LONG-RANGE TRANSBOUNDARY AIR POLLUTION

Protocol Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS

Done at Gothenburg November 30, 1999



AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

MULTILATERAL

Long-Range Transboundary Air Pollution

Protocol done at Gothenburg November 30, 1999;
Entered into force May 17, 2005.

PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION TO ABATE ACIDIFICATION, EUTROPHICATION AND GROUND-LEVEL OZONE



UNITED NATIONS
1999

The Parties,

Determined to implement the Convention on Long-range Transboundary Air Pollution,

Aware that nitrogen oxides, sulphur, volatile organic compounds and reduced nitrogen compounds have been associated with adverse effects on human health and the environment,

Concerned that critical loads of acidification, critical loads of nutrient nitrogen and critical levels of ozone for human health and vegetation are still exceeded in many areas of the United Nations Economic Commission for Europe's region,

Concerned also that emitted nitrogen oxides, sulphur and volatile organic compounds, as well as secondary pollutants such as ozone and the reaction products of ammonia, are transported in the atmosphere over long distances and may have adverse transboundary effects,

Recognizing that emissions from Parties within the United Nations Economic Commission for Europe's region contribute to air pollution on the hemispheric and global scales, and recognizing the potential for transport between continents and the need for further study with regard to that potential,

Recognizing also that Canada and the United States of America are bilaterally negotiating reductions of emissions of nitrogen oxides and volatile organic compounds to address the transboundary ozone effect,

Recognizing furthermore that Canada will undertake further reductions of emissions of sulphur by 2010 through the implementation of the Canada-wide Acid Rain Strategy for Post-2000, and that the United States is committed to the implementation of a nitrogen oxides reduction programme in the eastern United States and to the reduction in emissions necessary to meet its national ambient air quality standards for particulate matter,

Resolved to apply a multi-effect, multi-pollutant approach to preventing or minimizing the exceedances of critical loads and levels,

Taking into account the emissions from certain existing activities and installations responsible for present air pollution levels and the development of future activities and installations,

Aware that techniques and management practices are available to reduce emissions of these substances,

Resolved to take measures to anticipate, prevent or minimize emissions of these substances, taking into account the application of the precautionary approach as set forth in principle 15 of the Rio Declaration on Environment and Development,

Reaffirming 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 and developmental 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,

Conscious of the need for a cost-effective regional approach to combating air pollution that takes account of the variations in effects and abatement costs between countries,

Noting the important contribution of the private and non-governmental sectors to knowledge of the effects associated with these substances and available abatement techniques, and their role in assisting in the reduction of emissions to the atmosphere,

Bearing in mind that measures taken to reduce emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international competition and trade,

Taking into consideration best available scientific and technical knowledge and data on emissions, atmospheric processes and effects on human health and the environment of these substances, as well as on abatement costs, and acknowledging the need to improve this knowledge and to continue scientific and technical cooperation to further understanding of these issues,

Noting that under the Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes, adopted at Sofia on 31 October 1988, and the Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, adopted at Geneva on 18 November 1991, there is already provision to control emissions of nitrogen oxides and volatile organic compounds, and that the technical annexes to both those Protocols already contain technical guidance for reducing these emissions,

Noting also that under the Protocol on Further Reduction of Sulphur Emissions, adopted at Oslo on 14 June 1994, there is already provision to reduce sulphur emissions in order to contribute to the abatement of acid deposition by diminishing the exceedances of critical sulphur depositions, which have been derived from critical loads of acidity according to the contribution of oxidized sulphur compounds to the total acid deposition in 1990,

Noting furthermore that this Protocol is the first agreement under the Convention to deal specifically with reduced nitrogen compounds,

Bearing in mind that reducing the emissions of these substances may provide additional benefits for the control of other pollutants, including in particular transboundary secondary particulate aerosols, which contribute to human health effects associated with exposure to airborne particulates,

Bearing in mind also the need to avoid, in so far as possible, taking measures for the achievement of the objectives of this Protocol that aggravate other health and environment-related problems,

Noting that measures taken to reduce the emissions of nitrogen oxides and ammonia should involve consideration of the full biogeochemical nitrogen cycle and, so far as possible, not increase emissions of reactive nitrogen including nitrous oxide which could aggravate other nitrogen-related problems,

Aware that methane and carbon monoxide emitted by human activities contribute, in the presence of nitrogen oxides and volatile organic compounds, to the formation of tropospheric ozone, and

Aware also of the commitments that Parties have assumed under the United Nations Framework Convention on Climate Change,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of the present Protocol,

1. "Convention" means the Convention on Long-range Transboundary Air Pollution, adopted at Geneva on 13 November 1979;

2. "EMEP" means the Cooperative Programme for Monitoring and Evaluation of Long-range Transmission of Air Pollutants in Europe;

3. "Executive Body" means the Executive Body for the Convention constituted under article 10, paragraph 1, of the Convention;

4. "Commission" means the United Nations Economic Commission for Europe;

5. "Parties" means, unless the context otherwise requires, the Parties to the present Protocol;

6. "Geographical scope of EMEP" means the area defined in article 1, paragraph 4, of the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), adopted at Geneva on 28 September 1984;

7. "Emission" means the release of a substance from a point or diffuse source into the atmosphere;

8. "Nitrogen oxides" means nitric oxide and nitrogen dioxide, expressed as nitrogen dioxide (NO_2);

9. "Reduced nitrogen compounds" means ammonia and its reaction products;

10. "Sulphur" means all sulphur compounds, expressed as sulphur dioxide (SO_2);

11. "Volatile organic compounds", or "VOCs", means, unless otherwise specified, all organic compounds of an anthropogenic nature, other than methane, that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight;

12. "Critical load" means a quantitative estimate of an exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur, according to present knowledge;

13. "Critical levels" means concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur, according to present knowledge;

14. "Pollutant emissions management area", or "PEMA", means an area designated in annex III under the conditions laid down in article 3, paragraph 9;

15. "Stationary source" means any fixed building, structure, facility, installation or equipment that emits or may emit sulphur, nitrogen oxides, volatile organic compounds or ammonia directly or indirectly into the atmosphere;

16. "New stationary source" means any stationary source of which the construction or substantial modification is commenced after the expiry of one year from the date of entry into force of the present Protocol. It shall be a matter for the competent national authorities to decide whether a modification

is substantial or not, taking into account such factors as the environmental benefits of the modification.

Article 2

OBJECTIVE

The objective of the present Protocol is to control and reduce emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds that are caused by anthropogenic activities and are likely to cause adverse effects on human health, natural ecosystems, materials and crops, due to acidification, eutrophication or ground-level ozone as a result of long-range transboundary atmospheric transport, and to ensure, as far as possible, that in the long term and in a stepwise approach, taking into account advances in scientific knowledge, atmospheric depositions or concentrations do not exceed:

(a) For Parties within the geographical scope of EMEP and Canada, the critical loads of acidity, as described in annex I;

(b) For Parties within the geographical scope of EMEP, the critical loads of nutrient nitrogen, as described in annex I; and

(c) For ozone:

(i) For Parties within the geographical scope of EMEP, the critical levels of ozone, as given in annex I;

(ii) For Canada, the Canada-wide Standard for ozone; and

(iii) For the United States of America, the National Ambient Air Quality Standard for ozone.

Article 3

BASIC OBLIGATIONS

1. Each Party having an emission ceiling in any table in annex II shall reduce and maintain the reduction in its annual emissions in accordance with that ceiling and the timescales specified in that annex. Each Party shall, as a minimum, control its annual emissions of polluting compounds in accordance with the obligations in annex II.

2. Each Party shall apply the limit values specified in annexes IV, V and VI to each new stationary source within a stationary source category as identified in those annexes, no later than the timescales specified in annex VII. As an alternative, a Party may apply different emission reduction strategies that achieve equivalent overall emission levels for all source categories together.

3. Each Party shall, in so far as it is technically and economically feasible and taking into consideration the costs and advantages, apply the limit values specified in annexes IV, V and VI to each existing stationary source within a stationary source category as identified in those annexes, no later than the timescales specified in annex VII. As an alternative, a Party may apply different emission reduction strategies that achieve equivalent overall emission levels for all source categories together or, for Parties outside the geographical scope of EMEP, that are necessary to achieve national or regional goals for acidification abatement and to meet national air quality standards.

4. Limit values for new and existing boilers and process heaters with a rated thermal input exceeding 50 MW_{th} and new heavy-duty vehicles shall be evaluated by the Parties at a session of the Executive Body with a view to amending annexes IV, V and VIII no later than two years after the date of entry into force of the present Protocol.

5. Each Party shall apply the limit values for the fuels and new mobile sources identified in annex VIII, no later than the timescales specified in annex VII.

6. Each Party should apply best available techniques to mobile sources and to each new or existing stationary source, taking into account guidance documents I to V adopted by the Executive Body at its seventeenth session (decision 1999/1) and any amendments thereto.

7. Each Party shall take appropriate measures based, inter alia, on scientific and economic criteria to reduce emissions of volatile organic compounds associated with the use of products not included in annex VI or VIII. The Parties shall, no later than at the second session of the Executive Body after the entry into force of the present Protocol, consider with a view to adopting an annex on products, including criteria for the selection of such products, limit values for the volatile organic compound content of products not included in annex VI or VIII, as well as timescales for the application of the limit values.

8. Each Party shall, subject to paragraph 10:

(a) Apply, as a minimum, the ammonia control measures specified in annex IX; and

(b) Apply, where it considers it appropriate, best available techniques for preventing and reducing ammonia emissions, as listed in guidance document V adopted by the Executive Body at its seventeenth session (decision 1999/1) and any amendments thereto.

9. Paragraph 10 shall apply to any Party:

(a) Whose total land area is greater than 2 million square kilometres;

(b) Whose annual emissions of sulphur, nitrogen oxides, ammonia and/or volatile organic compounds contributing to acidification, eutrophication or ozone formation in areas under the jurisdiction of one or more other Parties originate predominantly from within an area under its jurisdiction that is listed as a PEMA in annex III, and which has presented documentation in accordance with subparagraph (c) to this effect;

(c) Which has submitted upon signature, ratification, acceptance or approval of, or accession to, the present Protocol a description of the geographical scope of one or more PEMAs for one or more pollutants, with supporting documentation, for inclusion in annex III; and

(d) Which has specified upon signature, ratification, acceptance or approval of, or accession to, the present Protocol its intention to act in accordance with this paragraph.

10. A Party to which this paragraph applies shall:

(a) If within the geographical scope of EMEP, be required to comply with the provisions of this article and annex II only within the relevant PEMA for each pollutant for which a PEMA within its jurisdiction is included in annex III; or

(b) If not within the geographical scope of EMEP, be required to comply with the provisions of paragraphs 1, 2, 3, 5, 6 and 7 and annex II, only within the relevant PEMA for each pollutant (nitrogen oxides, sulphur and/or volatile organic compounds) for which a PEMA within its jurisdiction is included in annex III, and shall not be required to comply with paragraph 8 anywhere within its jurisdiction.

11. Canada and the United States of America shall, upon their ratification, acceptance or approval of, or accession to, the present Protocol, submit to the Executive Body their respective emission reduction commitments with respect to sulphur, nitrogen oxides and volatile organic compounds for automatic incorporation into annex II.

12. The Parties shall, subject to the outcome of the first review provided for under article 10, paragraph 2, and no later than one year after completion of that review, commence negotiations on further obligations to reduce emissions.

Article 4

EXCHANGE OF INFORMATION AND TECHNOLOGY

1. Each Party shall, in a manner consistent with its laws, regulations and practices and in accordance with its obligations in the present Protocol, create favourable conditions to facilitate the exchange of information, technologies and techniques, with the aim of reducing emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds by promoting inter alia:

(a) The development and updating of databases on best available techniques, including those that increase energy efficiency, low-emission burners and good environmental practice in agriculture;

(b) The exchange of information and experience in the development of less polluting transport systems;

(c) Direct industrial contacts and cooperation, including joint ventures; and

(d) The provision of technical assistance.

2. In promoting the activities specified in paragraph 1, each Party shall create favourable conditions for the facilitation of contacts and cooperation among appropriate organizations and individuals in the private and public sectors that are capable of providing technology, design and engineering services, equipment or finance.

Article 5

PUBLIC AWARENESS

1. Each Party shall, in a manner consistent with its laws, regulations and practices, promote the provision of information to the general public, including information on:

(a) National annual emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds and progress towards compliance with the national emission ceilings or other obligations referred to in article 3;

(b) Depositions and concentrations of the relevant pollutants and, where applicable, these depositions and concentrations in relation to critical loads and levels referred to in article 2;

(c) Levels of tropospheric ozone; and

(d) Strategies and measures applied or to be applied to reduce air pollution problems dealt with in the present Protocol and set out in article 6.

2. Furthermore, each Party may make information widely available to the public with a view to minimizing emissions, including information on:

(a) Less polluting fuels, renewable energy and energy efficiency, including their use in transport;

(b) Volatile organic compounds in products, including labelling;

(c) Management options for wastes containing volatile organic compounds that are generated by the public;

(d) Good agricultural practices to reduce emissions of ammonia;

(e) Health and environmental effects associated with the pollutants covered by the present Protocol; and

(f) Steps which individuals and industries may take to help reduce emissions of the pollutants covered by the present Protocol.

Article 6

STRATEGIES, POLICIES, PROGRAMMES, MEASURES AND INFORMATION

1. Each Party shall, as necessary and on the basis of sound scientific and economic criteria, in order to facilitate the implementation of its obligations under article 3:

(a) Adopt supporting strategies, policies and programmes without undue delay after the present Protocol enters into force for it;

(b) Apply measures to control and reduce its emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds;

(c) Apply measures to encourage the increase of energy efficiency and the use of renewable energy;

(d) Apply measures to decrease the use of polluting fuels;

(e) Develop and introduce less polluting transport systems and promote traffic management systems to reduce overall emissions from road traffic;

(f) Apply measures to encourage the development and introduction of low-polluting processes and products, taking into account guidance documents I to V adopted by the Executive Body at its seventeenth session (decision 1999/1) and any amendments thereto;

(g) Encourage the implementation of management programmes to reduce emissions, including voluntary programmes, and the use of economic instruments, taking into account guidance document VI adopted by the Executive Body at its seventeenth session (decision 1999/1) and any amendments thereto;

(h) Implement and further elaborate policies and measures in accordance with its national circumstances, such as the progressive reduction or phasing-out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all sectors that emit sulphur, nitrogen oxides, ammonia and volatile organic compounds which run counter to the objective of the Protocol, and apply market instruments; and

(i) Apply measures, where cost-effective, to reduce emissions from waste products containing volatile organic compounds.

2. Each Party shall collect and maintain information on:

(a) Actual levels of emissions of sulphur, nitrogen compounds and volatile organic compounds, and of ambient concentrations and depositions of these compounds and ozone, taking into account, for those Parties within the geographical scope of EMEP, the work plan of EMEP; and

(b) The effects of ambient concentrations and of the deposition of sulphur, nitrogen compounds, volatile organic compounds and ozone on human health, terrestrial and aquatic ecosystems and materials.

3. Any Party may take more stringent measures than those required by the present Protocol.

Article 7

REPORTING

1. Subject to its laws and regulations and in accordance with its obligations under the present Protocol:

(a) Each Party shall report, through the Executive Secretary of the Commission, to the Executive Body, on a periodic basis as determined by the Parties at a session of the Executive Body, information on the measures that it has taken to implement the present Protocol. Moreover:

(i) Where a Party applies different emission reduction strategies under article 3, paragraphs 2 and 3, it shall document the strategies applied and its compliance with the requirements of those paragraphs;

(ii) Where a Party judges certain limit values, as specified in accordance with article 3, paragraph 3, not to be technically and economically feasible, taking into consideration the costs and advantages, it shall report and justify this;

(b) Each Party within the geographical scope of EMEP shall report, through the Executive Secretary of the Commission, to EMEP, on a periodic basis to be determined by the Steering Body of EMEP and approved by the Parties at a session of the Executive Body, the following information:

(i) Levels of emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds using, as a minimum, the methodologies and the temporal and spatial resolution specified by the Steering Body of EMEP;

(ii) Levels of emissions of each substance in the reference year (1990) using the same methodologies and temporal and spatial resolution;

(iii) Data on projected emissions and current reduction plans; and

(iv) Where it deems it appropriate, any exceptional circumstances justifying emissions that are temporarily higher than the ceilings established for it for one or more pollutants; and

(c) Parties in areas outside the geographical scope of EMEP shall make available information similar to that specified in subparagraph (b), if requested to do so by the Executive Body.

2. The information to be reported in accordance with paragraph 1 (a) shall be in conformity with a decision regarding format and content to be adopted by the Parties at a session of the Executive Body. The terms of this decision shall be reviewed as necessary to identify any additional elements regarding the format or the content of the information that is to be included in the reports.

3. In good time before each annual session of the Executive Body, EMEP shall provide information on:

(a) Ambient concentrations and depositions of sulphur and nitrogen compounds as well as, where available, ambient concentrations of volatile organic compounds and ozone; and

(b) Calculations of sulphur and oxidized and reduced nitrogen budgets and relevant information on the long-range transport of ozone and its precursors.

Parties in areas outside the geographical scope of EMEP shall make available similar information if requested to do so by the Executive Body.

4. The Executive Body shall, in accordance with article 10, paragraph 2 (b), of the Convention, arrange for the preparation of information on the effects of depositions of sulphur and nitrogen compounds and concentrations of ozone.

5. The Parties shall, at sessions of the Executive Body, arrange for the preparation, at regular intervals, of revised information on calculated and internationally optimized allocations of emission reductions for the States within the geographical scope of EMEP, using integrated assessment models, including atmospheric transport models, with a view to reducing further, for the purposes of article 3, paragraph 1, the difference between actual depositions of sulphur and nitrogen compounds and critical load values as well as the difference between actual ozone concentrations and the critical levels of ozone specified in annex I, or such alternative assessment methods as approved by the Parties at a session of the Executive Body.

Article 8

RESEARCH, DEVELOPMENT AND MONITORING

The Parties shall encourage research, development, monitoring and cooperation related to:

(a) The international harmonization of methods for the calculation and assessment of the adverse effects associated with the substances addressed by the present Protocol for use in establishing critical loads and critical levels and, as appropriate, the elaboration of procedures for such harmonization;

(b) The improvement of emission databases, in particular those on ammonia and volatile organic compounds;

(c) The improvement of monitoring techniques and systems and of the modelling of transport, concentrations and depositions of sulphur, nitrogen

compounds and volatile organic compounds, as well as of the formation of ozone and secondary particulate matter;

(d) The improvement of the scientific understanding of the long-term fate of emissions and their impact on the hemispheric background concentrations of sulphur, nitrogen, volatile organic compounds, ozone and particulate matter, focusing, in particular, on the chemistry of the free troposphere and the potential for intercontinental flow of pollutants;

(e) The further elaboration of an overall strategy to reduce the adverse effects of acidification, eutrophication and photochemical pollution, including synergisms and combined effects;

(f) Strategies for the further reduction of emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds based on critical loads and critical levels as well as on technical developments, and the improvement of integrated assessment modelling to calculate internationally optimized allocations of emission reductions taking into account the need to avoid excessive costs for any Party. Special emphasis should be given to emissions from agriculture and transport;

(g) The identification of trends over time and the scientific understanding of the wider effects of sulphur, nitrogen and volatile organic compounds and photochemical pollution on human health, including their contribution to concentrations of particulate matter, the environment, in particular acidification and eutrophication, and materials, especially historic and cultural monuments, taking into account the relationship between sulphur oxides, nitrogen oxides, ammonia, volatile organic compounds and tropospheric ozone;

(h) Emission abatement technologies, and technologies and techniques to improve energy efficiency, energy conservation and the use of renewable energy;

(i) The efficacy of ammonia control techniques for farms and their impact on local and regional deposition;

(j) The management of transport demand and the development and promotion of less polluting modes of transport;

(k) The quantification and, where possible, economic evaluation of benefits for the environment and human health resulting from the reduction of emissions of sulphur, nitrogen oxides, ammonia and volatile organic compounds; and

(l) The development of tools for making the methods and results of this work widely applicable and available.

Article 9

COMPLIANCE

Compliance by each Party with its obligations under the present Protocol shall be reviewed regularly. The Implementation Committee established by decision 1997/2 of the Executive Body at its fifteenth session shall carry out such reviews and report to the Parties at a session of the Executive Body in accordance with the terms of the annex to that decision, including any amendments thereto.

Article 10

REVIEWS BY THE PARTIES AT SESSIONS OF THE EXECUTIVE BODY

1. The Parties shall, at sessions of the Executive Body, pursuant to article 10, paragraph 2 (a), of the Convention, review the information supplied by the Parties, EMEP and subsidiary bodies of the Executive Body, the data on the effects of concentrations and depositions of sulphur and nitrogen compounds and of photochemical pollution as well as the reports of the Implementation Committee referred to in article 9 above.

2. (a) The Parties shall, at sessions of the Executive Body, keep under review the obligations set out in the present Protocol, including:

(i) Their obligations in relation to their calculated and internationally optimized allocations of emission reductions referred to in article 7, paragraph 5, above; and

(ii) The adequacy of the obligations and the progress made towards the achievement of the objective of the present Protocol;

(b) Reviews shall take into account the best available scientific information on the effects of acidification, eutrophication and photochemical pollution, including assessments of all relevant health effects, critical levels and loads, the development and refinement of integrated assessment models, technological developments, changing economic conditions, progress made on the databases on emissions and abatement techniques, especially related to ammonia and volatile organic compounds, and the fulfilment of the obligations on emission levels;

(c) The procedures, methods and timing for such reviews shall be specified by the Parties at a session of the Executive Body. The first such review shall commence no later than one year after the present Protocol enters into force.

Article 11

SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the present Protocol, the parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. The parties to the dispute shall inform the Executive Body of their dispute.

2. When ratifying, accepting, approving or acceding to the present Protocol, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Protocol, it recognizes one or both of the following means of dispute settlement as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice;

(b) Arbitration in accordance with procedures to be adopted by the Parties at a session of the Executive Body, as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b).

3. A declaration made under paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute agree otherwise.

5. Except in a case where the parties to a dispute have accepted the same means of dispute settlement under paragraph 2, if after twelve months following notification by one party to another that a dispute exists between them, the parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. For the purpose of paragraph 5, a conciliation commission shall be created. The commission shall be composed of an equal number of members appointed by each party concerned or, where parties in conciliation share the same interest, by the group sharing that interest, and a chairperson chosen jointly by the members so appointed. The commission shall render a recommendatory award, which the parties to the dispute shall consider in good faith.

Article 12

ANNEXES

The annexes to the present Protocol shall form an integral part of the Protocol.

Article 13

AMENDMENTS AND ADJUSTMENTS

1. Any Party may propose amendments to the present Protocol. Any Party to the Convention may propose an adjustment to annex II to the present Protocol to add to it its name, together with emission levels, emission ceilings and percentage emission reductions.

2. Proposed amendments and adjustments shall be submitted in writing to the Executive Secretary of the Commission, who shall communicate them to all Parties. The Parties shall discuss the proposed amendments and adjustments at the next session of the Executive Body, provided that those proposals have been circulated by the Executive Secretary to the Parties at least ninety days in advance.

3. Amendments to the present Protocol, including amendments to annexes II to IX, shall be adopted by consensus of the Parties present at a session of the Executive Body, and shall enter into force for the Parties which have accepted them on the ninetieth day after the date on which two thirds of the Parties have deposited with the Depositary their instruments of acceptance thereof. Amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party has deposited its instrument of acceptance thereof.

4. Amendments to the annexes to the present Protocol, other than to the annexes referred to in paragraph 3, shall be adopted by consensus of the Parties present at a session of the Executive Body. On the expiry of ninety days from the date of its communication to all Parties by the Executive Secretary of the Commission, an amendment to any such annex shall become

effective for those Parties which have not submitted to the Depositary a notification in accordance with the provisions of paragraph 5, provided that at least sixteen Parties have not submitted such a notification.

5. Any Party that is unable to approve an amendment to an annex, other than to an annex referred to in paragraph 3, shall so notify the Depositary in writing within ninety days from the date of the communication of its adoption. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the amendment to such an annex shall become effective for that Party.

6. Adjustments to annex II shall be adopted by consensus of the Parties present at a session of the Executive Body and shall become effective for all Parties to the present Protocol on the ninetieth day following the date on which the Executive Secretary of the Commission notifies those Parties in writing of the adoption of the adjustment.

Article 14

SIGNATURE

1. The present Protocol shall be open for signature at Gothenburg (Sweden) on 30 November and 1 December 1999, then at United Nations Headquarters in New York until 30 May 2000, by States members of the Commission as well as States having consultative status with the Commission, 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 Commission, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the Protocol, provided that the States and organizations concerned are Parties to the Convention and are listed in annex II.

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 Protocol attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Article 15

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. The present Protocol shall be subject to ratification, acceptance or approval by Signatories.

2. The present Protocol shall be open for accession as from 31 May 2000 by the States and organizations that meet the requirements of article 14, paragraph 1.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 16

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary.

Article 17

ENTRY INTO FORCE

1. The present Protocol shall enter into force on the ninetieth day following the date on which the sixteenth instrument of ratification, acceptance, approval or accession has been deposited with the Depositary.

2. For each State and organization that meets the requirements of article 14, paragraph 1, which ratifies, accepts or approves the present Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the ninetieth day following the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

Article 18

WITHDRAWAL

At any time after five years from the date on which the present Protocol has come into force with respect to a Party, that Party may withdraw from it by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day following the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 19

AUTHENTIC TEXTS

The original of the present Protocol, 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 Protocol.

DONE at Gothenburg (Sweden), this thirtieth day of November one thousand nine hundred and ninety-nine.

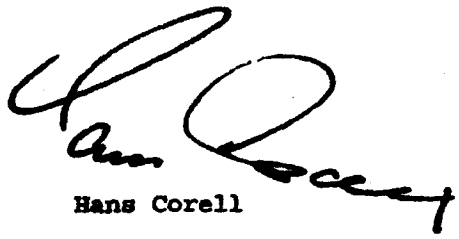
NOTE: Only English text of Protocol will be printed in this publication. Annexes will not be printed in this publication.

I hereby certify that the foregoing text is a true copy of the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone, done at Gothenburg (Sweden) on 30 November 1999, the original of which is deposited with the Secretary-General of the United Nations.

Je certifie que le texte qui précède est une copie conforme du Protocole à la Convention de 1979 sur la pollution atmosphérique transfrontière à longue distance, relatif à la réduction de l'acidification, de l'eutrophisation et de l'ozone troposphérique, fait à Göteborg (Suède) le 30 novembre 1999, et dont l'original se trouve déposé auprès du Secrétaire général des Nations Unies.

For the Secretary-General,
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général,
Le Conseiller juridique
(Secrétaire général adjoint
aux affaires juridiques)



Hans Corell

United Nations, New York
15 December 1999

Organisation des Nations Unies
New York, le 15 décembre 1999