# COMMISSION OF THE EUROPEAN COMMUNITIES

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PROPOSAL FOR A COUNCIL DECISION
ON THE CONCLUSION OF THE CONVENTION ON LANG-RANGE
TRANSBOUNDARY AIR POLLUTION

(submitted to the Council by the Commission)

# PROPOSAL FOR A COUNCIL DECISION

## on the conclusion of the Convention on long-range transboundary air pollution

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAVING regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

HAVING regard to the proposal from the Commission,

HAVING regard to the Opinion of the European Parliament,

HAVING regard to the Opinion of the Economic and Social Committee,

WHEREAS the aim of the Community environment policy as stated in the Council declaration of 22 November 1973 on the programme of action of the European Communities on the Environment (1), supplemented by the resolution of the Council of the European Communities and of the representatives of the Governments of the Member States meeting within the Council of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment (2), is to improve the setting and quality of life, and the surroundings and living conditions of the peoples of the Community, by, inter alia, preventing, reducing and as far as possible, eliminating pollution and nuisances as well as seeking common solutions to environment problems with states outside the Community, particularly in international organisations;

WHEREAS one of the principles of this Community environment policy is that, in accordance with the declaration of the United Nations Conference on the Human Environment adopted in Stockholm in 1972, care should be taken to ensure that activities carried out in one State do not cause any degradation of the environment in another ;

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(1) OJ N° C 112, 20.12.1973, p. 1
(2) OJ N° C 139, 13.6.1977, p. 1

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WHEREAS the Community has therefore participated in the negotiations within the framework of the Economic Commission for Europe of a Convention and Resolution on long-range transboundary air pollution.

WHEREAS the Community has on signed the Convention on long-range transboundary air pollution and approved the Resolution on long-range transboundary air pollution in which the signatories to the Convention decided to initiate the provisional implementation of the Convention, within the framework of the ECE on an interim basis, and to undertake to carry out the obligations of the Convention to the maximum extent possible pending its entry into force.

WHEREAS it is necessary for the Community to conclude this Convention in order to achieve one of the Community's objectives in the field of the protection of the environment and of the quality of life; and whereas the Treaty has not provided the necessary powers for the conclusion of this Convention;

HAS DECIDED AS FOLLOWS :

Article 1

The Convention on long-range transboundary air pollution is hereby approved on behalf of the European Economic Community.
The texts of the Convention and of the Resolution on long-range transboundary air pollution are annexed to this Decision.

Article 2

The President of the Council shall deposit the act as provided in Article 15 of the Convention (1).

For the Council

The President

(1) The date of entry into force of the Convention will be published in the Official Journal of the European Communities.

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# DRAFT CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION

The Parties to the present Convention,

Determined to promote relations and co-operation in the field of environmental protection,

Aware of the significance of the activities of the United Nations Economic Commission for Europe in strengthening such relations and co-operation, particularly in the field of air pollution including long-range transport of air pollutants,

Recognizing the contribution of the Economic Commission for Europe to the multilateral implementation of the pertinent provisions of the Final Act of the Conference on Security and Co-operation in Europe,

Cognizant of the references in the chapter on environment of the Final Act of the Conference on Security and Co-operation in Europe calling for co-operation to control air pollution and its effects, including long-range transport of air pollutants, and to the development through international co-operation of an extensive programme for the monitoring and evaluation of long-range transport of air pollutants, starting with sulphur dioxide and with possible extension to other pollutants,

Considering the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which expresses the common conviction that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Recognizing the existence of possible adverse effects, in the short and long term, of air pollution including transboundary air pollution,

Concerned that a rise in the level of emissions of air pollutants within the region as forecast may increase such adverse effects,

Recognizing the need to study the implications of the long-range transport of air pollutants and the need to seek solutions for the problems identified,

Affirming their willingness to reinforce active international co-operation to develop appropriate national policies and by means of exchange of information, consultation, research and monitoring, to co-ordinate national action for combating air pollution including long-range transboundary air pollution,

have agreed as follows:

## Definitions

Article 1

For the purposes of the present Convention:

(a) "air pollution" means the introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material property and impair or interfere with amenities and other legitimate uses of the environment, and "air pollutants" shall be construed accordingly;

(b) "long-range transboundary air pollution" means air pollution whose physical origin is situated wholly or in part within the area under the national jurisdiction of one State and which has adverse effects in the area under the jurisdiction of another State at such a distance that it is not generally possible to distinguish the contribution of individual emission sources or groups of sources.

## Fundamental principles

Article 2

The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution.

Article 3

The Contracting Parties, within the framework of the present Convention, shall by means of exchanges of information, consultation, research and monitoring, develop without undue delay policies and strategies which shall serve as a means of combating the discharge of air pollutants, taking into account efforts already made at national and international levels.

Article 4

The Contracting Parties shall exchange information on and review their policies, scientific activities and technical measures aimed at combating, as far as possible, the discharge of air pollutants which may have adverse effects, thereby contributing to the reduction of air pollution including long-range transboundary air pollution.

Article 5

Consultations shall be held, upon request, at an early stage between, on the one hand, Contracting Parties which are actually affected by or exposed to a significant risk of long-range transboundary air pollution and, on the other hand, Contracting Parties within which and subject to whose jurisdiction a significant contribution to long-range transboundary air pollution originates, or could originate, in connexion with activities carried on or contemplated therein.

Air quality management

Article 6

Taking into account articles 2 to 5, the ongoing research, exchange of information and monitoring and the results thereof, the cost and effectiveness of local and other remedies and, in order to combat air pollution, in particular that originating from new or rebuilt installations, each Contracting Party undertakes to develop the best policies and strategies including air quality management systems and, as part of them, control measures compatible with balanced development, in particular by using the best available technology which is economically feasible and low- and non-waste technology.

Research and development

Article 7

The Contracting Parties, as appropriate to their needs, shall initiate and co-operate in the conduct of research into and/or development of:

(a) existing and proposed technologies for reducing emissions of sulphur compounds and other major air pollutants, including technical and economic feasibility, and environmental consequences;

(b) instrumentation and other techniques for monitoring and measuring emission rates and ambient concentrations of air pollutants;

improved models for a better understanding of the transmission of long-range transboundary air pollutants;

(b) the effects of sulphur compounds and other major air pollutants on human health and the environment, including agriculture, forestry, materials, aquatic and other natural ecosystems and visibility, with a view to establishing a scientific basis for dose/effect relationships designed to protect the environment;

(c) the economic, social and environmental assessment of alternative measures to attain environmental objectives including the reduction of long-range transboundary air pollution;

(d) education and training programmes related to the environmental aspects of pollution by sulphur compounds and other major air pollutants.

## Exchange of information

Article 8

The Contracting Parties, within the framework of the Executive Body referred to in article 10 and bilaterally, shall, in their common interests, exchange available information on:

(a) data on emissions at periods of time to be agreed upon, of agreed air pollutants, starting with sulphur dioxide, coming from grid-units of agreed size; or on the fluxes of agreed air pollutants, starting with sulphur dioxide, across national borders, at distances and at periods of time to be agreed upon;

(b) major changes in national policies and in general industrial development, and their potential impact, which would be likely to cause significant changes in long-range transboundary air pollution;

(c) control technologies for reducing air pollution relevant to long-range transboundary air pollution;

(d) the projected cost of the emission control of sulphur compounds and other major air pollutants on a national scale;

(e) meteorological and physico-chemical data relating to the processes during transmission;

(f) physico-chemical and biological data relating to the effects of long-range transboundary air pollution and the extent of the damage 1/ which these data indicate can be attributed to long-range transboundary air pollution;

(g) national, subregional and regional policies and strategies for the control of sulphur compounds and other major air pollutants.

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1/ The present Convention does not contain a rule on state liability as to damage.

Implementation and further development of the Co-operative Programme for the Monitoring and Evaluation of the long-range Transmission of Air Pollutants in Europe

Article 9

The Contracting Parties stress the need for the implementation of the existing "Co-operative programme for the monitoring and evaluation of the long-range transmission of air pollutants in Europe" (hereinafter referred to as EMEP) and, with regard to the further development of this programme, agree to emphasize:

(a) the desirability of Contracting Parties joining in and fully implementing EMEP which, as a first step, is based on the monitoring of sulphur dioxide and related substances;

(b) the need to use comparable or standardized procedures for monitoring whenever possible;

(c) The desirability of basing the monitoring programme on the framework of both national and international programmes. The establishment of monitoring stations and the collection of data shall be carried out under the national jurisdiction of the country in which the monitoring stations are located;

(d) The desirability of establishing a framework for a co-operative environmental monitoring programme, based on and taking into account present and future national, subregional, regional and other international programmes;

(e) the need to exchange data on emissions at periods of time to be agreed upon, of agreed air pollutants, starting with sulphur dioxide, coming from grid-units of agreed size; or on the fluxes of agreed air pollutants, starting with sulphur dioxide, across national borders, at distances and at periods of time to be agreed upon. The method, including the model, used to determine the fluxes, as well as the method, including the model, used to determine the transmission of air pollutants based on the emissions per grid unit, shall be made available and periodically reviewed, in order to improve the methods and the models;

(f) their willingness to continue the exchange and periodic updating of national data on total emissions of agreed air pollutants, starting with sulphur dioxide;

(g) the need to provide meteorological and physico-chemical data relating to processes during transmission;

(h) the need to monitor chemical components in other media such as water, soil and vegetation, as well as a similar monitoring programme to record effects on health and environment;

(i) the desirability of extending the national EMEP networks to make them operational for control and surveillance purposes.

Executive Body

Article 10

1. The representatives of the Contracting Parties shall, within the framework of the Senior Advisers to ECE Governments on Environmental Problems, constitute the Executive Body of the present Convention, and shall meet at least annually in that capacity.

2. The Executive Body shall:

(a) review the implementation of the present Convention;

(b) establish, as appropriate, working groups to consider matters related to the implementation and development of the present Convention and to this end to prepare appropriate studies and other documentation and to submit recommendations to be considered by the Executive Body;

(c) fulfil such other functions as may be appropriate under the provisions of the present Convention.

3. The Executive Body shall utilize the Steering Body for the EMEP to play an integral part in the operation of the present Convention, in particular with regard to data collection and scientific co-operation.

4. The Executive Body, in discharging its functions, shall, when it deems appropriate, also make use of information from other relevant international organizations.

Secretariat

Article 11

The Executive Secretary of the Economic Commission for Europe shall carry out, for the Executive Body, the following secretariat functions:

(a) to convene and prepare the meetings of the Executive Body;

(b) to transmit to the Contracting Parties reports and other information received in accordance with the provisions of the present Convention;

(c) to discharge the functions assigned by the Executive Body.

## Amendments to the Convention

Article 12

1. Any Contracting Party may propose amendments to the present Convention.

2. The text of proposed amendments shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate them to all Contracting Parties. The Executive Body shall discuss proposed amendments at its next annual meeting, provided that such proposals have been circulated by the Executive Secretary of the Economic Commission for Europe to the Contracting Parties at least ninety days in advance.

3. An amendment to the present Convention shall be adopted by consensus of the representatives of the Contracting Parties, and shall enter into force for the Contracting Parties which have accepted it on the ninetieth day after the date on which two-thirds of the Contracting Parties have deposited their instruments of acceptance with the depositary. Thereafter, the amendment shall enter into force for any other Contracting Party on the ninetieth day after the date on which that Contracting Party deposits its instrument of acceptance of the amendment.

## Settlement of disputes

Article 13

If a dispute arises between two or more Contracting Parties to the present Convention as to the interpretation or application of the Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

## Signature

Article 14

1. The present Convention shall be open for signature at the United Nations Office at Geneva from 13 to 15 November 1979 on the occasion of the High-level Meeting within the framework of the Economic Commission for Europe on the Protection of the Environment, by the member States of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe, pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations, constituted by sovereign States members of the Economic Commission for Europe, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the present Convention.

2. In matters within their competence, such regional economic integration organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which the present Convention attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Ratification, acceptance, approval and accession

Article 15

1. The present Convention shall be subject to ratification, acceptance or approval.

2. The present Convention shall be open for accession as from 17 November 1979 by the States and organizations referred to in article 14, paragraph 1.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who will perform the functions of the depositary.

Entry into force

Article 16

1. The present Convention shall enter into force on the ninetieth day after the date of deposit of the twenty-fourth instrument of ratification, acceptance, approval or accession.

2. For each Contracting Party which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the twenty-fourth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

Withdrawal

Article 17

At any time after five years from the date on which the present Convention has come into force with respect to a Contracting Party, that Contracting Party may withdraw from the Convention by giving written notification to the depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the depositary.

## Authentic texts

### Article 18

The original of the present Convention, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Convention.

DONE at ....., this .....day of..... one thousand nine hundred and ..... .

In the name of .....:

# DRAFT RESOLUTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION

The Signatories to the Convention on Long-range Transboundary Air Pollution of ... November 1979,

1. Decide that they shall, within the framework of the Economic Commission for Europe and the Senior Advisers to ECE Governments on Environmental Problems, initiate, as soon as possible and on an interim basis, the provisional implementation of the Convention on Long-range Transboundary Air Pollution; they undertake to carry out the obligations arising from the Convention to the maximum extent possible pending its entry into force;

2. Agree that the necessary authority should be given to the Economic Commission for Europe and to its Executive Secretary to provide for a sufficient secretariat and, in the framework of the existing budgetary structure, for the appropriate financial means;

3. Further decide to develop without delay further co-operation in problem areas within the scope of the Convention. In particular they will seek to bring closer together their policies and strategies for combating air pollution including long-range transboundary air pollution;

4. Declare that such strategies and policies shall be aimed at limiting and as far as possible gradually reducing and preventing air pollution, including long-range transboundary air pollution. These shall be implemented progressively and the designated competent body shall review regularly the progress achieved at national level. To this end the signatories will attach highest priority to the completion of a document setting out the strategies and policies of each of the signatories for the abatement of air pollution caused by sulphur compounds.

lg/oes/79/8(b)

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DRAFT DECLARATION ON LOW- AND NON-WASTE TECHNOLOGY AND RE-UTILIZATION AND RECYCLING OF WASTES

The States participating in the High-level Meeting on the Protection of the Environment,

Determined to promote relations and co-operation in the field of environmental protection,

Conscious of the significance of the activities of the United Nations Economic Commission for Europe in strengthening such relations and co-operation,

Recalling the contribution of ECE to the multilateral implementation of the pertinent provisions of the Final Act of the Conference on Security and Co-operation in Europe,

Cognizant of the importance that, in accordance with the Chapter on Environment of the Final Act, economic development and technological progress must be compatible with the protection of the environment and that damage to the environment is best avoided by preventive measures,

Bearing in mind the need for development of low- and non-waste technology and re-utilization and recycling of wastes,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, particularly with regard to the need to achieve a more rational management of resources and thus to improve the environment,

Convinced that raw materials and energy should be used in a rational manner,

Taking into account the results of the ECE Seminar on Non-waste Technology and Production (Paris, 1976) which, inter alia, defined non-waste technology as "the practical application of knowledge, methods and means, so as - within the needs of man - to provide the most rational use of natural resources and energy, and to protect the environment",

Mindful that low- and non-waste technology and re-utilization and recycling of wastes would help to prevent environmental damage, as such technology could reduce or eliminate waste products which otherwise pollute the environment,

Convinced that low- and non-waste technology and re-utilization and recycling of wastes which provides for a more rational use of energy and raw materials would preserve precious non-renewable resources and prevent over-utilization of renewable resources,

Affirming the importance of considering the entire life-cycle of a product, from extraction of raw materials to consumption and final disposal or recycling,

Recognizing the need that decisions on moving towards low- and non-waste technology should take into account the implications of environmental, economic and social factors associated with such moves,

Noting that ECE activities are part of a broader programme for development of environmentally sound and appropriate technologies, under the auspices of UNEP in co-operation with other international organizations, and would be of interest and value to other regions of the world,

1. Declares its intent to protect man and his environment and to use resources rationally by promoting low- and non-waste technology and re-utilization and recycling of wastes;

2. States that the overriding objectives of low- and non-waste technology and re-utilization and recycling of wastes are environmental protection and rational use of resources;

3. Considers that ways and means for the application of such technologies could include, inter alia:

(a) the promotion of low- and non-waste technology and re-utilization and recycling of wastes through:

(i) reduction of the generation of wastes and the emission of pollutants in the various production and consumption cycles by:

(a) using improved industrial processes when setting up new, or transforming existing units of production;

(b) designing products particularly to increase durability and facilitate repair and re-utilization, whenever appropriate;

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(ii) recovery, re-use and valorization of wastes, inter alia, by:

(a) recovering valuable substances and materials from industrial effluents and combustion gases;

(b) making better use of the energy content of wastes and residuals;

(iii) re-utilization of larger quantities of wastes as "secondary" raw materials in other production processes;

(iv) rational use of raw materials in the production process and throughout the whole life-cycle of products; and substitution of readily available raw materials for those becoming depleted;

(v) rational use of energy resources in energy producing and energy utilizing processes and, whenever practicable, re-use of waste energy;

(b) evaluation of the industrial application of low- and non-waste technology to optimize the use of raw materials and energy, including possibilities for recovery, recycling and economic efficiency, while taking into account environmental and social consequences;

(c) national and international action to support the application of low- and non-waste technology by inter alia research and development, education, socio-economic incentives, exchange of information, and transfer of technology;

4. Recommend the following national action:

(a) promotion of research and development activities with regard to, inter alia:

- development of methods for the assessment of economic, social and environmental impacts of low- and non-waste technology and re-utilization and recycling of wastes applicable in countries with different economic and social systems;
- development of low- and non-waste technology and re-utilization and recycling of wastes in, inter alia, the following sectors: pulp and paper, iron and steel, chemicals, mining, non-ferrous metals, metal plating and surface treatment of metals, fertilizers and food processing (this list of industrial sectors is neither exhaustive nor restrictive);

- the study of those industrial sectors that are generating potentially toxic wastes;
- methods which would be most relevant with regard to energy savings;

(b) incentives for low- and non-waste technology and re-utilization and recycling of wastes through, inter alia:

- study of ways and means to make public opinion more aware of the concept of low- and non-waste technology by disseminating information, and by promoting attitudes in favour of rational use of natural resources;
- listing of incentives for, and constraints to, the development of low- and non-waste technology and re-utilization and recycling of wastes;
- collection and analysis of information on practical experiences in the use of incentives and in overcoming obstacles;
- investigation of the social and economic impact of various incentives and constraints with the aid of economic models;
- initiation of studies on, and experiments with, different types of incentives based on legislation, regulations and standards, and economic measures;

(c) inter-industry technology transfer and industrial interaction:

- promotion of transfer of technology between different industrial sectors;
- industrial interaction in order to optimize production processes and to assist recycling and re-utilization of wastes;
- promotion of the utilization of wastes as secondary materials in industrial processes;

(d) inclusion of the concept of low- and non-waste technology and re-utilization and recycling of wastes in educational programmes at all levels, including in particular those concerned with teaching;

- explanation of the role of low- and non-waste technology in resource conservation and environmental protection;
- emphasis, in technical and industrial education, on programmes for low- and non-waste production processes and products designed to reduce waste and render recycling effective;

5. Recommend the following international co-operative activities within the framework of ECE:

(a) support for research and development activities related to:

- international co-operative pilot projects and other joint research projects;
- further development of on-going activities related to the development of methodologies for comparison and evaluation of various technologies;
- elaboration of a unified classification of wastes (e.g. paper, plastics, textiles);

(b) exchange of scientific and technical information and co-operation at the international level through:

- further development of the current compilation of a compendium on low- and non-waste technology with a view to setting up an international data bank for information on low- and non-waste technology and re-utilization and recycling of wastes while fully respecting the need to protect proprietary information;
- arrangement of international seminars on various aspects of low- and non-waste technology and re-utilization and recycling of wastes, including economic and ecological aspects;
- encouragement to transfer of technology by means of conventional economic measures, through existing commercial channels, taking into account the interests of ECE countries that are developing from an economic point of view, making use of the information contained in the data bank, which might be appropriate;
- exchange of information on national experience concerning incentives for the promotion of low- and non-waste technology and re-utilization and recycling of wastes;

(c) organization of activities concerning international waste exchanges:

- collection and analysis of information on the economic, technical, environmental and social impact of existing waste exchanges;
- investigation of possibilities to expand the network of subregional waste exchanges and co-operation between national and subregional exchanges; these activities should be complementary to initiatives already taken, inter alia, by industry or associations of industry or commerce;

(d) organization of international post-graduate courses on low- and non-waste technology and re-utilization and recycling of wastes, which should be as far as possible, self-supporting or financed by existing mechanisms;

6. Recommends, within the framework of ECE, to set up a body on low- and non-waste technology and re-utilization and recycling of wastes to be entrusted with the development of organizational, scientific and technical questions relating to low- and non-waste technology and re-utilization and recycling of wastes. This body should be a working party of national experts under the authority of the Senior Advisers to ECE Governments on Environmental Problems and should undertake, inter alia, the following tasks, taking into account activities of other Principal Subsidiary Bodies of ECE and of other international organizations to avoid unnecessary duplication of work:

(a) to exchange information on the items mentioned under 4 and 5 above;

(b) to consider the publication of a scientific and technical review for the promotion and development of low- and non-waste technology and re-utilization and recycling of wastes; and

(c) to make recommendations to the Senior Advisers to ECE Governments on Environmental Problems on activities relating to low- and non-waste technology and re-utilization and recycling of wastes, always recognizing the need to take full account of the implications of environmental, economic and social factors.

Geneva, .....