties to the Protocol in accordance with Article 13(3) of the Protocol.
- (7) The Amendment to the Protocol to the Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone should therefore be accepted on behalf of the European Union,

¹² OJ L 171, 27.6.1981, p.11.

¹³ OJ L 179, 17.7.2003, p.1.

HAS ADOPTED THIS DECISION:

Article 1

The Amendment to the Protocol to the Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone is hereby accepted on behalf of the Union.

The text of the Amendment to the Protocol is attached to this Decision.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of acceptance provided for in Article 13(3) of the Protocol to the Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone, in order to express the consent of the European Union to be bound by this Protocol, as amended.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*