

# **EXPLANATORY MEMORANDUM ON THE AMENDMENT OF THE TEXT OF AND ANNEXES I, II, III, IV, VI AND VIII TO THE 1998 PROTOCOL ON PERSISTENT ORGANIC POLLUTANTS AND THE AMENDMENT OF THE TEXT OF AND ANNEXES OTHER THAN III AND VII TO THE 1998 PROTOCOL ON HEAVY METALS**

## **Title of the Convention**

The Amendment of the text of and annexes I, II, III, IV, VI and VIII to the 1998 Protocol on Persistent Organic Pollutants and the Amendment of the text of and annexes other than III and VII to the 1998 Protocol on Heavy Metals

**Command Paper Number:** 9571

## **Subject Matter**

This Explanatory Memorandum addresses the proposed ratification by the United Kingdom of the Amendments to two of the Protocols to the United Nations Economic Commission for Europe (UNECE) Convention on Long-Range Transboundary Air Pollution ("the Convention"). The Convention was concluded in 1979 and is the main international legal framework for addressing air pollution in the UNECE area. The two Protocols that have been amended concern Persistent Organic Pollutants (the POPs Protocol) and Heavy Metals (the Heavy Metals Protocol).

The Heavy Metals Protocol aims to reduce and control anthropogenic emissions into the air of lead, cadmium and mercury, with a view to protecting human health and the environment from these heavy metals. Following a review in 2010 and 2011, it was agreed in 2012 to establish a best available techniques (BAT) guidance document, to amend the protocol to adopt stricter emission limit values (ELVs) for dust emissions from certain major stationary sources and put in place flexible transitional arrangements to facilitate accession of new parties to the Protocol.

The Persistent Organic Pollutants Protocol aims to control, reduce or eliminate discharges, emissions and losses of persistent organic pollutants (which include chemicals such as DDT and pollutants such as dioxins). Following a review of the POPs protocol in 2008 and 2009, it was agreed to add new substances to its scope, to adapt it to future technology development and to facilitate accession by Parties with an economy in transition.

The amendments to both Protocols must be ratified by two thirds (34) of the Parties in order to enter into force. Currently, the amended HM Protocol has been ratified by 7 Parties, and the amended POPs Protocol has been ratified by 6 Parties.

The UK has been a party to the Convention since 1982, and ratified the original HM and POPs Protocols in 2005. The UK supported the amendments to the Protocols and is now proposing to

ratify the amendments. The EU is also a Party to the Convention and both protocols. The EU ratified both the amended HM Protocol and amended POPs Protocol on 24 June 2016.

## **Ministerial Responsibility**

The Secretary of State for the Environment has responsibility for policy matters relating to environmental quality, but air quality is a devolved policy area and Scotland, Northern Ireland, and Wales lead on policy implementation and development within their own territories. In international matters, the Secretary of State has responsibility for policy matters relating to environmental quality in consultation, as necessary, with the appropriate heads of department in Scotland, Northern Ireland, and Wales. The Secretary of State for Foreign and Commonwealth Affairs, and the Secretary of States for Transport, Business and Energy, and Health also have a policy interest.

## **Policy Considerations**

### **(i) General**

Emissions of air pollutants, including heavy metals and persistent organic pollutants, negatively impact on human health and the environment. Poor air quality is the largest environmental risk to public health in the UK. The Government recognises that more needs to be done to reduce air pollution and ensure a cleaner, healthier environment which benefits people and the economy. To address this, the UK is actively engaging at local, national, European and international level to improve air quality, which has improved significantly over recent decades through the regulatory frameworks successive Governments have put in place. Significant investment by industry in cleaner process and the shift in the UK fuel mix away from coal towards cleaner forms of energy have also been a key element in these improvements.

The Convention was set up to reduce emissions of harmful pollutants and combat long-range transboundary air pollution which has a significant impact on UK air quality. Coordinated action across the UNECE area is essential for the UK to improve air quality. The amendments made to the Protocols are already implemented in UK domestic legislation so the key benefit to the UK is improved UK air quality as a result of the requirements that apply to all Parties under the Convention. As a party to the Convention, the UK also has the opportunity to influence emissions ceilings, requirements and guidance under the Convention.

The amended Heavy Metals Protocol sets out, in particular, stricter limit values for emissions from certain major stationary sources, such as combustion plants and glass manufacturing plants, as well as flexible transitional arrangements designed to benefit Parties that will accede the amended Protocol before the end of 2019, including countries in Eastern and South-Eastern Europe.

The amended POPs Protocol adds seven new substances: hexachlorobutadiene, octabromodiphenyl ether, pentachlorobenzene, pentabromodiphenyl ether, perfluorooctane sulfonates, polychlorinated naphthalenes and short-chain chlorinated paraffins. Furthermore, the Parties revised obligations for DDT, heptachlor, hexachlorobenzene and PCBs as well as ELVs for waste incineration. As with the Heavy Metals Protocol, it provides flexibility regarding the time frames for the application of ELVs and BAT for certain Parties acceding to the Protocol as a means to encourage ratification.

The requirements of the amended Protocols are already implemented in UK domestic legislation. The requirements for the amendments to the Heavy Metals Protocol are met through existing emission source control legislation implementing the EU Industrial Emissions Directive (2010/75/EC) – namely through the Environmental Permitting (England and Wales) (Amendment) Regulations 2016 and through similar legislation in Scotland and Northern Ireland. The amended POPs Protocol is implemented through legislation implementing the EU Industrial Emissions Directive and the Regulation on Persistent Organic Pollutants (850/2004) transposed in the UK through the Persistent Organic Pollutants Regulations 2007.

**(ii) Financial**

As the requirements in the amended Protocols are already met through existing EU law, we do not anticipate any financial implications from ratification. The UK is already a Party to the Convention, so there will be no additional subscriptions.

**(iii) Reservations and Declarations**

N/A.

**Implementation**

In the UK, the requirements of the amended Protocol are already implemented. As such no further measures are required.

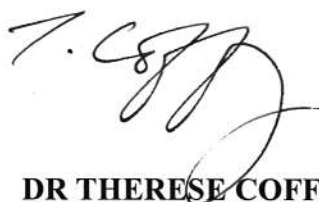
The Protocols include reporting obligations and the expansion of the POPs Protocol means these apply to additional pollutants. The UK already compiles reports to meet our obligations through the UK National Atmospheric Emissions Inventory. The revised National Emission Ceilings Directive (2016/2284) has brought EU and international obligations relating to national emissions inventories into line to improve implementation.

**Consultation**

No consultation was undertaken for this proposal as the requirements are already implemented in domestic law.

**Contact**

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