

## **New approaches for EECCA countries, Western Balkan countries and Türkiye**

1. This paper is a follow-up to the [Policy Options Document](#) and elaborates on certain proposed options in that document. It expands in particular on new approaches that could work for [current non-Parties](#) to the amended Gothenburg Protocol. It also further responds to paragraph 53 of the [Convention's Long term-strategy](#) which asks Parties, when considering updates to the Protocols, to consider whether additional flexibilities could be incorporated and whether [new approaches](#), could be adopted in order to facilitate ratification and implementation by countries in Eastern Europe, the Caucasus and Central Asia.
2. This paper describes how new approaches could be incorporated into a revised version of the amended Gothenburg Protocol and applied in practice. It does not address specific themes that were identified in the Gothenburg Protocol review report, such as addressing ammonia, methane and black carbon emissions or synergies.
3. The paper examines in more detail the following new approaches
  - I. Staged ratification approach
  - II. Phased commitment approach
  - III. Separate section approach
  - IV. Sector-based approach
  - V. Individual commitment approach
4. These new approaches can be used as stand-alone approaches or in a number of combinations, and considered together with, among others
  - i. Maintaining or removing (parts of) the technical annexes, and/or
  - ii. Targeted changes to the technical annexes (e.g. simplifications, derogations), and/or
  - iii. Maintaining sets of minimum standards in the technical annexes, and/or
  - iv. Focussing on / prioritizing key categories / new installations, and/or
  - v. Adding new flexibilities, removal of current time limits for flexible provisions, and/or
  - vi. Allowing alternative base years for emission reduction commitments.
5. The term “non-Parties” in this paper refers to the current Parties to the Convention that have not yet ratified the amended Gothenburg Protocol, in particular, the countries of Eastern Europe, the Caucasus and Central Asia ([EECCA](#)), the Western Balkan countries ([WB](#)) and Türkiye ([TR](#)). The EECCA countries include Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. Of these twelve countries, Tajikistan, Turkmenistan and Uzbekistan are not Parties (yet) to the Convention. The UN Western Balkan countries include Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia.
6. The following countries are official candidates for EU membership and have Stabilisation and Association Agreements with the EU in force: Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia, Türkiye, Moldova and Ukraine. As part of the accession, EU legislation (including environmental legislation) has to be implemented. Türkiye is also an official candidate (but accession negotiations are currently at a standstill). There is an intent to be ready in the not-so-distant future

(2030-2035?) to expand the EU further, possibly starting with the WB countries. This could affect how these countries will/should be considered in a revised version of the Gothenburg Protocol.

7. Although focus in this paper is on current non-Parties to the amended Gothenburg Protocol, the examined new approaches in this paper could also be applied to the current Parties to the amended Gothenburg Protocol, as appropriate.

8. For information on the advantages and disadvantages of the new approaches, please refer to the analysis in the [Policy Options Document](#). This paper focuses on new information that has emerged.

9. At its sixty-first session, the WGSR recommended to the EB to initiate negotiations for a new revision of the amended Gothenburg Protocol, in lieu of a new protocol. The analysis and explanations provided in this paper should therefore be understood in the context of new amendments to the 2012 amended Gothenburg Protocol. There are two main legal points of considerations, well explained in [informal document 3 to WGSR-45](#) (entitled '*Legal considerations of the Ad Hoc Group of Legal Experts for an amended or new Protocol - focusing on the Gothenburg Protocol and EECCA and SEE countries*'), namely with respect to (i) the ratification process and (ii) the relationship between new and existing provisions. In particular, the legal considerations with respect to the ratification process are of relevance. With the choice of new amendments to the present Gothenburg Protocol there are two options regarding the point of time for ratification of the present Protocol by current non-Parties, i.e. (a) after entry into force of a new amendment; or (b) before entry into force of a new amendment:

a. One way to proceed for the EECCA countries, WB countries and TR is to wait for the new amendments to enter into force and ratify afterwards. This would legally be relatively straightforward. By virtue of Article 40(3) VCLT, every State entitled to become a Party to the treaty shall also be entitled to become a Party to the treaty as amended. According to Article 40(5) VCLT, any State which becomes a Party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State: a) be considered as a Party to the treaty as amended; and b) be considered as a Party to the unamended treaty in relation to any Party to the treaty not bound by the amending agreement. This means that depending on the intention the country expresses at the time of ratification of the Protocol as amended, it will either be bound by the amended Protocol, or by the unamended version of the Protocol when ratifying after entry into force.

EECCA countries, WB countries and TR may need to, at the time of ratification of the Gothenburg Protocol as again amended, declare that their ratification will only apply to the Gothenburg Protocol in its latest amended form, as not to be bound by the provisions of the Gothenburg protocol in its original form or as amended in 2012.

b. Once new amendments have been adopted (but not yet entered into force) an option for EECCA countries, WB countries and TR is to ratify and upon ratification declare that they only ratify the Protocol in its latest amended form (analogous application of Art. 40(5) VCLT as under (a)). Alternative ways to ensure that new incoming Parties would not be bound in any way by the provisions of the original /previous version of the Protocol (containing obligations they cannot meet) are to complement ratification with a suspension agreement, a waiver agreement or reservations.

10. The present amendment procedures of the Gothenburg Protocol as amended in 2012 are set out in Article 13bis, including three different amendment routes: (i) the regular ratification procedure for amendments to the text of the Protocol and annex II (paragraph 3), (ii) the expedited amendment procedure for annexes I and III (paragraphs 4 and 5) and (iii) the option to apply the expedited amendment procedure for annexes IV–XI (paragraphs 6 and 7).

## I. Staged ratification approach

11. This concerns a staged approach to ratification where (revised/updated) technical annexes are accepted and ratified gradually with one annex at a time, or in bundles, or as appropriate. A staged ratification could be accomplished by a series of separate EB amendment decisions to the 2012 amended Gothenburg Protocol, as follows:

- a. Separate EB decision amending the **text and annex II**
  - In accordance with article 13bis, paragraph 3, this Amendment shall enter into force on the 90<sup>th</sup> day after the date on which two thirds of those that were Parties to the present Protocol at the time of the adoption of this Amendment have ratified it. For any other Party it will enter into force on the 90<sup>th</sup> day after the date on which that Party has ratified it;
  - Enabling a staged ratification approach will require amendments in particular to article 3 (basic obligations), and possibly also to article 13bis (amendments);
- b. Separate EB decision amending **annexes I and III**
  - In accordance with article 13bis, paragraph 4, this Amendment shall become effective after 180 days for those Parties to the Protocol which have not submitted a notification in accordance with article 13bis, paragraph 5, provided that at least sixteen Parties have not submitted such a notification;
  - It means that amendments to annexes I and III enter into force automatically for Parties, if not objected to in time. An objection can always be reversed by a Party;
- c. Separate EB decisions for amending **annexes IV-XI** (potentially adopted with different timing)
  - A separate EB decision should be adopted for each of these annexes, as to allow separate and gradual ratification of these annexes. Alternatively, some annexes could be bundled;
  - In accordance with article 13bis, paragraphs 6 and 7, the amended Gothenburg Protocol allows the expedited amendment procedure, similar to that for amendments to annexes I and III, also for annexes IV to XI;
  - Amendments to these annexes shall become effective after 1 year for those Parties which, in accordance with article 15, paragraph 4, have not declared in their instrument of ratification that they do not wish to be bound by this expedited procedure, or which have not given notification in accordance with article 13bis, paragraph 7(a). However, if/as long as conditions of article 13bis, paragraph 7(b) are met, these amendments will not enter into force for any of the Parties;
  - In order not to be bound by amendments to annexes IV and XI all at once and to allow for gradual/staged ratification of these annexes in accordance with article 13bis, paragraph 3, current non-Parties (EECCA, WB ad TR) should declare in their instruments of ratification of the Protocol that they do not accept the expedited procedure set out in article 13bis, paragraphs 6 and 7. Or else submit a notification of non-acceptance (pursuant to article 13bis, paragraph 7(a)) for each EB amendment decision, until such time that the amendment to an annex can be accepted and the notification of non-acceptance can be reversed;
  - A staged ratification of the technical annexes can easily be combined with other solutions to remove barriers to ratification for current non-Parties. This would simultaneously allow, among other things, the inclusion of separate sections for current non-Parties in each technical annex, and/or reduce the number of technical provisions, and/or focus on key emission sources. It would not allow a combination with a sector-based approach. This would require another solution (see paragraph 16 below);
- d. Possibly, separate EB decisions for adding **new annexes** (e.g. CH<sub>4</sub>): can be ratified at own pace.

12. Above approach allows

- a. current Parties to ratify a revised Protocol and its annex II, without requiring further action in respect of the other annexes (except for those Parties that declared not to be bound to the use of expedited procedure in respect of amendments of annexes IV to XI); and
- b. current-non-Parties to ratify a revised Protocol and its annex II, while also allowing for gradual ratification of annexes IV to XI. As explained in paragraph 9 above, new incoming Parties (i.e. current non-Parties) will have to declare upon ratification that their ratification will not apply to the Protocol text/technical annexes in their present form (version 2012).

13. The above approach also leaves the timing of ratification of each individual technical annex completely free for each of the EECCA countries, WB countries and TR. In other words, there is no predetermined timetable. This uncoordinated ratification of the Protocol and all its annexes may be difficult to track and will result in a mix of obligations between Parties and could potentially lead to a lack of clarity.

14. The EB amendment decisions may need to include an article clarifying the relationship with the original and/or the 2012 amended Gothenburg Protocol and/or with each other. Logically, the Amendment to the text and annex II must first be ratified and entered into force. The legal issues surrounding this approach should be carefully examined and clarified by the ad hoc group of legal experts.

15. Other ways of introducing a staged ratification approach are also possible, both within the context of the current provisions of article 13bis of the amended Gothenburg Protocol and within the context of revised provisions of article 13bis of the amended Gothenburg Protocol. In the latter case, new incoming Parties will have to declare upon ratification that they are bound only by the Gothenburg Protocol in its latest amended form (see paragraph 9 above).

16. An example of another way of introducing a staged ratification approach is to add new annexes specific to EECCA countries, WB countries and TR. Such an approach can be implemented as follows

- a. Separate EB decision amending the **text and annex II** (see above)
- b. Separate EB decision amending **annexes I and III** (see above)
- c. Separate EB decision for amending **annexes IV-XI**
  - One decision bundling all amendments to technical annexes IV to XI;
  - Amend Article 3 of the Protocol to the effect that technical annexes IV to XI do not apply to EECCA, WB and TR, and update these annexes as appropriate for Parties to which they remain applicable (i.e. EU, NO, CH, CA, US, ...);
- d. Separate EB decisions for adding **new annexes** for EECCA/WB/TR
  - A separate decision should be adopted for each new annex, as to allow separate and gradual ratification of these annexes. Can be annexes per pollutant or per sector;
  - This approach would allow the content and structure of the new technical annexes to be completely aligned with the needs and capabilities of EECCA/WB/TR. This would make it possible to reduce the number of technical provisions, focus on key emission sources and/or new plants, introduce new flexibilities and so on.

17. Article 12 of the amended Gothenburg Protocol specifies that *“The annexes to the present Protocol shall form an integral part of the Protocol”*. This article may need to be reformulated in the context of a staged ratification approach. To be checked by the ad hoc group of legal experts.

18. A staged ratification of emission reduction commitments by pollutant (annex II) would be rather cumbersome. A simpler alternative would be to use the adjustment procedure in accordance with article 13, paragraph 1:

- a. To ensure that current non-Parties can ratify a revised text and annex II of the Protocol within a reasonable period of time, amendments to the text may be necessary to allow ratification by a State without being listed in annex II (which is currently a requirement in accordance with article 14.1 and 17.2 of the amended Gothenburg Protocol).
- b. A major barrier to ratification for current non-Parties is still the insufficient quality of their emission inventories to set/propose meaningful emission reduction commitments for inclusion in annex II. It is therefore likely that most of the current non-Parties will still not be listed in an adopted revised version of annex II together with emission reduction commitments. Article 13, paragraph 1 allows any Party to the Convention to add its name and emission reduction commitments to annex II to the Protocol at a later stage, when that Party is ready to ratify the Protocol (and it is able to propose meaningful emission reduction commitments on the basis of further developed emission inventories of sufficient quality). Articles 13(1), 14(1 and 17(2) could be amended to allow Parties not yet listed in the annex II to ratify the text and annex II and add emission reduction commitments at a later stage, possibly with a different timing for each pollutant, which in a sense would equal a staged ratification approach for emission reduction commitments. This would enable a Party to align the timing for proposing an emission reduction commitment for a particular pollutant (e.g. NOX) with the ratification of the technical annex relating to that pollutant.
- c. The use of 2005 as the base year for emission reduction commitments is also a barrier for some of the current non-Parties. A revision of the text and annex II of the present Protocol should therefore also allow alternative (more stable/complete) base years for emission reduction commitments. Possible options are:
  - Allow a more recent base year, such as 2015 (2020 is probably not suitable because it is a corona year);
  - Allow a multi-year average as the base year, e.g. 2014-2015-2016;
  - Allow a different base year for each pollutant;
  - Allow a Party to choose its base year, as allowed for the POPs Protocol, e.g. as follows:  
*“2005; or an alternative year from 2000 to 2015 inclusive, or for EECCA/WB/TR, an alternative year from 2000 to the year of the entry into force of the Protocol for a Party and as specified by that Party upon ratification, acceptance, approval or accession”.*

19. A staged ratification does not seem appropriate for reporting obligations. The phased commitment approach is more fit to include stages in reporting.

## II. Phased commitment approach

20. This concerns a phased approach to the basic obligations (emission reduction commitments, emission limit values, other technical requirements) and possibly also to the reporting obligations, where the Protocol is ratified at one time, with the basic obligations and reporting obligations (and increasing ambition levels) phased in over time and explicitly described in the Protocol itself. This option requires amendments to the Protocol text to introduce this gradual approach to the basic obligations (article 3) and reporting obligations (article 7).

21. This approach would require setting different phases, with different target years. A first phase of obligations could be set for 2030-2035, a second phase for 2035-2040. More phases are of course possible (every 5 years), even with using a different timing per pollutant or sector.

22. A phased approach to emission reduction commitments (annex II):

- a. As explained in paragraph 18(b) above, the emission inventories of most or at least some of the current non-Parties still need to be further improved /completed in order to be able to determine meaningful emission reduction commitments to be included in the Gothenburg Protocol. This barrier obviously hampers the use of this proposed phased approach to emission reduction commitments, which involves explicitly describing these commitments in the Protocol itself, phased over time (e.g. emission reduction commitments for the various air pollutants by 2030 and 2040). To overcome this barrier, the adjustment procedure under article 13, paragraph 1 of the Protocol can be used to propose emission reduction commitments for the two phases at a later stage (upon ratification). The adjustment procedure under article 13, paragraph 2 can be used to adjust adopted emission reduction commitments further in the future if justified by further improved emission inventories. Proposed emission reduction commitments may be indicative or binding in nature. It may not be advisable to set emission reduction commitments far into the future (e.g. for 2040), as the basis on which they are set will continue to evolve and improve. This basis includes the emission inventories, modelling to calculate optimized targets to achieve certain end-points, effects science and so on.
- b. An alternative way to apply a phased approach to emission reduction commitments than the one described in (a) is to set out the framework for a phased approach in the Protocol, including enabling clauses that would allow Parties to renew their level of commitments on a periodic basis (e.g. every 5 years) and including end-points that Parties jointly want to achieve by certain target years (phasing in towards an overall objective). It would allow a ratification at one time, while commitments for the second phase / subsequent phases being added later (with due account of different levels of development / progress in abating air pollution by Parties).
- c. It will also be a challenge to combine / align a phased approach to emission reduction commitments (annex II) with a phased approach to emission limit values (annexes IV-VI and VIII-XI). The phased introduction of emission limit values will preferably have to keep pace with the progressively increased emission reduction commitments.

23. A phased approach to emission limit values / technical measures (annexes IV-VI and VIII-XI):

- a. The requirements of the Gothenburg Protocol as amended in 2012 could serve as the basis for the first phase, but adapted in content and structure so that this first phase of requirements could be realised by EECCA countries, WB countries and TR by 2030 (2035). Many of these current non-Parties have been working towards ratification and implementation of the 2012 amended Gothenburg Protocol and have made good progress so far, but still struggle with the

large number and the complexity of the requirements in the technical annexes. Only a few indicated that ratification of the 2012 amended Gothenburg Protocol in its entirety would be possible, although probably not before 2030/2040. Using the 2012 version of the Gothenburg Protocol as a reference for the first phase while reducing the number of provisions by focusing on the key categories and allowing additional derogations to avoid expensive retrofitting of existing installations, possibly combined with introduction of separate sections for current non-Parties in the technical annexes, could be a step forward. To facilitate ratification, the first phase of requirements should be realistic and take into account current barriers.

b. In summary, the first two phases for the technical annexes could be set as follows, aiming for a tiered approach over time, prioritizing key categories and establishing sets of minimum requirements in both phases:

Phase 1 (by 2030-2035)

- Keep the current technical annexes but (for EECCA, WB and TR) reduced/restricted to sets of minimum standards for the key source categories that can be achieved in a relatively short timeframe;
- Phase 1 could also focus on those annexes where current non-Parties have made the most progress (e.g. NO<sub>x</sub> and SO<sub>2</sub>);

Phase 2 (by 2035-2040)

- Focus on new stationary and mobile sources in the second phase;
- Set more stringent emission requirements (limit values) for new stationary and mobile sources on the basis of BAT by 2035. Allow easy updates of these commitments (via an expedited procedure) prior to 2035 to avoid them becoming outdated before they come into force;
- Apply more flexible measures/approaches than mandatory emission limit values to achieve further emission reductions for existing stationary and mobile sources, e.g. sector specific approaches such as sector specific reduction targets for existing installations, phase-out programmes, non-technical measures etc.;
- A possible risk of a phased commitment approach is that it may not speed up ratification, but rather delays it, in the event that a Party does not want to ratify until it is also certain that it can meet the requirements for the second or third phase. A focus on new sources in the subsequent phases, with sufficient flexibility to update, could reduce that risk;
- In setting the requirements for the second phase, account can be taken of the fact that EU candidate countries (WB countries) have already committed to gradually comply with EU environmental legislation as part of their EU accession process.

24. An alternative approach to both the staged ratification approach and the phased commitment approach, would be to use annex VII (timescales under article 3 of the Protocol), but in a (slightly) different way than currently applied (a so-called phased application approach). The timescales for application of the limit values could be set differently for new incoming Parties per annex (per pollutant): for example, annex IV (SO<sub>2</sub>) applicable from 2030, annex V (NO<sub>x</sub>) applicable from 2035, and so on (or the date of entry into force of the Protocol for the Party in question, whichever is later). A distinction can still be made between existing and new sources. At the same time, the number of technical provisions in the annexes could be reduced and other changes could be made as noted in paragraph 4 above. Further extension of timescales could possibly be declared upon ratification (similar to paragraph 4 of annex VII).

### III. Separate section approach

25. Currently, the technical annexes IV, V, VI, VIII, X and XI are divided into three sections: one for the EMEP region, one for Canada and one for the United States of America. The separate sections respect the difference in governance between the countries of these areas. One option is to also provide separate section(s), with their own requirements, for the EECCA countries, WB countries and TR.

26. Annex IX on the control of ammonia emissions from agricultural sources is not divided into different sections since, in accordance with article 3, it does not apply to Canada and the United States of America, since ammonia is (was) not considered a transboundary issue in North America. As for the other technical annexes, separate sections for EECCA countries, WB countries and TR could also be added in annex IX. An alternative (more drastic) option is to amend Article 3 so that annex IX (and possibly other technical annexes) would not apply to EECCA countries, WB countries and TR.

27. Several variations are conceivable to incorporate this approach, such as:

- a. Adding a separate section for EECCA countries, WB countries and TR (considered as one group) in each of the technical annexes;
- b. Adding a separate section for EECCA countries, WB countries and TR (considered as one group) in some of the technical annexes (e.g. only for the more complicated and challenging technical annexes such as for VOCs and mobile sources);
- c. Adding more than one separate section for EECCA countries, WB countries and TR in each or some of the technical annexes. So not considering the EECCA countries, WB countries and TR as one unified group, but making further distinctions where necessary, so for example considering Western Balkan countries and Türkiye separately from the EECCA countries, or even more disaggregated, to allow a truly tailor-made approach;
- d. Adding a new technical annex specific to EECCA countries, WB countries and TR, possibly with separate sections for sub-regions / groups of countries. The structure of this new annex may differ from the structure of current technical annexes and allow, e.g., subsections by sector.

28. Depending on the content and structure of the newly added sections, the options a, b and c mentioned in paragraph 27 may or may not require specific amendments to article 3 of the Protocol. Either way, it may certainly be useful to clarify in article 3 the division of the technical annexes into sections with different requirements and applicable to different subgroups. Option d in paragraph 27 will require several amendments and additions in article 3 of the Protocol, and possibly elsewhere in the text of the Protocol (e.g. article 15, paragraph 4).

29. A separate section approach could be combined with a staged ratification approach or a phased commitments approach and several options listed in paragraph 4 of this paper, in order to further remove potential barriers to ratification (e.g. reduce the number of technical provisions, focus on key emission sources, ...).

30. An easy-to-implement alternative to adding separate sections for EECCA countries, WB countries and TR is to keep the structure and (updated) content of the technical annexes, but expand the tables in section A of the annexes (containing the limit values) with an additional column on application /applicability. So as an example, table 1 of annex IV containing the limit values for SO<sub>2</sub> emissions released from combustion plants: add a fourth column to this table that provides information on the applicability/application of the limit values. E.g., this column could indicate which limit values do not apply to EECCA, WB and/or TR, or specify under which circumstances they do not apply.



#### IV. Sector-based approach

31. A sector-based approach could be achieved by reorganizing the technical annexes by sector (source category) instead of by pollutant. Currently, technical annexes IV, V, VI, IX and X contain emission limit values and standards by pollutant (SO<sub>2</sub>, NO<sub>x</sub>, VOC, NH<sub>3</sub> and PM respectively), covering different sectors per annex, although annex IX currently only covers agricultural sources. These five technical annexes are limited to stationary sources, as mobile sources are dealt with separately in technical annex VIII. Technical annex XI is a separate case and deals with limit values for the VOC content of products.

32. Many Parties to the Convention have domestic legislation to control air pollution by sector, with separate legislation, covering different pollutants, for specific sectors such as power generation, refineries, industrial plants, combustion plants, non-road mobile machinery, road transport, shipping, fugitive emissions, the agricultural sector, waste and so on. A restructuring of the technical annexes by sector would in a way reflect this common 'sector-based' practice. This would also be more in line with Guidance and BAT documents developed under the Convention and elsewhere.

33. A sector-based approach of the technical annexes would require a comprehensive revision of article 3, article 3bis and annex VII of the present Gothenburg Protocol, and amendments elsewhere in the text (e.g. article 13bis). This approach could be combined with other approaches (e.g. phased commitment approach, separate section approach) and with a reduction in the number of provisions for EECCA countries, WB countries and TR, more focus on key source categories and so on.

34. A sector-based approach could also be accompanied with sector specific emission reduction targets (or other sector specific measures/approaches) that complement or replace the emission limit values for that sector. Take as an example the power generation sector (large combustion plants) for which table 1 of current annexes IV, V and X set emission limit values for SO<sub>2</sub>, NO<sub>x</sub> and PM respectively. These tables could be bundled/merged into one new technical annex and complemented with new flexible transitional arrangements allowing, for example, alternative (individually designed) reduction pathways for existing plants, instead of mandatory emission limit values applicable to each existing plant (to some extent similar to current article 3bis).

## V. Individual commitment approach

35. An individual commitment approach for EECCA countries, WB countries and TR could be achieved in several ways. One option is to allow each of these states to submit, upon ratification of the Protocol, their own (supplementary) emission requirements to which they can/will commit (possibly supplementary to the minimum requirements already agreed to and included in the revised Protocol). These (supplementary) requirements could be mandatory or indicative, and be subject to review/scrutiny or not.

36. Inspired by current article 3, paragraph 11 (automatic incorporation of submitted emission reduction commitments by Canada and the US, upon ratification, into annex II), article 3, paragraph 11bis (automatic incorporation of emission limit values by Canada, upon ratification, into the technical annexes) and article 13, paragraph 1 (possibility of adding emission reduction commitments to annex II prior to/upon ratification), the following options could be considered for EECCA countries, WB countries and TR:

a. Emission reduction commitments

- Automatic incorporation of submitted emission reduction commitments upon ratification into annex II. These reduction commitments can be of mandatory or indicative nature and are to be added to the respective state name listed in the annex II tables. Automatic incorporation requires that the names of States are already included in the tables of Annex II, leaving blank spaces to fill in the base year emission levels and emission reduction percentages upon ratification, and possibly adding footnotes to provide further specifications/clarifications as necessary; or
- Adding names and emission reduction commitments to annex II prior to / upon ratification in accordance with article 13, paragraph 1 (adjustments). In line with the current provisions of article 13, this procedure would be subject to scrutiny and adoption by consensus at a session of the EB, as opposed to automatic incorporation that does not allow interference from / require approval by the other Parties. The article 13 procedure may result in a review by a technical body to assess the adequacy / ambition level of proposed emission reduction commitments;

b. Emission limit values

- Automatic incorporation of (supplementary) emission limit values into the technical annexes IV-VI and VIII-XI upon ratification, similar to the approach for Canada under article 3, paragraph 11 bis of the protocol.

37. Automatic incorporation of emission reduction commitments and emission limit values for EECCA countries, WB countries and TR would require amendments to article 3 of the protocol (see paragraphs 11 and 11bis of this article as examples). Adjustments to Annex II in accordance with article 13, paragraph 1 would not require further amendments as the current procedure should still be adequate.

38. An individual approach should not mean that all modalities and terms can be determined as one chooses. The use of uniform definitions, for example, remains appropriate: the distinction between what constitutes an existing and new emission source should be the same for each Party. Establishing a single definition of existing/new for a revised version of the Protocol will be particularly challenging, as this distinction shifts over time and may vary considerably in corresponding guidance documents and national legislation.

## Concluding considerations with respect to end-targets

39. The draft 2024-2025 workplan and the draft EB decision on launching negotiations to revise the Gothenburg Protocol consider collective risk-based target(s) to reduce risk to health and ecosystems in the UNECE region. One of the recommendations of the Saltsjöbaden 2023 Workshop is to define a target for reducing PM/ozone related mortality of 50% in the coming decades. The feasibility of a 50% health impact reduction target depends on several factors (base year, region-wide or state-by-state target, indicator used, etc.). Preliminary calculations using the GAINS model show that a 50% health reduction target (related to PM<sub>2.5</sub> exposure) seems feasible in the UNECE region as a whole, but that non-EU countries will struggle to meet such a target nationally.

40. In its presentation delivered at the 61<sup>st</sup> session of the WGSR (September 2023) IIASA indicated that the GAINS model is made ready to assess sectoral policies, such as the staged /phased approaches described in this paper. This will be further discussed at upcoming Convention meetings.

41. To enable the application of staged/phased approaches in relation to reaching certain concentration levels (PM<sub>2.5</sub>) or health impact reduction targets, new GAINS calculations should help EECCA countries, WB countries and TR to prioritize sectors/pollutants that would have most cost-effective emission reductions / health impact reductions (e.g. power generation, residential wood combustion, transport, ...). This can be done for baseline and optimized scenarios. An approach that differs per country (different timeline/pollutants/ ...) would require more communication and discussion with these countries.

42. Due consideration of the integrated multi-pollutant, multi-effect approach and synergies within a staged approach would be a challenge. In particular, it may be undesirable if each party chooses its own path within a tiered approach.

43. There are several possibilities with the GAINS model to explore the extent to which a staged/phased approach can help achieve predefined targets (e.g. a 50% health impact reduction target), such as, for example:

- a. GAINS could run several optimizations, each aimed at a different health reduction target (e.g. a 50% to 75% health reduction target), and show what each scenario would mean for sectoral emission reductions. That would probably give a mixed picture per country, but probably would also show some similarities. These scenarios would also provide optimized allocations of emissions reduction (per country);
- b. These GAINS runs would provide information on the sectors (source categories) and applied control strategies that yield the greatest reductions in emissions and health impacts and as such contribute the most to the optimized targets. That information could be used to prioritize the source categories to be covered in the technical annexes (to be addressed in the first stage/phase) and could be used as a basis for setting the emission limit values;
- c. A reiteration could be done by calculating a scenario on the basis of CLE and taking into account the derived emission limit values to see what health impact reduction would be achieved by a given end-date.;
- d. Another approach, instead of starting from optimization, is to examine the impact of key categories in GAINS on emissions and impacts with increased control scenarios for these categories, while keeping the control strategies for the other source categories at CLE level.