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POLLUTION



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Convention ✓
**on Long-Range Transboundary
Air Pollution**

Geneva, 13-16 November 1979

[The United Kingdom instrument of ratification was deposited on 15 July 1982 and the Convention entered into force on 16 March 1983]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
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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⁽¹⁾,

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⁽²⁾, and in particular principle 21, which expresses the common conviction that States have, in accordance with the Charter of the United Nations⁽³⁾ 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,

(1) Cmnd. 6198.

(2) British State Papers Vol. 151 p. 604.

(3) Treaty Series No. 67 (1946), Cmnd. 7015.

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;
- (c) improved models for a better understanding of the transmission of long-range transboundary air pollutants;
- (d) 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;
- (e) the economic, social and environmental assessment of alternative measures for attaining environmental objectives including the reduction of long-range transboundary air pollution;
- (f) 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 as 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* 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.

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 procedure 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;

* The present Convention does not contain a rule on State liability as to damage.

- (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 16 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.

(?) The Convention entered into force on 16 March 1983.

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 Geneva this thirteenth day of November one thousand nine hundred and seventy-nine.

SIGNATURES AND RATIFICATIONS

| <i>State</i> | <i>Date of signature</i> | <i>Date of deposit of ratification acceptance (AC) or approval (AP)</i> |
|--|--------------------------|---|
| Austria | 13 Nov. 1979 | 16 Dec. 1982 |
| Belgium | 13 Nov. 1979 | 15 July 1982 |
| Bulgaria | 14 Nov. 1979 | 9 June 1981 |
| Byelorussian Soviet Socialist Republic ... | 14 Nov. 1979 | 13 June 1980 |
| Canada | 13 Nov. 1979 | 15 Dec. 1981 |
| Czechoslovakia | 13 Nov. 1979 | |
| Denmark | 14 Nov. 1979 | 18 June 1982 |
| European Economic Community ... | 14 Nov. 1979 | 15 July 1982(AP) |
| Finland | 13 Nov. 1979 | 15 Apr. 1981 |
| France | 13 Nov. 1979 | 3 Nov. 1981(AP) |
| German Democratic Republic ... | 13 Nov. 1979 | 7 June 1982 |
| Germany, Federal Republic of* | 13 Nov. 1979 | 15 July 1982 |
| Greece | 14 Nov. 1979 | |
| Holy See | 14 Nov. 1979 | |
| Hungary | 13 Nov. 1979 | 22 Sept. 1980 |
| Iceland | 13 Nov. 1979 | 5 May 1983 |
| Ireland, Republic of | 13 Nov. 1979 | 15 July 1982 |
| Italy | 14 Nov. 1979 | 15 July 1982 |
| Liechtenstein | 14 Nov. 1979 | |
| Luxembourg | 13 Nov. 1979 | 15 July 1982 |
| Netherlands (for the Kingdom in Europe) | 13 Nov. 1979 | 15 July 1982(AC) |
| Norway | 13 Nov. 1979 | 13 Feb. 1981 |
| Poland | 13 Nov. 1979 | |
| Portugal | 14 Nov. 1979 | 29 Sept. 1980 |
| Romania* | 14 Nov. 1979 | |
| San Marino | 14 Nov. 1979 | |
| Spain | 14 Nov. 1979 | 15 June 1982 |
| Sweden | 13 Nov. 1979 | 12 Feb. 1981 |
| Switzerland | 13 Nov. 1979 | 6 May 1983 |
| Turkey | 13 Nov. 1979 | 18 Apr. 1983 |
| Ukrainian Soviet Socialist Republic ... | 14 Nov. 1979 | 5 June 1980 |
| Union of Soviet Socialist Republics* | 13 Nov. 1979 | 22 May 1980 |
| United Kingdom† | 13 Nov. 1979 | 15 July 1982 |
| United States of America | 13 Nov. 1979 | 30 Nov. 1981(AC) |
| Yugoslavia | 13 Nov. 1979 | |

* For declarations see page 12.

† The United Kingdom instrument of ratification includes the Bailiwick of Jersey, the Bailiwick of Guernsey, the Isle of Man, Gibraltar and the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.

DECLARATIONS

GERMANY, FEDERAL REPUBLIC OF

On ratifying the Convention the Government of the Federal Republic of Germany made the following declaration:

(Translation)

The Government of the Federal Republic of Germany declares that the Convention shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.

ROMANIA

On signing the Convention the Government of Romania made the following interpretative declaration:

(Translation)

“Romania interprets article 14 of this Convention, concerning the participation of regional economic integration organizations constituted by States members of the Economic Commission for Europe, to mean that it refers exclusively to international organizations to which States members have transferred their competence in respect of the signature, conclusion and application on their behalf of international agreements and in respect of the exercise of their rights and responsibilities in the field of transboundary pollution.”

UNION OF SOVIET SOCIALIST REPUBLICS

On 20 April 1983, the Secretary-General received from the Government of the Union of Soviet Socialist Republics the following declaration:

(Translation)

In connection with the declaration of 15 July 1982 by the Government of the Federal Republic of Germany concerning the extension of West Berlin of the Convention on Long-Range Transboundary Air Pollution of 13 November 1979, the Soviet Union declares that it does not object to the application of the Convention to West Berlin in such measure and to such an extent as is permissible from the standpoint of the Quadripartite Agreement of 3 September 1971, according to which West Berlin is not a constituent part of the Federal Republic of Germany and will not be governed by it in the future.