

No. 25638

MULTILATERAL

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) (with annex). Concluded at Geneva on 28 September 1984

Authentic texts: English, French and Russian.

Registered ex officio on 28 January 1988.

MULTILATÉRAL

Protocole à la Convention de 1979 sur la pollution atmosphérique transfrontière à longue distance, relatif au financement à long terme du programme concerté de surveillance continue et d'évaluation du transport à longue distance des polluants atmosphériques en Europe (EMEP) [avec annexe]. Conclu à Genève le 28 septembre 1984

Textes authentiques : anglais, français et russe.

Enregistré d'office le 28 janvier 1988.

PROTOCOL¹ TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION² ON LONG-TERM FINANCING OF THE CO-OPERATIVE PROGRAMME FOR MONITORING AND EVALUATION OF THE LONG-RANGE TRANSMISSION OF AIR POLLUTANTS IN EUROPE (EMEP)

The Contracting Parties,

Recalling that the Convention on Long-range Transboundary Air Pollution² (hereinafter referred to as "the Convention") entered into force on 16 March 1983,

Aware of the importance of the "Co-operative programme for the monitoring and evaluation of the long-range transmission of air pollutants in Europe" (hereinafter referred to as EMEP), as provided for in Articles 9 and 10 of the Convention,

Cognizant of the positive results achieved so far in the implementation of EMEP,

Recognizing that the implementation of EMEP has hitherto been made possible by financial means provided by the United Nations Environment Programme (UNEP) and by voluntary contributions from Governments,

¹ Came into force on 28 January 1988, i.e., the ninetieth day following the date on which instruments of ratification, acceptance, approval or accession had been deposited with the Secretary-General of the United Nations by at least nineteen States and Organizations referred to in article 8 (1) which are within the geographical scope of EMEP, the aggregate of the United Nations assessment rates for such States and Organizations exceeding 40 per cent, in accordance with article 10 (1):

<i>States and organization</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>	
Austria	4 June	1987 <i>a</i>
Belgium	5 August	1987
Bulgaria	26 September	1986 <i>AA</i>
Byelorussian Soviet Socialist Republic	4 October	1985 <i>A</i>
Canada	4 December	1985
Czechoslovakia	26 November	1986 <i>a</i>
Denmark	29 April	1986
European Economic Community	17 July	1986 <i>AA</i>
Finland	24 June	1986
France	30 October	1987 <i>AA</i>
German Democratic Republic*	17 December	1986 <i>a</i>
Germany, Federal Republic of	7 October	1986
(With a declaration of application to Berlin (West).)		
Hungary	8 May	1985 <i>AA</i>
Ireland	26 June	1987
Liechtenstein	1 May	1985 <i>a</i>
Luxembourg	24 August	1987
Netherlands	22 October	1985 <i>A</i>
(For the Kingdom in Europe.)		
Norway	12 March	1985 <i>A</i>
Spain	11 August	1987 <i>a</i>
Sweden	12 August	1985
Switzerland	26 July	1985
Turkey	20 December	1985
Ukrainian Soviet Socialist Republic	30 August	1985 <i>A</i>
Union of Soviet Socialist Republics	21 August	1985 <i>A</i>
United Kingdom of Great Britain and Northern Ireland	12 August	1985
United States of America	29 October	1984 <i>A</i>
Yugoslavia	28 October	1987 <i>a</i>

* For the text of the declaration made upon accession, see p. 190 of this volume.

² United Nations, *Treaty Series*, vol. 1302, p. 217.

Bearing in mind that since the UNEP contribution will continue only until the end of 1984, and that since this contribution together with the voluntary contributions from Governments have been inadequate to support fully the EMEP work plan, it will therefore be necessary to provide for long-term funding after 1984,

Considering the appeal of the Economic Commission for Europe to ECE member Governments, contained in its decision B (XXXVIII), to make available, on a basis to be agreed at the first meeting of the Executive Body for the Convention (hereinafter referred to as the "Executive Body"), the financial resources to enable the Executive Body to carry out its activities, in particular as regards the work of EMEP,

Noting that the Convention does not contain any provisions for financing EMEP and that it is, therefore, necessary to make appropriate arrangements regarding this matter,

Considering the elements to guide the drafting of a formal instrument supplementing the Convention, as listed in recommendations adopted by the Executive Body at its first session (7-10 June 1983),

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of the present Protocol:

1. "UN assessment rate" means a Contracting Party's rate for the financial year in question in the scale of assessments for the apportionment of the expenses of the United Nations.
2. "Financial year" means the financial year of the United Nations; and "annual basis" and "annual costs" shall be construed accordingly.
3. "General Trust Fund" means the General Trust Fund for the Financing of the Implementation of the Convention on Long-range Transboundary Air Pollution, which has been established by the Secretary-General of the United Nations.
4. "Geographical scope of EMEP" means the area within which, co-ordinated by the international centres of EMEP,* monitoring is carried out.

Article 2. FINANCING OF EMEP

The financing of EMEP shall cover the annual costs of the international centres co-operating within EMEP for the activities appearing in the work programme of the Steering Body of EMEP.

Article 3. CONTRIBUTIONS

1. In accordance with the provisions of this article the financing of EMEP shall consist of mandatory contributions, supplemented by voluntary contributions. Contributions may be made in convertible currency, non-convertible currency, or in kind.
2. Mandatory contributions shall be made on an annual basis by all Contracting Parties to the present Protocol which are within the geographical scope of EMEP.
3. Voluntary contributions may be made by the Contracting Parties or Signatories to the present Protocol, even if their territory lies outside the geographical scope of EMEP, as well as, subject to approval by the Executive Body, on the recommendation of the Steering Body of EMEP, by any other country, organization or individual which wishes to contribute to the work programme.

* The international centres are at present: the Chemical Co-ordinating Centre, the Meteorological Synthesizing Centre-East and the Meteorological Synthesizing Centre-West.

4. The annual costs of the work programme shall be covered by the mandatory contributions. Contributions in cash and in kind, such as those provided by host countries for international centres, shall be specified in the work programme. Voluntary contributions may, subject to the approval by the Executive Body, on the recommendation of the Steering Body, be utilized either for reducing the mandatory contributions or for financing specific activities within the scope of EMEP.

5. Mandatory and voluntary contributions in cash shall be deposited in the General Trust Fund.

Article 4. SHARING OF COSTS

1. Mandatory contributions shall be made in accordance with the terms of the Annex to the present Protocol.

2. The Executive Body shall consider the need to amend the Annex:

- (a) If the annual budget of EMEP increases by a factor of two and [one] half times the level of the annual budget adopted for the year of entry into force of the present Protocol or for the year of last amendment of the Annex, whichever is later; or
- (b) If the Executive Body, on the recommendation of the Steering Body, designates a new international centre; or
- (c) Six years after the entry into force of the present Protocol, or six years after last amendment to the Annex, whichever is later.

3. Amendments to the Annex shall be adopted by consensus of the Executive Body.

Article 5. ANNUAL BUDGET

An annual budget for EMEP shall be drawn up by the Steering Body of EMEP, and shall be adopted by the Executive Body not later than one year in advance of the financial year to which it applies.

Article 6. AMENDMENTS TO THE PROTOCOL

1. Any Contracting Party to the present Protocol may propose amendments to it.

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 to the Protocol. The Executive Body shall discuss the 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 to the Protocol at least 90 days in advance.

3. An amendment to the present Protocol, other than an amendment to its Annex, shall be adopted by consensus of the representatives of the Contracting Parties to the Protocol, and shall enter into force for the Contracting Parties to the Protocol which have accepted it on the ninetieth day after the date on which two-thirds of those Contracting Parties have deposited with the depositary their instruments of acceptance of the amendment. 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.

Article 7. SETTLEMENT OF DISPUTES

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

Article 8. SIGNATURE

1. The present Protocol shall be open for signature at the United Nations Office in Geneva from 28 September 1984 until 5 October 1984 inclusive, then at the Headquarters of the United Nations in New York until 4 April 1985, 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 Protocol, provided that the States and organizations concerned are parties to the 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 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 9. 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 5 October 1984 by the States and Organisations referred to in article 8, 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.

Article 10. ENTRY INTO FORCE

1. The present Protocol shall enter into force on the ninetieth day following the date on which:

- (a) Instruments of ratification, acceptance, approval or accession have been deposited by at least nineteen States and Organizations referred to in article 8, paragraph 1, which are within the geographical scope of EMEP; and
- (b) The aggregate of the UN assessment rates for such States and Organizations exceeds forty per cent.

2. For each State and Organization referred to in article 8, paragraph 1, which ratifies, accepts or approves the present protocol or accedes thereto after the requirements for entry into force laid down in paragraph 1 above have been met, the Protocol shall enter into force on the ninetieth day after the date of deposit by such State or Organization of its instrument of ratification, acceptance, approval or accession.

Article 11. WITHDRAWAL

1. At any time after five years from the date on which the present Protocol has come into force with respect to a Contracting Party, that Contracting Party may withdraw from it 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.

2. Withdrawal shall not affect the financial obligations of the withdrawing Party until the date on which the withdrawal takes effect.

Article 12. 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 Geneva, this twenty-eighth day of September one thousand nine hundred and eighty-four.

[For the signatures, see p. 183 of this volume.]

In the name of Albania:
Au nom de l'Albanie :
От имени Албании:

In the name of Belgium:
Au nom de la Belgique :
От имени Бельгии:

E. DEVER
25 février 1985

In the name of Bulgaria:
Au nom de la Bulgarie :
От имени Болгарии:

BORISS TZEVEVKOV
4.IV.85¹

In the name of the Byelorussian Soviet Socialist Republic:
Au nom de la République socialiste soviétique de Biélorussie :
От имени Белорусской Советской Социалистической Республики:

VLADIMIR VASILYEVICH GREKOV

In the name of Canada:
Au nom du Canada :
От имени Канады:

J. ALAN BEESLEY
October 3, 1984

¹ 4 April 1985 — 4 avril 1985.

In the name of Cyprus:
Au nom de Chypre :
От имени Кипра:

In the name of Czechoslovakia:
Au nom de la Tchécoslovaquie :
От имени Чехословакии:

In the name of Denmark:
Au nom du Danemark :
От имени Дании:

KAJ REPSDORPH

In the name of Finland:
Au nom de la Finlande :
От имени Финляндии:

KEIJO KORHONEN
Dec. 7, 1984

In the name of France:
Au nom de la France :
От имени Франции:

CLAUDE DE KEMOULARIA
22 février 1985

In the name of the Federal Republic of Germany:
Au nom de la République fédérale d'Allemagne :
От имени Федеративной Республики Германии:

HANS WERNER LAUTENSCHLAGER
26.2.1985

In the name of the German Democratic Republic:
Au nom de la République démocratique allemande :
От имени Германской Демократической Республики:

In the name of Greece:
Au nom de la Grèce :
От имени Греции:

In the name of the Holy See:
Au nom du Saint-Siège :
От имени Святейшего престола:

In the name of Hungary:
Au nom de la Hongrie :
От имени Венгрии:

PÁL RÁCZ
27.III.85¹

In the name of Iceland:
Au nom de l'Islande :
От имени Исландии:

In the name of Ireland:
Au nom de l'Irlande :
От имени Ирландии:

PATRICK A. O'CONNOR
4 April 1985

¹ 27 March 1985 — 27 mars 1985.

In the name of Italy:
Au nom de l'Italie :
От имени Италии:

FILIPPO ANFUSO

In the name of Liechtenstein:
Au nom du Liechtenstein :
От имени Лихтенштейна:

In the name of Luxembourg:
Au nom du Luxembourg :
От имени Люксембурга:

ANDRÉ PHILIPPE
21 novembre 1984

In the name of Malta:
Au nom de Malte :
От имени Мальты:

In the name of the Netherlands:
Au nom des Pays-Bas :
От имени Нидерландов:

R. J. VAN SCHAİK

In the name of Norway:
Au nom de la Norvège :
От имени Норвегии:

ERIK LYKKE

In the name of Poland:
Au nom de la Pologne :
От имени Польши:

In the name of Portugal:
Au nom du Portugal :
От имени Португалии:

In the name of Romania:
Au nom de la Roumanie :
От имени Румынии:

In the name of San Marino:
Au nom de Saint-Marin :
От имени Сан-Марино:

In the name of Spain:
Au nom de l'Espagne :
От имени Испании:

In the name of Sweden:
Au nom de la Suède :
От имени Швеции:

HANS EWERLÖF

In the name of Switzerland:
Au nom de la Suisse :
От имени Швейцарии:

ANTON HEGNER
3 octobre 1984

In the name of Turkey:
Au nom de la Turquie :
От имени Турции:

ILTER TURKMEN
3 octobre 1984

In the name of the Ukrainian Soviet Socialist Republic:
Au nom de la République socialiste soviétique d'Ukraine :
От имени Украинской Советской Социалистической Республики:

VICTOR GAVRILOVICH BATYUK

In the name of the Union of Soviet Socialist Republics:
Au nom de l'Union des Républiques socialistes soviétiques :
От имени Союза Советских Социалистических Республик:

VALENTIN GEORGIEVICH SOKOLOVSKY

In the name of the United Kingdom of Great Britain and Northern Ireland:
Au nom du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
От имени Соединенного Королевства Великобритании и Северной Ирландии:

JOHN THOMPSON
20 November 1984

In the name of the United States of America:
Au nom des Etats-Unis d'Amérique :
От имени Соединенных Штатов Америки:

HENRY R. MARSHALL

In the name of Yugoslavia:
Au nom de la Yougoslavie :
От имени Югославии:

In the name of the European Economic Community:
Au nom de la Communauté économique européenne :
От имени Европейского экономического сообщества:

ATHANASE ANDREOPOULOS
FRANCES MAHON HAYES

DECLARATION MADE
UPON ACCESSION*GERMAN DEMOCRATIC REPUBLIC*DÉCLARATION FAITE
LORS DE L'ADHÉSION*RÉPUBLIQUE DÉMOCRATIQUE
ALLEMANDE*

[GERMAN TEXT — TEXTE ALLEMAND]

„Die Deutsche Demokratische Republik erklärt, daß die Beiträge der Deutschen Demokratischen Republik für EMEP in Übereinstimmung mit Artikel 3, Absatz 1 des Protokolls zur Konvention über weitreichende grenzüberschreitende Luftverunreinigung von 1979 über die langfristige Finanzierung des Programms der Zusammenarbeit zur Überwachung und Einschätzung der weitreichenden Ausbreitung von luftverunreinigenden Stoffen in Europa (EMEP) vom 28. September 1984 in nationaler Währung erbracht werden, die ausschließlich für Lieferungen und Leistungen der Deutschen Demokratischen Republik verwendet werden können.“

[TRANSLATION]

... In accordance with article 3, paragraph 1 of the Protocol to the 1979 Convention on long-range transboundary air pollution on long-term financing of the co-operative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP), the German Democratic Republic declares that the contributions of the German Democratic Republic will be made in national currency which can exclusively be used for deliveries and services by the German Democratic Republic.

[TRADUCTION]

... Conformément au paragraphe 1 de l'article 3 du Protocole à la Convention de 1979 sur la pollution atmosphérique transfrontière à longue distance, relatif au financement à long terme du programme concerté de surveillance continue et d'évaluation du transport à longue distance des polluants atmosphériques en Europe (EMEP), la République démocratique allemande versera ses contributions en monnaie nationale, qui ne peut être utilisée qu'en rémunération de livraisons effectuées et de services fournis par la République démocratique allemande.

ANNEX REFERRED TO IN ARTICLE 4 OF THE PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION ON LONG-TERM FINANCING OF THE CO-OPERATIVE PROGRAMME FOR MONITORING AND EVALUATION OF THE LONG-RANGE TRANSMISSION OF AIR POLLUTANTS IN EUROPE (EMEP)

Mandatory contributions for sharing of costs for financing the Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), shall be calculated according to the following scale:

	%
Austria	1.59
Bulgaria	0.35
Byelorussian SSR	0.71
Czechoslovakia	1.54
Finland	1.07
German Democratic Republic	2.74
Holy See	0.02
Hungary	0.45
Iceland	0.06
Liechtenstein	0.02
Norway	1.13
Poland	1.42
Portugal	0.30
Romania	0.37
San Marino	0.02
Spain	3.54
Sweden	2.66
Switzerland	2.26
Turkey	0.60
Ukrainian SSR	2.60
USSR	20.78
Yugoslavia	0.60
<i>Member countries of the European Economic Community:</i>	
Belgium	2.36
Denmark	1.38
France	11.99
Germany, Federal Republic of	15.73
Greece	1.00
Ireland	0.50
Italy	6.89
Luxembourg	0.10
Netherlands	3.28
United Kingdom	8.61
EEC	3.33
TOTAL	100.00

The order in which the Contracting Parties are listed in this Annex is specifically made in relation to the cost-sharing system agreed upon by the Executive Body for the Convention. Accordingly, the listing is a feature which is specific to the Protocol on the financing of EMEP.