

**EXPLANATORY MEMORANDUM ON THE AMENDMENT OF ANNEX I TO THE 1999 PROTOCOL TO ABATE ACIDIFICATION, EUTROPHICATION AND GROUND-LEVEL OZONE AND THE AMENDMENT OF THE TEXT OF AND ANNEXES II TO IX TO THE 1999 PROTOCOL TO ABATE ACIDIFICATION, EUTROPHICATION AND GROUND-LEVEL OZONE AND THE ADDITION OF NEW ANNEXES X AND XI**

**Title of the Treaty**

- Amendment of Annex I to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone and the Amendment of the text of and Annexes II to IX to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone and the addition of new Annexes X and XI

**Command Paper Number:** 9616

**Subject Matter**

This Explanatory Memorandum addresses the proposed acceptance by the United Kingdom of the Amendment to the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (“the Gothenburg Protocol”) to the 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 Gothenburg Protocol promotes a multi-pollutant approach to prevent or minimise exceedances of critical loads of acidity and nutrient nitrogen and critical levels of ozone for human health and vegetation. To this effect, the 1999 Protocol set national emission ceilings for each Party to be met by 2010 and thereafter for the following four air pollutants: sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and non-methane volatile organic compounds (VOCs). To support the achievement of the national emission ceilings, the Annexes of the Protocol also establish emission limit values to control emissions of air pollutants generated at source from relevant categories of stationary and mobile sources.

Following a review from 2005 to 2007, Parties opened negotiations in 2007 with a view to amending the Protocol. The amended Protocol sets 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<sub>2.5</sub>). It also promotes emission reductions for black carbon (a component of particulate matter), updates the source-specific emission limit values set in the Protocol Annexes, establishes new standards on the content of non-methane volatile organic compounds in products, and comprehensively sets out the reporting obligations of Parties regarding the emissions of air pollutants.

The amendment to the Protocol must be formally accepted by two thirds (18) of the Parties in order to enter into force. As of April 2018, the amended Protocol has been ratified by 10 Parties.

The UK has been a Party to the Convention since 1982, and ratified the original Protocol in 2005. The UK supported the amendments to the Protocol and is now proposing to formally accept the amended Protocol. The EU is also a Party to the Convention and the Protocol. The EU ratified the amended Protocol on 30 August 2017.

### **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 leads of department in Scotland, Northern Ireland and Wales. The Secretary of State for Foreign and Commonwealth Affairs, and the Secretaries of State for Transport, Business and Energy, and Health also have a policy interest.

### **Policy Consideration**

#### **(i) General**

Emissions of air 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. Coordinated action across the UNECE area is essential for the UK to improve air quality. The key benefit to the UK of acceptance is improved UK air quality as a result of the requirements that apply to all Parties under the Convention.

The amended Protocol sets, in particular, ambitious emission reduction commitments for five damaging air pollutants to be achieved from 2020 and thereafter. It also sets stricter limit values for emissions from new and existing major stationary sources, such as combustion plants, and iron and steel manufacturing plants, as well as flexible transitional arrangements designed to benefit Parties that will acceded the amended Protocol before the end of 2019, including countries in Eastern and South-Eastern Europe.

The requirements of the amended Protocol are already implemented in domestic legislation. Emission reduction commitments are implemented through the National Emission Ceilings Regulations 2018, which implement the National Emission Ceilings Directive (2016/2284/EC) although the Directive and Regulations also set further ambitious emission reductions to be achieved from 2030 and beyond. The UK will shortly publish a Clean Air Strategy which will set out how we will work towards meeting these commitments.

Source-specific requirements of the amended Protocol are met through existing emission source control legislation implementing the 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. Some source specific emission limit values are implemented through Commission Implementing Decisions on Best Available Technique (BAT) conclusions, in combination with the obligation under the Industrial Emissions Directive to make use of sector-specific BATs in operating industrial installations.

Further specific requirements of the amended Protocol are implemented through legislation implementing the Medium Combustion Plants Directive (2015/2193/EC), Petrol Vapour Recovery Directives (94/63/EC and 2009/126/EC), Commission Regulations 692/2008 and 2017/1151 on type approval of motor vehicles, Directive 2002/51/EC, Non-road Mobile Machinery Directives (97/68/EC, 2002/88/EC, 2004/26/EC, 2006/105/EC, 2010/28/EU, 2011/88/EU, and 2012/46/EU), Implementing Directive 2013/53/EU, Ecodesign Directive 2009/125/EC, Commission Regulation 2015/189, and Directive 2004/42/EC on VOCs content in paints, varnishes and vehicle refinishing products.

**(ii) Financial**

As the requirements in the amended Protocol are already met through existing EU and domestic legislation, 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**

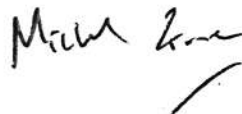
N/A

**Implementation**

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

**Consultation**

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



**RT HON MICHAEL GOVE MP**

**Secretary of State**

**Department for Environment, Food and Rural Affairs**