

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 13 June 2003

**on the accession of the European Community, to the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone**

(2003/507/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 paragraph 1, in conjunction with Article 300 paragraph 2, first sentence of the first subparagraph and paragraph 3, first subparagraph thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) Acidification, eutrophication and ground-level ozone cause unacceptable damage to the environment and human health within the Community.
- (2) On 30 November 1999 the Executive Body to the Convention on Long-range Transboundary Air Pollution adopted the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol); the Gothenburg Protocol sets maximum permitted levels of emissions (emission ceilings) for each national Party for the four main precursor pollutants responsible for acidification, eutrophication and ground-level ozone: sulphur dioxide, oxides of nitrogen, volatile organic compounds and ammonia; these ceilings are to be met by 2010.
- (3) Implementation of the Gothenburg Protocol will contribute to achieving Community goals for protection of the environment and human health.

(4) Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants <sup>(3)</sup> sets binding national emission ceilings, to be met by 2010 at the latest, which are equal to or more ambitious than those required by the Gothenburg Protocol for each Member State.

(5) Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants <sup>(4)</sup> sets new limit values for emissions from this sector, which are consistent with those set under the Gothenburg Protocol.

(6) The Community, in consequence, should accede to the Gothenburg Protocol,

HAS DECIDED AS FOLLOWS:

*Article 1*

The accession of the Community to the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone is hereby approved on behalf of the Community.

The text of the Protocol is contained in the Annex to this Decision.

<sup>(1)</sup> OJ C 151 E, 25.6.2002, p. 74.

<sup>(2)</sup> Opinion of 4 July 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 309, 27.11.2001, p. 22.

<sup>(4)</sup> OJ L 309, 27.11.2001, p. 1.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of

Done at Luxembourg, 13 June 2003.

accession with the Secretary General of the United Nations, in accordance with Article 16 of the Protocol.

*Article 3*

This Decision shall be published in the *Official Journal of the European Union*.

*For the Council*

G. PAPANDREOU

*The President*

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## ANNEX

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

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,

RECOGNISING 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 recognising the potential for transport between continents and the need for further study with regard to that potential,

RECOGNISING 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,

RECOGNISING 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 minimising the excess 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 minimise 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 the 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 pursuant to 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 pursuant to 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 has been derived from critical loads of acidity according to the contribution of oxidised 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 (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 (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<sub>2</sub>);
9. 'Reduced nitrogen compounds' means ammonia and its reaction products;
10. 'Sulphur' means all sulphur compounds, expressed as sulphur dioxide (SO<sub>2</sub>);
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 (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 step-by-step 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;
- (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;
  - (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<sub>th</sub> 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 the 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 Annexes 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;
- (b) apply, where it considers it appropriate, the 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;
- (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 (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*:

1. 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;
2. the exchange of information and experience in the development of less polluting transport systems;
3. direct industrial contacts and cooperation, including joint ventures;
4. 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 organisations 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;
- (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 minimising 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;
- (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;
- (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;
- (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 (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 (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;
  - (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;
- (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;
- (b) calculations of sulphur and oxidised 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 (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 optimised 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 (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 harmonisation 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 harmonisation;
- (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 optimised 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;
- (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 (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.

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 optimised allocations of emission reductions referred to in Article 7 (5);
  - (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 organisation 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 recognises 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 organisation 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 12 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 90 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 90th 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 90th 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 90 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 16 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 90 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 90th 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 organisations, 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 organisations concerned are Parties to the Convention and are listed in Annex II.

2. In matters within their competence, such regional economic integration organisations 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 organisations 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 organisations that meet the requirements of Article 14 (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 90th day following the date on which the 16th instrument of ratification, acceptance, approval or accession has been deposited with the Depositary.

2. For each State and organisation that meets the requirements of Article 14 (1), which ratifies, accepts or approves the present Protocol or accedes thereto after the deposit of the 16th instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the 90th 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 90th 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 authorised thereto, have signed the present Protocol.

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

## ANNEX I

**CRITICAL LOADS AND LEVELS**

## I. CRITICAL LOADS OF ACIDITY

**A. For Parties within the geographical scope of EMEP**

1. Critical loads (as defined in Article 1) of acidity for ecosystems are determined in accordance with the Convention's Manual on methodologies and criteria for mapping critical levels/loads and geographical areas where they are exceeded. They are the maximum amount of acidifying deposition an ecosystem can tolerate in the long term without being damaged. Critical loads of acidity in terms of nitrogen take account of nitrogen removal processes within an ecosystem (e.g. uptake by plants). Critical loads of acidity in terms of sulphur do not. A combined sulphur and nitrogen critical load of acidity considers nitrogen only when the nitrogen deposition is greater than the ecosystem nitrogen-removal processes. All critical loads reported by Parties are summarised for use in the integrated assessment modelling employed to provide guidance for setting the emission ceilings in Annex II.

**B. For Parties in North America**

2. For eastern Canada, critical sulphur plus nitrogen loads for forested ecosystems have been determined with scientific methodologies and criteria (1997 Canadian Acid Rain Assessment) similar to those in the Convention's Manual on methodologies and criteria for mapping critical levels/loads and geographical areas where they are exceeded. Eastern Canada critical-load values (as defined in Article 1) of acidity are for sulphate in precipitation expressed in kg/ha/year. Alberta in western Canada, where deposition levels are currently below the environmental limits, has adopted the generic critical-load classification systems used for soils in Europe for potential acidity. Potential acidity is defined by subtracting the total (both wet and dry) deposition of base cations from that of sulphur and nitrogen. In addition to critical loads for potential acidity, Alberta has established target and monitoring loads for managing acidifying emissions.
3. For the United States of America, the effects of acidification are evaluated through an assessment of the sensitivity of ecosystems, the total loading within ecosystems of acidifying compounds and the uncertainty associated with nitrogen-removal processes within ecosystems.
4. These loads and effects are used in integrated assessment modelling and provide guidance for setting the emission ceilings and/or reductions for Canada and the United States of America in Annex II.

## II. CRITICAL LOADS OF NUTRIENT NITROGEN

**For Parties within the geographical scope of EMEP**

5. Critical loads (as defined in Article 1) of nutrient nitrogen (eutrophication) for ecosystems are determined in accordance with the Convention's Manual on methodologies and criteria for mapping critical levels/loads and geographical areas where they are exceeded. They are the maximum amount of eutrophying nitrogen deposition an ecosystem can tolerate in the long term without being damaged. All critical loads reported by Parties are summarised for use in the integrated assessment modelling employed to provide guidance for setting the emission ceilings in Annex II.

### III. CRITICAL LEVELS OF OZONE

#### A. For Parties within the geographical scope of EMEP

6. Critical levels (as defined in Article 1) of ozone are determined to protect plants in accordance with the Convention's Manual on methodologies and criteria for mapping critical levels/loads and geographical areas where they are exceeded. They are expressed as a cumulative exposure over a threshold ozone concentration of 40 ppb (parts per billion by volume). This exposure index is referred to as AOT40 (accumulated exposure over a threshold of 40 ppb). The AOT40 is calculated as the sum of the differences between the hourly concentration (in ppb) and 40 ppb for each hour when the concentration exceeds 40 ppb.
7. The long-term critical level of ozone for crops of an AOT40 of 3 000 ppb.hours for May to July (used as a typical growing season) and for daylight hours was used to define areas at risk where the critical level is exceeded. A specific reduction of exceedances was targeted in the integrated assessment modelling undertaken for the present Protocol to provide guidance for setting the emission ceilings in Annex II. The long-term critical level of ozone for crops is considered also to protect other plants such as trees and natural vegetation. Further scientific work is under way to develop a more differentiated interpretation of exceedances of critical levels of ozone for vegetation.
8. A critical level of ozone for human health is represented by the WHO Air Quality Guideline level for ozone of 120  $\mu\text{g}/\text{m}^3$  as an eight-hour average. In collaboration with the World Health Organisation's Regional Office for Europe (WHO/EURO), a critical level expressed as an AOT60 (accumulated exposure over a threshold of 60 ppb), i.e. 120  $\mu\text{g}/\text{m}^3$ , calculated over one year, was adopted as a surrogate for the WHO Air Quality Guideline for the purpose of integrated assessment modelling. This was used to define areas at risk where the critical level is exceeded. A specific reduction of these exceedances was targeted in the integrated assessment modelling undertaken for the present Protocol to provide guidance for setting the emission ceilings in Annex II.

#### B. For Parties in North America

9. For Canada, critical levels of ozone are determined to protect human health and the environment and are used to establish a Canada-wide Standard for ozone. The emission ceilings in Annex II are defined according to the ambition level required to achieve the Canada-wide Standard for ozone.
  10. For the United States of America, critical levels of ozone are determined to protect public health with an adequate margin of safety, to protect public welfare from any known or expected adverse effects, and are used to establish a National Ambient Air Quality Standard. Integrated assessment modelling and the Air Quality Standard are used in providing guidance for setting the emission ceilings and/or reductions for the United States of America in Annex II.
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## ANNEX II

## EMISSION CEILINGS

The emission ceilings listed in the tables below relate to the provisions of Article 3 (1) and (10), of the present Protocol. The 1980 and 1990 emission levels and the percentage emission reductions listed are given for information purposes only.

Table 1. Emission ceilings for sulphur (thousands of tonnes of SO<sub>2</sub> per year)

Party	Emission levels		Emission ceilings 2010	Percentage emission reductions for 2010 (base year 1990)
	1980	1990		
Armenia	141	73	73	0 %
Austria	400	91	39	- 57 %
Belarus	740	637	480	- 25 %
Belgium	828	372	106	- 72 %
Bulgaria	2 050	2 008	856	- 57 %
Canada national <sup>(a)</sup>	4 643	3 236		
PEMA (SOMA)	3 135	1 873		
Croatia	150	180	70	- 61 %
Czech Republic	2 257	1 876	283	- 85 %
Denmark	450	182	55	- 70 %
Finland	584	260	116	- 55 %
France	3 208	1 269	400	- 68 %
Germany	7 514	5 313	550	- 90 %
Greece	400	509	546	7 %
Hungary	1 633	1 010	550	- 46 %
Ireland	222	178	42	- 76 %
Italy	3 757	1 651	500	- 70 %
Latvia	—	119	107	- 10 %

Party	Emission levels		Emission ceilings 2010	Percentage emission reductions for 2010 (base year 1990)
	1980	1990		
Liechtenstein	0,39	0,15	0,11	- 27 %
Lithuania	311	222	145	- 35 %
Luxembourg	24	15	4	- 73 %
Netherlands	490	202	50	- 75 %
Norway	137	53	22	- 58 %
Poland	4 100	3 210	1 397	- 56 %
Portugal	266	362	170	- 53 %
Republic of Moldova	308	265	135	- 49 %
Romania	1 055	1 311	918	- 30 %
Russian Federation <sup>(b)</sup>	7 161	4 460		
PEMA	1 062	1 133	635	- 44 %
Slovakia	780	543	110	- 80 %
Slovenia	235	194	27	- 86 %
Spain <sup>(b)</sup>	2 959	2 182	774	- 65 %
Sweden	491	119	67	- 44 %
Switzerland	116	43	26	- 40 %
Ukraine	3 849	2 782	1 457	- 48 %
United Kingdom	4 863	3 731	625	- 83 %
United States of America <sup>(c)</sup>				
European Community	26 456	16 436	4 059	- 75 %

<sup>(a)</sup> Upon ratification, acceptance or approval of, or accession to, the present Protocol, Canada shall submit an emission ceiling for sulphur, either at a national level or for its PEMA, and will endeavour to provide a ceiling for 2010. The PEMA for sulphur will be the sulphur oxides management area (SOMA) that was designated pursuant to Annex III to the Protocol on Further Reduction of Sulphur Emissions adopted at Oslo on 14 June 1994 as the south-east Canada SOMA. This is an area of 1 million km<sup>2</sup> which includes all the territory of the provinces of Prince Edward Island, Nova Scotia and New Brunswick, all the territory of the province of Quebec south of a straight line between Havre-St. Pierre on the north coast of the Gulf of Saint Lawrence and the point where the Quebec-Ontario boundary intersects the James Bay coastline, and all the territory of the province of Ontario south of a straight line between the point where the Ontario-Quebec boundary intersects the James Bay coastline and Nipigon River near the north shore of Lake Superior.

<sup>(b)</sup> Figures apply to the European part within the EMEP area.

<sup>(c)</sup> Upon ratification, acceptance or approval of, or accession to, the present Protocol, the United States of America shall provide for inclusion in this Annex: (a) specific emission reduction measures applicable to mobile and stationary sources of sulphur to be applied either nationally or within a PEMA if it has submitted a PEMA for sulphur for inclusion in Annex III; (b) a value for total estimated sulphur emission levels for 1990, either national or for the PEMA; (c) an indicative value for total sulphur emission levels for 2010, either national or for the PEMA; and (d) associated estimates of the percentage reduction in sulphur emissions. Item (b) will be included in the table and items (a), (c) and (d) will be included in a footnote to the table.



Table 2. Emission ceilings for nitrogen oxides (thousands of tonnes of NO<sub>2</sub> per year)

Party	Emission levels		Percentage emission reductions for 2010 (base year 1990)
	1990	2010	
Armenia	46	46	0 %
Austria	194	107	- 45 %
Belarus	285	255	- 11 %
Belgium	339	181	- 47 %
Bulgaria	361	266	- 26 %
Canada <sup>(a)</sup>	2 104		
Croatia	87	87	0 %
Czech Republic	742	286	- 61 %
Denmark	282	127	- 55 %
Finland	300	170	- 43 %
France	1 882	860	- 54 %
Germany	2 693	1 081	- 60 %
Greece	343	344	0 %
Hungary	238	198	- 17 %
Ireland	115	65	- 43 %
Italy	1 938	1 000	- 48 %
Latvia	93	84	- 10 %
Liechtenstein	0,63	0,37	- 41 %
Lithuania	158	110	- 30 %
Luxembourg	23	11	- 52 %
Netherlands	580	266	- 54 %
Norway	218	156	- 28 %
Poland	1 280	879	- 31 %
Portugal	348	260	- 25 %
Republic of Moldova	100	90	- 10 %
Romania	546	437	- 20 %
Russian Federation <sup>(b)</sup>	3 600		
PEMA	360	265	- 26 %

Party	Emission levels		Percentage emission reductions for 2010 (base year 1990)
	1990	2010	
Slovakia	225	130	- 42 %
Slovenia	62	45	- 27 %
Spain <sup>(b)</sup>	1 113	847	- 24 %
Sweden	338	148	- 56 %
Switzerland	166	79	- 52 %
Ukraine	1 888	1 222	- 35 %
United Kingdom	2 673	1 181	- 56 %
United States of America <sup>(c)</sup>			
European Community	13 161	6 671	- 49 %

<sup>(a)</sup> Upon ratification, acceptance or approval of, or accession to, the present Protocol, Canada shall submit 1990 emission levels and 2010 emission ceilings for nitrogen oxides, either at a national level or for its PEMA for nitrogen oxides, if it has submitted one.

<sup>(b)</sup> Figures apply to the European part within the EMEP area.

<sup>(c)</sup> Upon ratification, acceptance or approval of, or accession to, the present Protocol, the United States of America shall provide for inclusion in this Annex: (a) specific emission reduction measures applicable to mobile and stationary sources of nitrogen oxides to be applied either nationally or within a PEMA if it has submitted a PEMA for nitrogen oxides for inclusion in Annex III; (b) a value for total estimated nitrogen oxide emission levels for 1990, either national or for the PEMA; (c) an indicative value for total nitrogen oxide emission levels for 2010, either national or for the PEMA; and (d) associated estimates of the percentage reduction in nitrogen oxide emissions. Item (b) will be included in the table and items (a), (c) and (d) will be included in a footnote to the table.

Table 3. Emission ceilings for ammonia (thousands of tonnes of NH<sub>3</sub> per year)

Party	Emission levels		Percentage emission reductions for 2010 (base year 1990)
	1990	2010	
Armenia	25	25	0 %
Austria	81	66	- 19 %
Belarus	219	158	- 28 %
Belgium	107	74	- 31 %
Bulgaria	144	108	- 25 %
Croatia	37	30	- 19 %
Czech Republic	156	101	- 35 %

Party	Emission levels		Percentage emission reductions for 2010 (base year 1990)
	1990	2010	
Denmark	122	69	- 43 %
Finland	35	31	- 11 %
France	814	780	- 4 %
Germany	764	550	- 28 %
Greece	80	73	- 9 %
Hungary	124	90	- 27 %
Ireland	126	116	- 8 %
Italy	466	419	- 10 %
Latvia	44	44	0 %
Liechtenstein	0,15	0,15	0 %
Lithuania	84	84	0 %
Luxembourg	7	7	0 %
Netherlands	226	128	- 43 %
Norway	23	23	0 %
Poland	508	468	- 8 %
Portugal	98	108	10 %
Republic of Moldova	49	42	- 14 %
Romania	300	210	- 30 %
Russian Federation <sup>(a)</sup>	1 191		
PEMA	61	49	- 20 %
Slovakia	62	39	- 37 %
Slovenia	24	20	- 17 %
Spain <sup>(a)</sup>	351	353	1 %
Sweden	61	57	- 7 %
Switzerland	72	63	- 13 %
Ukraine	729	592	- 19 %
United Kingdom	333	297	- 11 %
European Community	3 671	3 129	- 15 %

<sup>(a)</sup> Figures apply to the European part within the EMEP area.

Table 4. Emission ceilings for volatile organic compounds (thousands of tonnes of VOC per year)

Party	Emission levels	Emission ceilings	Percentage emission reductions for 2010 (base year 1990)
	1990	2010	
Armenia	81	81	0 %
Austria	351	159	- 55 %
Belarus	533	309	- 42 %
Belgium	324	144	- 56 %
Bulgaria	217	185	- 15 %
Canada <sup>(a)</sup>	2 880		
Croatia	105	90	- 14 %
Czech Republic	435	220	- 49 %
Denmark	178	85	- 52 %
Finland	209	130	- 38 %
France	2 957	1 100	- 63 %
Germany	3 195	995	- 69 %
Greece	373	261	- 30 %
Hungary	205	137	- 33 %
Ireland	197	55	- 72 %
Italy	2 213	1 159	- 48 %
Latvia	152	136	- 11 %
Liechtenstein	1,56	0,86	- 45 %
Lithuania	103	92	- 11 %
Luxembourg	20	9	- 55 %
Netherlands	502	191	- 62 %
Norway	310	195	- 37 %
Poland	831	800	- 4 %
Portugal	640	202	- 68 %
Republic of Moldova	157	100	- 36 %
Romania	616	523	- 15 %
Russian Federation <sup>(b)</sup>	3 566		
PEMA	203	165	- 19 %
Slovakia	149	140	- 6 %
Slovenia	42	40	- 5 %
Spain <sup>(b)</sup>	1 094	669	- 39 %

Party	Emission levels	Emission ceilings	Percentage emission reductions for 2010
	1990	2010	(base year 1990)
Sweden	526	241	- 54 %
Switzerland	292	144	- 51 %
Ukraine	1 369	797	- 42 %
United Kingdom	2 555	1 200	- 53 %
United States of America (c)			
European Community	15 353	6 600	- 57 %

(a) Upon ratification, acceptance or approval of, or accession to, the present Protocol, Canada shall submit 1990 emission levels and 2010 emission ceilings for volatile organic compounds, either at a national level or for its PEMA for volatile organic compounds, if it has submitted one.

(b) Figures apply to the European part within the EMEP area.

(c) Upon ratification, acceptance or approval of, or accession to, the present Protocol, the United States of America shall provide for inclusion in this Annex: (a) specific emission reduction measures applicable to mobile and stationary sources of volatile organic compounds to be applied either nationally or within a PEMA if it has submitted a PEMA for volatile organic compounds for inclusion in Annex III; (b) a value for total estimated volatile organic compound emission levels for 1990, either national or for the PEMA; (c) an indicative value for total volatile organic compound emission levels for 2010, either national or for the PEMA; and (d) associated estimates of the percentage reduction in volatile organic compound emissions. Item (b) will be included in the table and items (a), (c) and (d) will be included in a footnote to the table.

### ANNEX III

#### DESIGNATED POLLUTANT EMISSIONS MANAGEMENT AREA (PEMA)

The following PEMA is listed for the purpose of the present Protocol:

##### **Russian Federation PEMA**

This is the area of Murmansk *oblast*, the Republic of Karelia, Leningrad *oblast* (including St. Petersburg), Pskov *oblast*, Novgorod *oblast* and Kaliningrad *oblast*. The boundary of the PEMA coincides with the State and administrative boundaries of these constituent entities of the Russian Federation.

## ANNEX IV

**LIMIT VALUES FOR EMISSIONS OF SULPHUR FROM STATIONARY SOURCES**

1. Section A applies to Parties other than Canada and the United States of America, section B applies to Canada and section C applies to the United States of America.

**A. Parties other than Canada and the United States of America**

2. For the purpose of section A, except Table 2 and paragraphs (11) and (12), limit value means the quantity of a gaseous substance contained in the waste gases from an installation that is not to be exceeded. Unless otherwise specified, it shall be calculated in terms of mass of pollutant per volume of the waste gases (expressed as mg/m<sup>3</sup>), assuming standard conditions for temperature and pressure for dry gas (volume at 273,15 K, 101,3 kPa). With regard to the oxygen content of the exhaust gas, the values given in the tables below for each source category shall apply. Dilution for the purpose of lowering concentrations of pollutants in waste gases is not permitted. Start-up, shutdown and maintenance of equipment are excluded.
3. Emissions shall be monitored in all cases <sup>(1)</sup>. Compliance with limit values shall be verified. The methods of verification can include continuous or discontinuous measurements, type approval, or any other technically sound method.
4. Sampling and analysis of pollutants, as well as reference measurement methods to calibrate any measurement system, shall be carried out in accordance with the standards laid down by the European Committee for Standardisation (CEN) or by the International Organisation for Standardisation (ISO). While awaiting the development of CEN or ISO standards, national standards shall apply.
5. Measurements of emissions should be carried out continuously when emissions of SO<sub>2</sub> exceed 75 kg/h.
6. In the case of continuous measurement for new plants, compliance with the emission standards is achieved if the calculated daily mean values do not exceed the limit value and if no hourly value exceeds the limit value by 100 %.
7. In the case of continuous measurements for existing plants, compliance with the emission standards is achieved if (a) none of the monthly mean values exceeds the limit values; and (b) 97 % of all the 48-hour mean values do not exceed 110 % of the limit values.
8. In the case of discontinuous measurements, as a minimum requirement, compliance with the emission standards is achieved if the mean value based on an appropriate number of measurements under representative conditions does not exceed the value of the emission standard.
9. Boilers and process heaters with a rated thermal input exceeding 50 Mw<sub>th</sub>:

Table 1. Limit values for SO<sub>x</sub> emissions released from boilers <sup>(a)</sup>

	Thermal input (Mw <sub>th</sub> )	Limit value <sup>(b)</sup> (mg SO <sub>2</sub> /Nm <sup>3</sup> )	Alternative for domestic solid fuels removal efficiency
Solid and liquid fuels, new installations	50-100	850	90 % <sup>(d)</sup>
	100-300	850 - 200 <sup>(c)</sup> (linear decrease)	92 % <sup>(d)</sup>
	> 300	200 <sup>(c)</sup>	95 % <sup>(d)</sup>

<sup>(1)</sup> Monitoring is to be understood as an overall activity, comprising measuring of emissions, mass balancing, etc. It can be carried out continuously or discontinuously.

	Thermal input (MW <sub>th</sub> )	Limit value <sup>(b)</sup> (mg SO <sub>2</sub> /Nm <sup>3</sup> )	Alternative for domestic solid fuels removal efficiency
Solid fuels, existing installations	50-100	2 000	
	100-500	2 000-400 (linear decrease)	
	> 500	400	
	50-150		40 %
	150-500		40-90 % (linear increase)
	> 500		90 %
Liquid fuels, existing installations	50-300	1 700	
	300-500	1 700-400 (linear decrease)	
	> 500	400	
Gaseous fuels in general, new and existing installations		35	
Liquefied gas, new and existing installations		5	
Low-calorific-value gases (e.g. gasification of refinery residues or combustion of coke oven gas)		new 400 existing 800	
Blast-furnace gas		new 200 existing 800	
New combustion plant in refineries (average of all new combustion installations)	> 50 (total refinery capacity)	600	
Existing combustion plant in refineries (average of all existing combustion installations)		1 000	

<sup>(a)</sup> In particular, the limit values shall not apply to:

- plants in which the products of combustion are used for direct heating, drying, or any other treatment of objects or materials, e.g. reheating furnaces, furnaces for heat treatment,
- post-combustion plants, i.e. any technical apparatus designed to purify the waste gases by combustion that is not operated as an independent combustion plant,
- facilities for the regeneration of catalytic cracking catalysts,
- facilities for the conversion of hydrogen sulphide into sulphur,
- reactors used in the chemical industry,
- coke battery furnaces,
- cowpers,
- waste incinerators,
- plants powered by diesel, petrol or gas engines or by combustion turbines, irrespective of the fuel used.

<sup>(b)</sup> The O<sub>2</sub> reference content is 6 % for solid fuels and 3 % for others.

<sup>(c)</sup> 400 with heavy fuel oil S < 0,25 %.

<sup>(d)</sup> If an installation reaches 300 mg/Nm<sup>3</sup> SO<sub>2</sub>, it may be exempted from applying the removal efficiency.

## 10. Gas oil:

*Table 2. Limit values for the sulphur content of gas oil<sup>(a)</sup>*

	Sulphur content (per cent by weight)
Gas oil	< 0,2 after 1 July 2000 < 0,1 after 1 January 2008

<sup>(a)</sup> 'Gas oil' means any petroleum product within HS 2710, or any petroleum product which, by reason of its distillation limits, falls within the category of middle distillates intended for use as fuel and of which at least 85 % by volume, including distillation losses, distils at 350 °C. Fuels used in on-road and non-road vehicles and agricultural tractors are excluded from this definition. Gas oil intended for marine use is included in the definition if it meets the description above or it has a viscosity or density falling within the ranges of viscosity or density defined for marine distillates in Table I of ISO 8217 (1996).

## 11. Claus plant: for a plant that produces more than 50 Mg of sulphur a day:

- (a) sulphur recovery 99,5 % for new plant;
- (b) sulphur recovery 97 % for existing plant.

12. Titanium dioxide production: in new and existing installations, discharges arising from digestion and calcination steps in the manufacture of titanium dioxide shall be reduced to a value of not more than 10 kg of SO<sub>2</sub>-equivalent per Mg of titanium dioxide produced.**B. Canada**

## 13. Limit values for controlling emissions of sulphur dioxide from new stationary sources in the following stationary source category will be determined on the basis of available information on control technology and levels including limit values applied in other countries and the following document: Canada Gazette, Part I. Department of the Environment. Thermal Power Generation Emissions — National Guidelines for New Stationary Sources. May 15, 1993, pp. 1633-1638.

**C. United States of America**

## 14. Limit values for controlling emissions of sulphur dioxide from new stationary sources in the following stationary source categories are specified in the following documents:

- (1) Electric Utility Steam Generating Units — 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart D, and Subpart Da;
- (2) Industrial-Commercial-Institutional Steam Generating Units — 40 C.F.R. Part 60, Subpart Db, and Subpart Dc;
- (3) Sulphuric Acid Plants — 40 C.F.R. Part 60, Subpart H;
- (4) Petroleum Refineries — 40 C.F.R. Part 60, Subpart J;
- (5) Primary Copper Smelters — 40 C.F.R. Part 60, Subpart P;
- (6) Primary Zinc Smelters — 40 C.F.R. Part 60, Subpart Q;
- (7) Primary Lead Smelters — 40 C.F.R. Part 60, Subpart R;
- (8) Stationary Gas Turbines — 40 C.F.R. Part 60, Subpart GG;
- (9) Onshore Natural Gas Processing — 40 C.F.R. Part 60, Subpart LLL;
- (10) Municipal Waste Combustors — 40 C.F.R. Part 60, Subpart Ea, and Subpart Eb;
- (11) Hospital/Medical/Infectious Waste Incinerators — 40 C.F.R. Part 60, Subpart Ec.



## ANNEX V

**LIMIT VALUES FOR EMISSIONS OF NITROGEN OXIDES FROM STATIONARY SOURCES**

1. Section A applies to Parties other than Canada and the United States of America, section B applies to Canada and section C applies to the United States of America.

**A. Parties other than Canada and the United States of America**

2. For the purpose of section A, limit value means the quantity of a gaseous substance contained in the waste gases from an installation that is not to be exceeded. Unless otherwise specified, it shall be calculated in terms of mass of pollutant per volume of the waste gases (expressed as mg/m<sup>3</sup>), assuming standard conditions for temperature and pressure for dry gas (volume at 273,15 K, 101,3 kPa). With regard to the oxygen content of exhaust gas, the values given in the tables below for each source category shall apply. Dilution for the purpose of lowering concentrations of pollutants in waste gases is not permitted. Limit values generally address NO together with NO<sub>2</sub>, commonly named NO<sub>x</sub>, expressed as NO<sub>2</sub>. Start-up, shutdown and maintenance of equipment are excluded.
3. Emissions shall be monitored in all cases <sup>(1)</sup>. Compliance with limit values shall be verified. The methods of verification can include continuous or discontinuous measurements, type approval, or any other technically sound method.
4. Sampling and analysis of pollutants, as well as reference measurement methods to calibrate any measurement system, shall be carried out in accordance with the standards laid down by the European Committee for Standardisation (CEN) or by the International Organisation for Standardisation (ISO). While awaiting the development of CEN or ISO standards, national standards shall apply.
5. Measurements of emissions should be carried out continuously when emissions of NO<sub>x</sub> exceed 75 kg/h.
6. In the case of continuous measurements, except for existing combustion plant covered in Table 1, compliance with the emission standards is achieved if the calculated daily mean values do not exceed the limit value and if no hourly value exceeds the limit value by 100 %.
7. In the case of continuous measurements for existing combustion plants covered in Table 1, compliance with the emission standards is achieved if (a) none of the monthly mean values exceeds the emission limit values; and (b) 95 % of all the 48-hour mean values do not exceed 110 % of the emission limit values.
8. In the case of discontinuous measurements, as a minimum requirement, compliance with the emission standards is achieved if the mean value based on an appropriate number of measurements under representative conditions does not exceed the value of the emission standard.
9. Boilers and process heaters with a rated thermal input exceeding 50 MW<sub>th</sub>:

*Table 1. Limit values for NO<sub>x</sub> emissions released from boilers <sup>(a)</sup>*

	Limit value (mg/Nm <sup>3</sup> ) <sup>(b)</sup>
Solid fuels, new installations:	
— Boilers 50-100 MW <sub>th</sub>	400
— Boilers 100-300 MW <sub>th</sub>	300
— Boilers >300 MW <sub>th</sub>	200
Solid fuels, existing installations:	
— Solid in general	650
— Solid with less than 10 % volatile compounds	1 300

<sup>(1)</sup> Monitoring is to be understood as an overall activity, comprising measuring of emissions, mass balancing, etc. It can be carried out continuously or discontinuously.

	Limit value (mg/Nm <sup>3</sup> ) <sup>(e)</sup>
Liquid fuels, new installations:	
— Boilers 50-100 MW <sub>th</sub>	400
— Boilers 100-300 MW <sub>th</sub>	300
— Boilers >300 MW <sub>th</sub>	200
Liquid fuels, existing installations	450
Gaseous fuels, new installations:	
Fuel: natural gas	
— Boilers 50-300 MW <sub>th</sub>	150
— Boilers > 300 MW <sub>th</sub>	100
Fuel: all other gases	200
Gaseous fuels, existing installations	350

- (e) In particular, the limit values shall not apply to:
- plants in which the products of combustion are used for direct heating, drying, or any other treatment of objects or materials, e.g. reheating furnaces, furnaces for heat treatment,
  - post-combustion plants, i.e. any technical apparatus designed to purify the waste gases by combustion that is not operated as an independent combustion plant,
  - facilities for the regeneration of catalytic cracking catalysts,
  - facilities for the conversion of hydrogen sulphide into sulphur,
  - reactors used in the chemical industry,
  - coke battery furnaces,
  - cowpers,
  - waste incinerators,
  - plants powered by diesel, petrol or gas engines or by combustion turbines, irrespective of the fuel used.
- (f) These values do not apply to boilers running less than 500 hours a year. The O<sub>2</sub> reference content is 6 % for solid fuels and 3 % for others.

10. Onshore combustion turbines with a rated thermal input exceeding 50 MW<sub>th</sub>: the NO<sub>x</sub> limit values expressed in mg/Nm<sup>3</sup> (with an O<sub>2</sub> content of 15 %) are to be applied to a single turbine. The limit values in Table 2 apply only above 70 % load.

Table 2. Limit values for NO<sub>x</sub> emissions released from onshore combustion turbines

> 50 MW <sub>th</sub> (Thermal input at ISO conditions)	Limit value (mg/Nm <sup>3</sup> )
New installations, natural gas <sup>(a)</sup>	50 <sup>(b)</sup>
New installations, liquid fuels <sup>(c)</sup>	120
Existing installations, all fuels <sup>(d)</sup>	
— Natural gas	150
— Liquid	200

- (a) Natural gas is naturally occurring methane with not more than 20 % (by volume) of inerts and other constituents.
- (b) 75 mg/Nm<sup>3</sup> if:
- combustion turbine used in a combined heat and power system, or
  - combustion turbine driving compressor for public gas grid supply.
- For combustion turbines not falling into either of the above categories, but having an efficiency greater than 35 %, determined at ISO base load conditions, the limit value shall be 50\* n/35 where n is the combustion turbine efficiency expressed as a percentage (and determined at ISO base load conditions).
- (c) This limit value applies only to combustion turbines firing light and medium distillates.
- (d) The limit values do not apply to combustion turbines running less than 150 hours a year.

## 11. Cement production:

Table 3. Limit values for NO<sub>x</sub> emissions released from cement production <sup>(a)</sup>

	Limit value (mg/Nm <sup>3</sup> )
New installations (10 % O <sub>2</sub> )	
— Dry kilns	500
— Other kilns	800
Existing installations (10 % O <sub>2</sub> )	1 200

<sup>(a)</sup> Installations for the production of cement clinker in rotary kilns with a capacity > 500 mg/day or in other furnaces with a capacity > 50 Mg/day.

## 12. Stationary engines:

Table 4. Limit values for NO<sub>x</sub> emissions released from new stationary engines

Capacity, technique, fuel specification	Limit value <sup>(a)</sup> (mg/Nm <sup>3</sup> )
Spark ignition (= Otto) engines, 4-stroke, > 1 MW <sub>th</sub>	
— Lean-burn engines	250
— All other engines	500
Compression ignition (= Diesel) engines, > 5 MW <sub>th</sub>	
— Fuel: natural gas (jet ignition engines)	500
— Fuel: heavy fuel oil	600
— Fuel: diesel oil or gas oil	500

<sup>(a)</sup> These values do not apply to engines running less than 500 hours a year. The O<sub>2</sub> reference content is 5 %.

## 13. Production and processing of metals:

Table 5. Limit values for NO<sub>x</sub> emissions released from primary iron and steel production <sup>(a)</sup>

Capacity, technique, fuel specification	Limit value (mg/Nm <sup>3</sup> )
New and existing sinter plants	400

<sup>(a)</sup> Production and processing of metals: metal ore roasting or sintering installations, installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting with a capacity exceeding 2,5 Mg/hour, installations for the processing of ferrous metals (hot rolling mills > 20 Mg/hour of crude steel).

## 14. Nitric acid production:

Table 6. Limit values for NO<sub>x</sub> emissions released from nitric acid production excluding acid concentration units

Capacity, technique, fuel specification	Limit value (mg/Nm <sup>3</sup> )
— New installations	350
— Existing installations	450

**B. Canada**

15. Limit values for controlling emissions of nitrogen oxides (NO<sub>x</sub>) from new stationary sources in the following stationary source categories will be determined on the basis of available information on control technology and levels including limit values applied in other countries and the following documents:
- (a) Canadian Council of Ministers of the Environment (CCME). National Emission Guidelines for Stationary Combustion Turbines. December 1992. PN1072;
  - (b) Canada Gazette, Part I. Department of the Environment. Thermal Power Generation Emissions — National Guidelines for New Stationary Sources. May 15, 1993, pp. 1633-1638;
  - (c) CCME. National Emission Guidelines for Cement Kilns. March 1998. PN1284.

**C. United States of America**

16. Limit values for controlling emissions of NO<sub>x</sub> from new stationary sources in the following stationary source categories are specified in the following documents:
- (a) Coal-fired Utility Units — 40 Code of Federal Regulations (C.F.R.) Part 76;
  - (b) Electric Utility Steam Generating Units — 40 C.F.R. Part 60, Subpart D, and Subpart Da;
  - (c) Industrial-Commercial-Institutional Steam Generating Units — 40 C.F.R. Part 60, Subpart Db;
  - (d) Nitric Acid Plants — 40 C.F.R. Part 60, Subpart G;
  - (e) Stationary Gas Turbines — 40 C.F.R. Part 60, Subpart GG;
  - (f) Municipal Waste Combustors — 40 C.F.R. Part 60, Subpart Ea, and Subpart Eb;
  - (g) Hospital/Medical/Infectious Waste Incinerators — 40 C.F.R. Part 60, Subpart Ec.

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**ANNEX VI****LIMIT VALUES FOR EMISSIONS OF VOLATILE ORGANIC COMPOUNDS FROM STATIONARY SOURCES**

1. Section A applies to Parties other than Canada and the United States of America, section B applies to Canada and section C applies to the United States of America.

**A. Parties other than Canada and the United States of America**

2. This section of the present Annex covers the stationary sources of non-methane volatile organic compound (NMVOC) emissions listed in paragraphs (8) to (21) below. Installations or parts of installations for research, development and testing of new products and processes are not covered. Threshold values are given in the sector-specific tables below. They generally refer to solvent consumption or emission mass flow. Where one operator carries out several activities falling under the same subheading at the same installation on the same site, the solvent consumption or emission mass flow of such activities are added together. If no threshold value is indicated, the given limit value applies to all the installations concerned.
3. For the purpose of section A of the present Annex:
- (a) 'storage and distribution of petrol' means the loading of trucks, railway wagons, barges and seagoing ships at depots and mineral oil refinery dispatch stations, excluding vehicle refuelling at service stations covered by relevant documents on mobile sources;

- (b) 'adhesive coating' means any process in which an adhesive is applied to a surface, with the exception of adhesive coating and laminating associated with printing processes and wood and plastic lamination;
- (c) 'wood and plastic lamination' means any process to adhere together wood and/or plastic to produce laminated products;
- (d) 'coating processes' means the application of metal and plastic surfaces to: passenger cars, truck cabins, trucks, buses or wooden surfaces and covers any process in which a single or multiple application of a continuous film of coating is laid onto:
- (i) new vehicles (see below) defined as vehicles of category M1 and of category N1 insofar as they are coated at the same installation as M1 vehicles;
  - (ii) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment of category N2 and N3 vehicles;
  - (iii) vans and trucks defined as category N1, N2 and N3 vehicles, but excluding truck cabins;
  - (iv) buses defined as category M2 and M3 vehicles;
  - (v) other metallic and plastic surfaces including those of aeroplanes, ships, trains, etc., wooden surfaces, textile, fabric, film and paper surfaces.

This source category does not include the coating of substrates with metals by electrophoretic or chemical spraying techniques. If the coating process includes a step in which the same article is printed, that printing step is considered part of the coating process. However, printing processes operated as a separate activity are not included. In this definition:

- M1 vehicles are those used for the carriage of passengers and comprising not more than eight seats in addition to the driver's seat,
  - M2 vehicles are those used for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 Mg,
  - M3 vehicles are those used for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 Mg,
  - N1 vehicles are those used for the carriage of goods and having a maximum mass not exceeding 3,5 Mg,
  - N2 vehicles are those used for the carriage of goods and having a maximum mass exceeding 3,5 Mg but not exceeding 12 Mg,
  - N3 vehicles are those used for the carriage of goods and having a maximum mass exceeding 12 Mg.
- (e) 'coil coating' means any processes where coiled steel, stainless steel, coated steel, copper alloys or aluminium strip is coated with either a film-forming or laminate coating in a continuous process;
- (f) 'dry cleaning' means any industrial or commercial process using VOCs in an installation to clean garments, furnishings and similar consumer goods with the exception of the manual removal of stains and spots in the textile and clothing industry;
- (g) 'manufacturing of coatings, varnishes, inks and adhesives' means the manufacture of coating preparations, varnishes, inks and adhesives, and of intermediates as far as they are produced in the same installation by mixing pigments, resins and adhesive materials with organic solvents or other carriers. This category also includes dispersion, predispersion, realization of a certain viscosity or colour and packing the final products in containers;

- (h) 'printing' means any process of reproduction of text and/or images in which, with the use of an image carrier, ink is transferred onto a surface and applies to the following subprocesses:
- (i) flexography: a printing process using an image carrier of rubber or elastic photopolymers on which the printing inks are above the non-printing areas, using liquid inks that dry through evaporation;
  - (ii) heat set web offset: a web-fed printing process using an image carrier in which the printing and non-printing areas are in the same plane, where web-fed means that the material to be printed is fed to the machine from a reel as distinct from separate sheets. The non-printing area is treated to attract water and thus reject ink. The printing area is treated to receive and transmit ink to the surface to be printed. Evaporation takes place in an oven where hot air is used to heat the printed material;
  - (iii) publication rotogravure: rotogravure used for printing paper for magazines, brochures, catalogues or similar products, using toluene-based inks;
  - (iv) rotogravure: a printing process using a cylindrical image carrier in which the printing area is below the non-printing area, using liquid inks that dry through evaporation. The recesses are filled with ink and the surplus is cleaned off the non-printing area before the surface to be printed contacts the cylinder and lifts the ink from the recesses;
  - (v) rotary screen printing: a web-fed printing process in which the ink is passed onto the surface to be printed by forcing it through a porous image carrier, in which the printing area is open and the non-printing area is sealed off, using liquid inks that dry only through evaporation. Web-fed means that the material to be printed is fed to the machine from a reel as distinct from separate sheets;
  - (vi) laminating associated to a printing process: the adhering of two or more flexible materials to produce laminates;
  - (vii) varnishing: a process by which a varnish or an adhesive coating is applied to a flexible material for the purpose of later sealing the packaging material;
- (i) 'manufacturing of pharmaceutical products' means chemical synthesis, fermentation, extraction, formulation and finishing of pharmaceutical products and, where carried out at the same site, the manufacture of intermediate products;
- (j) 'conversion of natural or synthetic rubber' means any process of mixing, crushing, blending, calendering, extruding and vulcanisation of natural or synthetic rubber and additionally processes for the processing of natural or synthetic rubber to derive an end product;
- (k) 'surface cleaning' means any process except dry cleaning using organic solvents to remove contamination from the surface of material, including degreasing; a cleaning process consisting of more than one step before or after any other processing step is considered as one surface-cleaning process. The process refers to the cleaning of the surface of products and not to the cleaning of process equipment;
- (l) 'extraction of vegetable oil and animal fat and refining of vegetable oil' means the extraction of vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed, and the purification of fats and vegetable oils derived from seeds, vegetable matter and/or animal matter;
- (m) 'vehicle refinishing' means any industrial or commercial coating activity and associated degreasing activities performing:
- (i) the coating of road vehicles, or part of them, carried out as part of vehicle repair, conservation or decoration outside manufacturing installations, or

- (ii) the original coating of road vehicles, or part of them, with refinishing-type materials, where this is carried out away from the original manufacturing line, or
- (iii) the coating of trailers (including semi-trailers);
- (n) 'impregnation of wooden surfaces' means any process impregnating timber with preservative;
- (o) 'standard conditions' means a temperature of 273,15 K and a pressure of 101,3 kPa;
- (p) 'NMVOCs' comprise all organic compounds except methane which at 273,15 K show a vapour pressure of at least 0,01 kPa or which show a comparable volatility under the given application conditions;
- (q) 'waste gas' means the final gaseous discharge containing NMVOCs or other pollutants from a stack or from emission abatement equipment into air. The volumetric flow rates shall be expressed in m<sup>3</sup>/h at standard conditions;
- (r) 'fugitive emission of NMVOCs' means any emission, not in waste gases, of NMVOC into air, soil and water as well as, unless otherwise stated, solvents contained in any product, and includes uncaptured emissions of NMVOCs released to the outside environment via windows, doors, vents and similar openings. Fugitive limit values are calculated on the basis of a solvent management plan (see Appendix I to the present Annex);
- (s) 'total emission of NMVOCs' means the sum of fugitive emission of NMVOCs and emission of NMVOCs in waste gases;
- (t) 'input' means the quantity of organic solvents and their quantity in preparations used when carrying out a process, including the solvents recycled inside and outside the installation, and which are counted every time they are used to carry out the activity;
- (u) 'limit value' means the maximum quantity of a gaseous substance contained in the waste gases from an installation which is not to be exceeded during normal operation. Unless otherwise specified, it shall be calculated in terms of mass of pollutant per volume of the waste gases (expressed as mg C/Nm<sup>3</sup> unless specified otherwise), assuming standard conditions for temperature and pressure for dry gas. For solvent-using installations, limit values are given as mass unit per characteristic unit of the respective activity. Gas volumes that are added to the waste gas for cooling or dilution purposes shall not be considered when determining the mass concentration of the pollutant in the waste gas. Limit values generally address all volatile organic compounds except methane (no further distinction is made, e.g. in terms of reactivity or toxicity);
- (v) 'normal operation' means all periods of operation except start-up and shutdown operations and maintenance of equipment;
- (w) 'substances harmful to human health' are subdivided into two categories:
  - (i) halogenated VOCs that have the possible risk of irreversible effects; or
  - (ii) hazardous substances that are carcinogens, mutagens or toxic to reproduction or that may cause cancer, may cause heritable genetic damage, may cause cancer by inhalation, may impair fertility or may cause harm to the unborn child.

4. The following requirements shall be satisfied:

- (a) emissions of NMVOCs shall be monitored<sup>(1)</sup> and compliance with limit values shall be verified. The methods of verification may include continuous or discontinuous measurements, type approval or any other technically sound method; furthermore, they shall be economically viable;

<sup>(1)</sup> Monitoring is to be understood as an overall activity, comprising measuring of emissions, mass balancing, etc. It can be carried out continuously or discontinuously.

- (b) the concentrations of air pollutants in gas-carrying ducts shall be measured in a representative way. Sampling and analysis of all pollutants, as well as reference measurement methods to calibrate any measurement system, shall be carried out according to the standards laid down by the European Committee for Standardisation (CEN) or by the International Organisation for Standardisation (ISO). While awaiting the development of CEN or ISO standards, national standards shall apply;
  - (c) if measurements of emissions of NMVOCs are required, they should be carried out continuously if emissions of NMVOCs exceed 10 kg of total organic carbon (TOC)/h in the exhaust duct downstream from an emission reduction installation and the hours of operation exceed 200 hours a year. For all other installations, discontinuous measurement is required as a minimum. For the approval of compliance, own approaches may be used provided that they result in equal stringency;
  - (d) in the case of continuous measurements, as a minimum requirement, compliance with the emission standards is achieved if the daily mean does not exceed the limit value during normal operation and no hourly average exceeds the limit values by 150 %. For the approval of compliance, own approaches may be used provided that they result in equal stringency;
  - (e) in the case of discontinuous measurements, as a minimum requirement, compliance with the emission standards is achieved if the mean value of all readings does not exceed the limit value and no hourly mean exceeds the limit value by 150 %. For the approval of compliance, own approaches may be used provided that they result in equal stringency;
  - (f) all appropriate precautions shall be taken to minimize emissions of NMVOCs during start-up and shutdown, and in case of deviations from normal operation;
  - (g) measurements are not required if end-of-pipe abatement equipment is not needed to comply with the limit values below and it can be shown that limit values are not exceeded.
5. The following limit values should be applied for waste gases, unless stated otherwise below:
- (a) 20 mg substance/m<sup>3</sup> for discharges of halogenated volatile organic compounds (which are assigned the risk phrase 'possible risk of irreversible effects'), where the mass flow of the sum of the considered compounds is greater than or equal to 100 g/h;
  - (b) 2 mg/m<sup>3</sup> (expressed as the mass sum of individual compounds) for discharges of volatile organic compounds (which are assigned the following risk phrases: may cause cancer, heritable genetic damage, cancer by inhalation or harm to the unborn child; may impair fertility), where the mass flow of the sum of the considered compounds is greater than or equal to 10 g/h.
6. For the source categories listed in paragraphs (9) to (21) below, the following revisions are relevant:
- (a) instead of applying the limit values for installations set out below, the operators of the respective installations may be allowed to use a reduction scheme (see Appendix II to the present Annex). The purpose of a reduction scheme is to give the operator the possibility to achieve by other means emission reductions equivalent to those achieved if given limit values were to be applied;
  - (b) for fugitive emissions of NMVOCs, the fugitive emission values set out below shall be applied as a limit value. However, where it is demonstrated to the satisfaction of the competent authority that for an individual installation this value is not technically and economically feasible, the competent authority may exempt that installation provided that significant risks to human health or the environment are not expected. For each derogation, the operator must demonstrate to the satisfaction of the competent authority that the best available technique is used.
7. The limit values for VOC emissions for the source categories defined in paragraph (3) shall be as specified in paragraphs (8) to (21) below.



## 8. Storage and distribution of petrol:

Table 1. Limit values for VOC emissions released from the storage and distribution of petrol, excluding the loading of seagoing ships

Capacity, technique, further specification	Threshold values	Limit value
Vapour recovery unit serving storage and distribution facilities at refinery tank farms or terminals	5 000 m <sup>3</sup> petrol throughput annually	10 g VOC/Nm <sup>3</sup> including methane

Note: The vapour displaced by the filling of petrol storage tanks shall be displaced either into other storage tanks or into abatement equipment meeting the limit values in the table above.

## 9. Adhesive coating:

Table 2. Limit values for NMVOC emissions released from adhesive coating

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value	Limit value for fugitive emissions of NMVOCs (% of solvent input)
Footwear manufacture; new and existing installations	> 5	25 g solvent per pair	
Other adhesive coating, except footwear; new and existing installations	5-15	50 <sup>(a)</sup> mg C/Nm <sup>3</sup>	25
	> 15	50 <sup>(a)</sup> mg C/Nm <sup>3</sup>	20

<sup>(a)</sup> If techniques are used which allow reuse of recovered solvent, the limit value shall be 150 mg C/Nm<sup>3</sup>.

## 10. Wood and plastic lamination:

Table 3. Limit values for NMVOC emissions released from wood and plastic lamination

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value for total emissions of NMVOCs
Wood and plastic laminating; new and existing installations	> 5	30 g NMVOC/m <sup>2</sup>

## 11. Coating processes (metal and plastic surfaces in passenger cars, truck cabins, trucks, buses, wooden surfaces):

Table 4. Limit values for NMVOC emissions released from coating processes in the car industry

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year) <sup>(a)</sup>	Limit value for total emissions of NMVOCs <sup>(b)</sup>
New installations, car coating (M1, M2)	> 15 (and > 5 000 coated items a year)	45 g NMVOC/m <sup>2</sup> or 1,3 kg/item and 33 g NMVOC/m <sup>2</sup>

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year) <sup>(a)</sup>	Limit value for total emissions of NMVOCs <sup>(b)</sup>
Existing installations, car coating (M1, M2)	> 15 (and > 5 000 coated items a year)	60 g NMVOC /m <sup>2</sup> or 1,9 kg/item and 41 g NMVOC/m <sup>2</sup>
New and existing installations, car coating (M1, M2)	> 15 (≤ 5 000 coated monocoques or > 3 500 coated chassis a year)	90 g NMVOC/m <sup>2</sup> or 1,5 kg/item and 70 g NMVOC/m <sup>2</sup>
New installations, coating of new truck cabins (N1, N2, N3)	> 15 (≤ 5 000 coated items a year)	65 g NMVOC/m <sup>2</sup>
New installations, coating of new truck cabins (N1, N2, N3)	> 15 (> 5 000 coated items a year)	55 g NMVOC/m <sup>2</sup>
Existing installations, coating of new truck cabins (N1, N2, N3)	> 15 (≤ 5 000 coated items a year)	85 g NMVOC/m <sup>2</sup>
Existing installations, coating of new truck cabins (N1, N2, N3)	> 15 (> 5 000 coated items a year)	75 g NMVOC/m <sup>2</sup>
New installations, coating of new trucks and vans (without cabin) (N1, N2, N3)	> 15 (≤ 2 500 coated items a year)	90 g NMVOC/m <sup>2</sup>
New installations, coating of new trucks and vans (without cabin) (N1, N2, N3)	> 15 (> 2 500 coated items a year)	70 g NMVOC/m <sup>2</sup>
Existing installations, coating of new trucks and vans (without cabin) (N1, N2, N3)	> 15 (≤ 2 500 coated items a year)	120 g NMVOC/m <sup>2</sup>
Existing installations, coating of new trucks and vans (without cabin) (N1, N2, N3)	> 15 (> 2 500 coated items a year)	90 g NMVOC/m <sup>2</sup>
New installations, coating of new buses (M3)	> 15 (≤ 2 000 coated items a year)	210 g NMVOC/m <sup>2</sup>
New installations, coating of new buses (M3)	> 15 (> 2 000 coated items a year)	150 g NMVOC/m <sup>2</sup>
Existing installations, coating of new buses (M3)	> 15 (≤ 2 000 coated items a year)	290 g NMVOC/m <sup>2</sup>

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year) <sup>(a)</sup>	Limit value for total emissions of NMVOCs <sup>(b)</sup>
Existing installations, coating of new buses (M3)	> 15 (> 2 000 coated items a year)	225 g NMVOC/m <sup>2</sup>

<sup>(a)</sup> For a solvent consumption ≤ 15 Mg a year (coating of cars), Table 14 on car refinishing applies.

<sup>(b)</sup> The total limit values are expressed in terms of mass of solvent (g) emitted in relation to the surface area of product (m<sup>2</sup>). The surface area of the product is defined as the surface area calculated from the total electrophoretic coating area and the surface area of any parts that might be added in successive phases of the coating process which are coated with the same coatings. The surface of the electrophoretic coating area is calculated using the formula: (2 × total weight of product shell): (average thickness of metal sheet × density of metal sheet).

Table 5. Limit values for NMVOC emissions released from coating processes in various industrial sectors

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emission of NMVOCs (% of solvent input)
New and existing installations: other coating, incl. metal, plastics, textile, fabric, foil and paper (excl. web screen printing for textiles, see printing)	5-15	100 <sup>(a)</sup> <sup>(b)</sup>	25 <sup>(b)</sup>
	> 15	50/75 <sup>(b)</sup> <sup>(c)</sup> <sup>(d)</sup>	20 <sup>(b)</sup>
New and existing installations: wood coating	15-25	100 <sup>(a)</sup>	25
	> 25	50/75 <sup>(c)</sup>	20

<sup>(a)</sup> Limit value applies to coating applications and drying processes operated under contained conditions.

<sup>(b)</sup> If contained coating conditions are not possible (boat construction, aircraft coating, etc.), installations may be granted exemption from these values. The reduction scheme of paragraph (6)(a) is then to be used, unless it is demonstrated to the satisfaction of the competent authority that this option is not technically and economically feasible. In this case, the operator must demonstrate to the satisfaction of the competent authority that the best available technique is used.

<sup>(c)</sup> The first value applies to drying processes, the second to coating application processes.

<sup>(d)</sup> If, for textile coating, techniques are used which allow reuse of recovered solvents, the limit value shall be 150 mg C/Nm<sup>3</sup> for drying and coating together.

## 12. Coil coating:

Table 6. Limit values for NMVOC emissions released from coil coating

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New installations	> 25	50 <sup>(a)</sup>	5
Existing installations	> 25	50 <sup>(a)</sup>	10

<sup>(a)</sup> If techniques are used which allow reuse of recovered solvent, the limit value shall be 150 mg C/Nm<sup>3</sup>.

## 13. Dry cleaning:

Table 7. Limit values for NMVOC emissions released from dry cleaning

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (NMVOC/kg)
New and existing installations	0	20 g <sup>(a)</sup>

<sup>(a)</sup> Limit value for total emissions of NMVOCs calculated as mass of emitted solvent per mass of cleaned and dried product.

## 14. Manufacturing of coatings, varnishes, inks and adhesives:

Table 8. Limit values for NMVOC emissions released from manufacturing of coatings, varnishes, inks and adhesives

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New and existing installations	100-1 000	150 <sup>(a)</sup>	5 <sup>(a)</sup> <sup>(c)</sup>
	> 1 000	150 <sup>(b)</sup>	3 <sup>(b)</sup> <sup>(c)</sup>

<sup>(a)</sup> A total limit value of 5 % of solvent input may be applied instead of using the waste gas concentration limit and the limit value for fugitive emissions of NMVOCs.

<sup>(b)</sup> A total limit value of 3 % of solvent input may be applied instead of using the waste gas concentration limit and the limit value for fugitive emissions of NMVOCs.

<sup>(c)</sup> The fugitive limit value does not include solvents sold as part of a preparation in a sealed container.

## 15. Printing (flexography, heat set web offset, publication rotogravure etc.):

Table 9. Limit values for NMVOC emissions released from printing processes

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New and existing installations: heat set web offset	15-25	100	30 <sup>(a)</sup>
	> 25	20	30 <sup>(a)</sup>
New installations: publication rotogravure	> 25	75	10
Existing installations: publication rotogravure	> 25	75	15

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New and existing installations: other rotogravure, flexography, rotary screen printing, lamination and varnishing units	15-25	100	25
	> 25	100	20
New and existing installations: rotary screen printing on textiles, paperboard	> 30	100	20

(a) Solvent residue in finished products is not to be considered as part of the fugitive emissions of NMVOCs.

#### 16. Manufacturing of pharmaceutical products:

Table 10. Limit values for NMVOC emissions released from manufacturing of pharmaceutical products

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New installations	> 50	20 (a) (b)	5 (b) (d)
Existing installations	> 50	20 (a) (c)	15 (c) (d)

(a) If techniques are used which allow reuse of recovered solvents, the limit value shall be 150 mg C/Nm<sup>3</sup>.

(b) A total limit value of 5 % of solvent input may be applied instead of using the waste gas concentration limit and the limit value for fugitive emissions of NMVOCs.

(c) A total limit value of 15 % of solvent input may be applied instead of using the waste gas concentration limit and the limit value for fugitive emissions of NMVOCs.

(d) The fugitive limit value does not include solvents sold as part of a coatings preparation in a sealed container.

#### 17. Conversion of natural or synthetic rubber:

Table 11. Limit values for NMVOC emission released from conversion of natural or synthetic rubber

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New and existing installations: conversion of natural or synthetic rubber	> 15	20 (a) (b)	25 (a) (c)

(a) A total limit value of 25 % of solvent input may be applied instead of using the waste gas concentration limit and the limit value for fugitive emissions of NMVOCs.

(b) If techniques are used which allow reuse of recovered solvent, the limit value shall be 150 mg C/Nm<sup>3</sup>.

(c) The fugitive limit does not include solvents sold as part of a preparation in a sealed container.

## 18. Surface cleaning:

Table 12. Limit values for NMVOC emissions released from surface cleaning

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New and existing installations: surface cleaning using substances mentioned in paragraph (3)(w)	1-5	20	15
	> 5	20	10
New and existing installations: other surface cleaning	2-10	75 <sup>(a)</sup>	20 <sup>(a)</sup>
	> 10	75 <sup>(a)</sup>	15 <sup>(a)</sup>

<sup>(a)</sup> Installations which demonstrate to the competent authority that the average organic solvent content of all cleaning material used does not exceed 30 % w/w are exempt from applying these values.

## 19. Vegetable oil and animal fat extraction and vegetable oil refining processes:

Table 13. Limit values for NMVOC emissions released from extraction of vegetable and animal fat and refining of vegetable oil

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Total limit value (kg/Mg)
New and existing installations	> 10	Animal fat: 1,5
		Castor: 3,0
		Rape seed: 1,0
		Sunflower seed: 1,0
		Soya beans (normal crush): 0,8
		Soya beans (white flakes): 1,2
		Other seeds and vegetable material: 3,0 <sup>(a)</sup>
		All fractionation processes, excl. degumming <sup>(b)</sup> : 1,5
		Degumming: 4,0

<sup>(a)</sup> Limit values for total emissions of NMVOCs from installations treating single batches of seeds or other vegetable material shall be set case by case by the competent authorities on the basis of the best available technologies.

<sup>(b)</sup> The removal of gum from the oil.

## 20. Vehicle refinishing:

Table 14. Limit values for NMVOC emissions released from vehicle refinishing

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emissions of NMVOCs (% of solvent input)
New and existing installations	> 0,5	50 <sup>(a)</sup>	25

<sup>(a)</sup> Compliance with limit values to be proven by 15-minute average measurements.

## 21. Impregnation of wooden surfaces:

Table 15. Limit values for NMVOC emissions released from impregnation of wooden surfaces

Capacity, technique, further specification	Threshold value for solvent consumption (Mg/year)	Limit value (mg C/Nm <sup>3</sup> )	Limit value for fugitive emission of NMVOCs (% of solvent input)
New and existing installations	> 25	100 <sup>(a)</sup> <sup>(b)</sup>	45 <sup>(b)</sup>

<sup>(a)</sup> Does not apply to impregnation with creosote.

<sup>(b)</sup> A total limit value of 11 kg solvent/m<sup>3</sup> of wood treated may be applied instead of using the waste gas concentration limit and the limit value for fugitive emissions of NMVOCs.

**B. Canada**

## 22. Limit values for controlling emissions of volatile organic compounds (VOCs) from new stationary sources in the following stationary source categories will be determined on the basis of available information on control technology and levels, including limit values applied in other countries, and the following documents:

- (a) Canadian Council of Ministers of the Environment (CCME). Environmental Code of Practice for the Reduction of Solvent Emissions from Dry Cleaning Facilities. December 1992. PN1053;
- (b) CCME. Environmental Guideline for the Control of Volatile Organic Compounds Process Emissions from New Organic Chemical Operations. September 1993. PN1108;
- (c) CCME. Environmental Code of Practice for the Measurement and Control of Fugitive VOC Emissions from Equipment Leaks. October 1993. PN1106;
- (d) CCME. A Program to Reduce Volatile Organic Compound Emissions by 40 Percent from Adhesives and Sealants. March 1994. PN1116;
- (e) CCME. A Plan to Reduce Volatile Organic Compound Emissions by 20 Percent from Consumer Surface Coatings. March 1994. PN1114;
- (f) CCME. Environmental Guidelines for Controlling Emissions of Volatile Organic Compounds from Aboveground Storage Tanks. June 1995. PN1180;
- (g) CCME. Environmental Code of Practice for Vapour Recovery during Vehicle Refueling at Service Stations and Other Gasoline Dispensing Facilities. (Stage II) April 1995. PN1184;
- (h) CCME. Environmental Code of Practice for the Reduction of Solvent Emissions from Commercial and Industrial Degreasing Facilities. June 1995. PN1182;

- (i) CCME. New Source Performance Standards and Guidelines for the Reduction of Volatile Organic Compound Emissions from Canadian Automotive Original Equipment Manufacturer (OEM) Coating Facilities. August 1995. PN1234;
- (j) CCME. Environmental Guideline for the Reduction of Volatile Organic Compound Emissions from the Plastics Processing Industry. July 1997. PN1276; and
- (k) CCME. National Standards for the Volatile Organic Compound Content of Canadian Commercial/Industrial Surface Coating Products — Automotive Refinishing. August 1997. PN1288.

### C. United States of America

23. Limit values for controlling emissions of VOCs from new stationary sources in the following stationary source categories are specified in the following documents:
- (a) Storage Vessels for Petroleum Liquids — 40 Code of Federal Regulations (C.F.R.) Part 60, Subpart K, and Subpart Ka;
  - (b) Storage Vessels for Volatile Organic Liquids — 40 C.F.R. Part 60, Subpart Kb;
  - (c) Petroleum Refineries — 40 C.F.R. Part 60, Subpart J;
  - (d) Surface Coating of Metal Furniture — 40 C.F.R. Part 60, Subpart EE;
  - (e) Surface Coating for Automobile and Light Duty Trucks — 40 C.F.R. Part 60, Subpart MM;
  - (f) Publication Rotogravure Printing — 40 C.F.R. Part 60, Subpart QQ;
  - (g) Pressure Sensitive Tape and Label Surface Coating Operations — 40 C.F.R. Part 60, Subpart RR;
  - (h) Large Appliance, Metal Coil and Beverage Can Surface Coating — 40 C.F.R. Part 60, Subpart SS, Subpart TT and Subpart WW;
  - (i) Bulk Gasoline Terminals — 40 C.F.R. Part 60, Subpart XX;
  - (j) Rubber Tire Manufacturing — 40 C.F.R. Part 60, Subpart BBB;
  - (k) Polymer Manufacturing — 40 C.F.R. Part 60, Subpart DDD;
  - (l) Flexible Vinyl and Urethane Coating and Printing — 40 C.F.R. Part 60, Subpart FFF;
  - (m) Petroleum Refinery Equipment Leaks and Wastewater Systems — 40 C.F.R. Part 60, Subpart GGG and Subpart QQQ;
  - (n) Synthetic Fiber Production — 40 C.F.R. Part 60, Subpart HHH;
  - (o) Petroleum Dry Cleaners — 40 C.F.R. Part 60, Subpart JJJ;
  - (p) Onshore Natural Gas Processing Plants — 40 C.F.R. Part 60, Subpart KKK;
  - (q) SOCOMI Equipment Leaks, Air Oxidation Units, Distillation Operations and Reactor Processes — 40 C.F.R. Part 60, Subpart VV, Subpart III, Subpart NNN and Subpart RRR;
  - (r) Magnetic Tape Coating — 40 C.F.R. Part 60, Subpart SSS;
  - (s) Industrial Surface Coatings — 40 C.F.R. Part 60, Subpart TTT; and
  - (t) Polymeric Coatings of Supporting Substrates Facilities — 40 C.F.R. Part 60, Subpart VVV.



*Appendix I***SOLVENT MANAGEMENT PLAN****Introduction**

1. This Appendix to the Annex on limit values for emissions of non-methane volatile organic compounds (NMVOCs) from stationary sources provides guidance on carrying out a solvent management plan. It identifies the principles to be applied (paragraph (2)), provides a framework for the mass balance (paragraph (3)) and provides an indication of the requirements for verification of compliance (paragraph (4)).

**Principles**

2. The solvent management plan serves the following purposes:
  - (a) verification of compliance, as specified in the Annex;
  - (b) identification of future reduction options.

**Definitions**

3. The following definitions provide a framework for the mass balance exercise:
  - (a) Inputs of organic solvents:
    11. The quantity of organic solvents or their quantity in preparations purchased that are used as input into the process in the time-frame over which the mass balance is being calculated.
    12. The quantity of organic solvents or their quantity in preparations recovered and reused as solvent input into the process. (The recycled solvent is counted every time it is used to carry out the activity.)
  - (b) Outputs of organic solvents:
    - O1. Emission of NMVOCs in waste gases.
    - O2. Organic solvents lost in water, if appropriate taking into account waste-water treatment when calculating O5.
    - O3. The quantity of organic solvents that remains as contamination or residue in output of products from the process.
    - O4. Uncaptured emissions of organic solvents to air. This includes the general ventilation of rooms, where air is released to the outside environment via windows, doors, vents and similar openings.
    - O5. Organic solvents and/or organic compounds lost due to chemical or physical reactions (including, for example, those that are destroyed, e.g. by incineration or other waste-gas or waste-water treatments, or captured, e.g. by adsorption, as long as they are not counted under O6, O7 or O8).
    - O6. Organic solvents contained in collected waste.
    - O7. Organic solvents, or organic solvents contained in preparations, that are sold or are intended to be sold as a commercially valuable product.
    - O8. Organic solvents contained in preparations recovered for reuse but not as input into the process, as long as they are not counted under O7.
    - O9. Organic solvents released in other ways.

**Guidance on use of the solvent management plan for verification of compliance**

4. The use of the solvent management plan will be determined by the particular requirement which is to be verified, as follows:

(a) Verification of compliance with the reduction option mentioned in paragraph (6)(a) of the Annex, with a total limit value expressed in solvent emissions per unit product, or as otherwise stated in the Annex.

(i) For all activities using the reduction option mentioned in paragraph (6)(a) of the Annex, the solvent management plan should be put into effect annually to determine consumption. Consumption can be calculated by means of the following equation:

$$C = I1 - O8$$

A parallel exercise should also be undertaken to determine solids used in coating in order to derive the annual reference emission and the target emission each year;

(ii) for assessing compliance with a total limit value expressed in solvent emissions per unit product or as otherwise stated in the Annex, the solvent management plan should be put into effect annually to determine emission of NMVOCs. Emission of NMVOCs can be calculated by means of the following equation:

$$E = F + O1$$

Where F is the fugitive emission of NMVOC as defined in subparagraph (b)(i) below. The emission figure should be divided by the relevant product parameter;

(b) Determination of fugitive emission of NMVOCs for comparison with fugitive emission values in the Annex:

(i) *Methodology*: The fugitive emission of NMVOC can be calculated by means of the following equation:

$$F = I1 - O1 - O5 - O6 - O7 - O8$$

or

$$F = O2 + O3 + O4 + O9$$

This quantity can be determined by direct measurement of the quantities. Alternatively, an equivalent calculation can be made by other means, for instance by using the capture efficiency of the process.

The fugitive emission value is expressed as a proportion of the input, which can be calculated by means of the following equation:

$$I = I1 + I2$$

(ii) *Frequency*: Fugitive emission of NMVOCs can be determined by a short but comprehensive set of measurements. This need not to be done again until the equipment is modified.

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## Appendix II

**REDUCTION SCHEME****Principles**

1. The purpose of the reduction scheme is to allow the operator the possibility to achieve by other means emission reductions equivalent to those achieved if the limit values were to be applied. To that end the operator may use any reduction scheme specially designed for his installation, provided that in the end an equivalent emission reduction is achieved. Parties shall report on progress in achieving the same emission reduction, including experience with the application of the reduction scheme.

**Practice**

2. If applying coatings, varnishes, adhesives or inks, the following scheme can be used. Where it is inappropriate, the competent authority may allow an operator to apply any alternative exemption scheme which it is satisfied fulfils the principles outlined here. The design of the scheme takes into account the following facts:
  - (a) where substitutes containing little or no solvent are still under development, a time extension must be given to the operator to implement his emission reduction plans;
  - (b) the reference point for emission reductions should correspond as closely as possible to the emissions that would have resulted had no reduction action been taken.
3. The following scheme shall operate for installations for which a constant solid content of product can be assumed and used to define the reference point for emission reductions.
  - (a) The operator shall forward an emission reduction plan which includes in particular decreases in the average solvent content of the total input and/or increased efficiency in the use of solids to achieve a reduction of the total emissions from the installation to a given percentage of annual reference emissions, termed the target emission. This must be done in the following time frame:

Time period		Maximum allowed total annual emissions
New installations	Existing installations	
By 31.10.2001	By 31.10.2005	Target emission × 1,5
By 31.10.2004	By 31.10.2007	Target emission

- (b) The annual reference emission is calculated as follows:
  - (i) the total mass of solids in the quantity of coating and/or ink, varnish or adhesive consumed in a year is determined. Solids are all materials in coatings, inks, varnishes and adhesives that become solid once the water or the volatile organic compounds are evaporated;
  - (ii) the annual reference emissions are calculated by multiplying the mass determined as in subparagraph (i) by the appropriate factor listed in the table below. The competent authorities may adjust these factors for individual installations to reflect documented increased efficiency in the use of solids;

Activity	Multiplication factor for use in subparagraph (b)(ii)
Rotogravure printing; flexography printing; laminating as part of a printing activity; printing; varnishing as part of a printing activity; wood coating; coating of textiles, fabric, film or paper; adhesive coating	4
Coil coating; vehicle refinishing	3
Food contact coating; aerospace coating	2,33
Other coatings and rotary screen printing	1,5

- (iii) the target emission is equal to the annual reference emission multiplied by a percentage equal to:
- (The fugitive emission value + 15), for installations in the following sectors:
    - vehicle coating (solvent consumption < 15 Mg/year) and vehicle refinishing,
    - metal, plastic, textile, fabric, film and paper coating (solvent consumption between 5 and 15 Mg/year),
    - coating of wooden surfaces (solvent consumption between 15 and 25 Mg/year),
  - (The fugitive emission value + 5) for all other installations;
- (iv) compliance is achieved if the actual solvent emission determined from the solvent management plan is less than or equal to the target emission.

#### ANNEX VII

#### TIMESCALES UNDER ARTICLE 3

1. The timescales for the application of the limit values referred to in Article 3(2) and (3), shall be:
  - (a) for new stationary sources, one year after the date of entry into force of the present Protocol for the Party in question;
  - (b) for existing stationary sources:
    - (i) in the case of a Party that is not a country with an economy in transition, one year after the date of entry into force of the present Protocol or 31 December 2007, whichever is the later;
    - (ii) in the case of a Party that is a country with an economy in transition, eight years after the entry into force of the present Protocol.
2. The timescales for the application of the limit values for fuels and new mobile sources referred to in Article 3(5), and the limit values for gas oil referred to in Annex IV, Table 2, shall be:
  - (i) in the case of a Party that is not a country with an economy in transition, the date of entry into force of the present Protocol or the dates associated with the measures specified in Annex VIII and with the limit values specified in Annex IV, Table 2, whichever is the later; and

- (ii) in the case of a Party that is a country with an economy in transition, five years after the date of entry into force of the present Protocol or five years after the dates associated with the measures specified in Annex VIII and with the limit values in Annex IV, Table 2, whichever is the later.

This timescale shall not apply to a Party to the present Protocol to the extent that that Party is subject to a shorter timescale with regard to gas oil under the Protocol on Further Reduction of Sulphur Emissions.

3. For the purpose of the present Annex, 'a country with an economy in transition' means a Party that has made with its instrument of ratification, acceptance, approval or accession a declaration that it wishes to be treated as a country with an economy in transition for the purposes of paragraphs (1) and/or (2) of this Annex.

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#### ANNEX VIII

### LIMIT VALUES FOR FUELS AND NEW MOBILE SOURCES

#### INTRODUCTION

1. Section A applies to Parties other than Canada and the United States of America, section B applies to Canada and section C applies to the United States of America.
2. The Annex contains limit values for NO<sub>x</sub>, expressed as nitrogen dioxide (NO<sub>2</sub>) equivalents, and for hydrocarbons, most of which are volatile organic compounds, as well as environmental specifications for marketed fuels for vehicles.
3. The timescales for applying the limit values in this Annex are laid down in Annex VII.

#### A. Parties other than Canada and the United States of America

##### Passenger cars and light-duty vehicles

4. Limit values for power-driven vehicles with at least four wheels and used for the carriage of passengers (category M) and goods (category N) are given in Table 1.

##### Heavy-duty vehicles

5. Limit values for engines for heavy-duty vehicles are given in Tables 2 and 3 depending on the applicable test procedures.

##### Motorcycles and mopeds

6. Limit values for motorcycles and mopeds are given in Table 6 and Table 7.

##### Non-road vehicles and machines

7. Limit values for agricultural and forestry tractors and other non-road vehicle/machine engines are listed in Tables 4 and 5. Stage I (Table 4) is based on ECE Regulation 96, 'Uniform provisions concerning the approval of compression-ignition (CI) engines to be installed in agricultural and forestry tractors with regard to the emissions of pollutants by the engine'.

## Fuel quality

## 8. Environmental quality specifications for petrol and diesel are given in Tables 8 to 11.

Table 1. Limit values for passenger cars and light-duty vehicles

Category	Class	To be applied from (b)	Reference mass (RW) (kg)	Limit values									
				Carbon monoxide		Hydrocarbons		Nitrogen oxides		Hydrocarbons and nitrogen oxides combined		Particulates (e)	
				L1 (g/km)		L2 (g/km)		L3 (g/km)		L2+L3 (g/km)		L4 (g/km)	
				Petrol	Diesel	Petrol	Diesel	Petrol	Diesel	Petrol	Diesel	Petrol	Diesel
A	M (c)	1.1.2001	All (g)	2,3	0,64	0,20	—	0,15	0,50	—	—	0,56	0,05
	N1 (d)	1.1.2001 (e)	RW ≤ 1 305	2,3	0,64	0,20	—	0,15	0,50	—	—	0,56	0,05
		1.1.2002	1 305 < RW ≤ 1 760	4,17	0,80	0,25	—	0,18	0,65	—	—	0,72	0,07
B	M (c)	1.1.2002	1 760 < RW	5,22	0,95	0,29	—	0,21	0,78	—	—	0,86	0,10
		1.1.2006	All	1,0	0,50	0,10	—	0,08	0,25	—	—	0,30	0,025
		1.1.2006 (f)	RW ≤ 1 305	1,0	0,50	0,10	—	0,08	0,25	—	—	0,30	0,025
	III	1.1.2007	1 305 < RW ≤ 1 760	1,81	0,63	0,13	—	0,10	0,33	—	—	0,39	0,04
		1.1.2007	1 760 < RW	2,27	0,74	0,16	—	0,11	0,39	—	—	0,46	0,06

(a) For compression-ignition engines.

(b) The registration, sale or entry into service of new vehicles that fail to comply with the respective limit values shall be refused as from the dates given in this column and type approval may no longer be granted with effect from 12 months prior to these dates.

(c) Except vehicles whose maximum mass exceeds 2 500 kg.

(d) And those category M vehicles specified in note (c).

(e) 1.1.2002 for those category M vehicles specified in note (c).

(f) 1.1.2007 for those category M vehicles specified in note (c).

(g) Until 1 January 2003 vehicles in this category fitted with compression-ignition engines that are non-road vehicles and vehicles with a maximum mass of more than 2 000 kg which are designed to carry more than six occupants, including the driver, shall be considered as vehicles in category N1, class III, in row A.

Table 2. Limit values for heavy-duty vehicles — European steady-state cycle (ESC) and European load-response (ELR) tests

	To be applied from <sup>(a)</sup>	Carbon monoxide (g/kWh)	Hydrocarbons (g/kWh)	Nitrogen oxides (g/kWh)	Particulates (g/kWh)	Smoke (m <sup>-1</sup> )
A	1.10.2001	2,1	0,66	5,0	0,10/0,13 <sup>(b)</sup>	0,8
B1	1.10.2006	1,5	0,46	3,5	0,02	0,5
B2	1.10.2009	1,5	0,46	2,0	0,02	0,5

<sup>(a)</sup> With effect from the given dates and except for vehicles and engines intended for export to countries that are not parties to the present Protocol and for replacement engines for vehicles in use, Parties shall prohibit the registration, sale, entry into service or use of new vehicles propelled by a compression-ignition or gas engine and the sale and use of new compression-ignition or gas engines if their emissions do not comply with the respective limit values. With effect from 12 months prior to these dates, type approval may be refused if the limit values are not complied with.

<sup>(b)</sup> For engines with a swept volume below 0,75 dm<sup>3</sup> per cylinder and a rated power speed above 3 000 revolutions per minute.

Table 3. Limit values for heavy-duty vehicles — European transient cycle (ETC) test <sup>(a)</sup>

	To be applied from <sup>(b)</sup>	Carbon monoxide (g/kWh)	Non-methane hydrocarbons (g/kWh)	Methane <sup>(c)</sup> (g/kWh)	Nitrogen oxides (g/kWh)	Particulates <sup>(d)</sup> (g/kWh)
A (2000)	1.10.2001	5,45	0,78	1,6	5,0	0,16/0,21 <sup>(e)</sup>
B1 (2005)	1.10.2006	4,0	0,55	1,1	3,5	0,03
B2 (2008)	1.10.2009	4,0	0,55	1,1	2,0	0,03

<sup>(a)</sup> The conditions for verifying the acceptability of the ETC tests when measuring the emissions of gas-fuelled engines against the limit values applicable in row A shall be re-examined and, where necessary, modified in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

<sup>(b)</sup> With effect from the given dates and except for vehicles and engines intended for export to countries that are not parties to the present Protocol and for replacement engines for vehicles in use, Parties shall prohibit the registration, sale, entry into service or use of new vehicles propelled by a compression-ignition or gas engine and the sale and use of new compression-ignition or gas engines if their emissions do not comply with the respective limit values. With effect from 12 months prior to these dates, type approval may be refused if the limit values are not complied with.

<sup>(c)</sup> For natural gas engines only.

<sup>(d)</sup> Not applicable to gas-fuelled engines at stage A and stages B1 and B2.

<sup>(e)</sup> For engines with a swept volume below 0,75 dm<sup>3</sup> per cylinder and a rated power speed above 3 000 revolutions per minute.

Table 4. Limit values (stage I) for diesel engines for non-road mobile machines (measurement procedure ISO 8178)

Net power (P) (kW)	To be applied from <sup>(a)</sup>	Carbon monoxide (g/kWh)	Hydrocarbons (g/kWh)	Nitrogen oxides (g/kWh)	Particulate matter (g/kWh)
130 ≤ P < 560	31.12.1998	5,0	1,3	9,2	0,54
75 ≤ P < 130	31.12.1998	5,0	1,3	9,2	0,70
37 ≤ P < 75	31.3.1998	6,5	1,3	9,2	0,85

<sup>(a)</sup> With effect from the given date and with the exception of machinery and engines intended for export to countries that are not parties to the present Protocol, Parties shall permit the registration, where applicable, and placing on the market of new engines, whether or not installed in machinery, only if they meet the limit values set out in the table. Type approval for an engine type or family shall be refused with effect from 30 June 1998 if it fails to meet the limit values.

Note: These limits are engine-out limits and shall be achieved before any exhaust after-treatment service.

Table 5. Limit values (stage II) for diesel engines for non-road mobile machines (measurement procedure ISO 8178)

Net power (P) (kW)	To be applied from (e)	Carbon monoxide (g/kWh)	Hydrocarbons (g/kWh)	Nitrogen oxides (g/kWh)	Particulate matter (g/kWh)
$130 \leq P < 560$	31.12.2001	3,5	1,0	6,0	0,2
$75 \leq P < 130$	31.12.2002	5,0	1,0	6,0	0,3
$37 \leq P < 75$	31.12.2003	5,0	1,3	7,0	0,4
$18 \leq P < 37$	31.12.2000	5,5	1,5	8,0	0,8

(e) With effect from the given dates and with the exception of machinery and engines intended for export to countries that are not parties to the present Protocol, Parties shall permit the registration, where applicable, and placing on the market of new engines, whether or not installed in machinery, only if they meet the limit values set out in the table. Type approval for an engine type or family shall be refused with effect from 12 months prior to these dates if it fails to meet the limit values.

Table 6. Limit values for motorcycles and three- and four-wheelers (> 50 cm<sup>3</sup>; > 45 km/h) to be applied from 17 June 1999 (a)

Engine type	Limit values
Two-stroke	CO = 8 g/km HC = 4 g/km NO <sub>x</sub> = 0,1 g/km
Four-stroke	CO = 13 g/km HC = 3 g/km NO <sub>x</sub> = 0,3 g/km

(a) Type approval shall be refused as from the given date if the vehicle's emissions do not meet the limit values.

Note: For three- and four-wheelers, the limit values have to be multiplied by 1,5.

Table 7. Limit values for mopeds ( $\leq 50$  cm<sup>3</sup>; < 45 km/h)

Stage	To be applied from (a)	Limit values	
		CO (g/km)	HC + NO <sub>x</sub> (g/km)
I	17.6.1999	6,0 (b)	3,0 (b)
II	17.6.2002	1,0 (c)	1,2

(a) Type approval shall be refused as from the given dates if the vehicle's emissions do not meet the limit values.

(b) For three- and four-wheelers, multiply by two.

(c) For three- and four-wheelers, 3,5 g/km.



Table 8. Environmental specifications for marketed fuels to be used for vehicles equipped with positive-ignition engines

Type: Petrol

Parameter	Unit	Limits <sup>(a)</sup>		Test	
		Minimum	Maximum	Method <sup>(b)</sup>	Date of publication
Research octane number		95	—	EN 25164	1993
Motor octane number		85	—	EN 25163	1993
Reid vapour pressure, summer period	kPa	—	60	EN 12	1993
Distillation:					
— evaporated at 100 °C	% v/v	46	—	EN-ISO 3405	1988
— evaporated at 150 °C	% v/v	75	—		
Hydrocarbon analysis:					
— olefins	% v/v	—	18,0 <sup>(d)</sup>	ASTM D1319	1995
— aromatics		—	42	ASTM D1319	1995
— benzene		—	1	PrEN 12177	1995
Oxygen content	% m/m	—	2,7	EN 1601	1996
Oxygenates:					
— Methanol, stabilising agents must be added	% v/v	—	3	EN 1601	1996
— Ethanol, stabilising agents may be necessary	% v/v	—	5	EN 1601	1996
— Iso-propyl alcohol	% v/v	—	10	EN 1601	1996
— Tert-butyl alcohol	% v/v	—	7	EN 1601	1996
— Iso-butyl alcohol	% v/v	—	10	EN 1601	1996
— Ethers containing five or more carbon atoms per molecule	% v/v	—	15	EN 1601	1996
— Other oxygenates <sup>(e)</sup>	% v/v	—	10	EN 1601	1996
Sulphur content	mg/kg	—	150	PrEN-ISO/DIS 14596	1996

<sup>(a)</sup> The values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of ISO 4259, 'Petroleum products — Determination and application of precision data in relation to methods of test', have been applied and, in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

<sup>(b)</sup> EN — European standard; ASTM — American Society for Testing and Materials; DIS — Draft international standard.

<sup>(c)</sup> The summer period shall begin no later than 1 May and shall not end before 30 September. For Member States with arctic conditions the summer period shall begin no later than 1 June and not end before 31 August and the RVP is limited to 70 kPa.

- (d) Except for regular unleaded petrol (minimum motor octane number (MON) of 81 and minimum research octane number (RON) of 91), for which the maximum olefin content shall be 21 % v/v. These limits shall not preclude the introduction on the market of a Member State of another unleaded petrol with lower octane numbers than set out here.
- (e) Other mono-alcohols with a final distillation point no higher than the final distillation point laid down in national specifications or, where these do not exist, in industrial specifications for motor fuels.

*Note:* Parties shall ensure that, no later than 1 January 2000, petrol can be marketed within their territory only if it complies with the environmental specifications set out in Table 8. Where a Party determines that banning petrol with a sulphur content which does not comply with the specifications for sulphur content in Table 8, but does not exceed the current content, would raise severe difficulties for its industries in making the necessary changes in their manufacturing facilities by 1 January 2000, it may extend the time period of marketing within its territory until 1 January 2003 at the latest. In such a case the Party shall specify, in a declaration to be deposited together with its instrument of ratification, acceptance, approval or accession, that it intends to extend the time period and present written information on the reason for this to the Executive Body.

*Table 9. Environmental specifications for marketed fuels to be used for vehicles equipped with compression-ignition engines*

Type: Diesel fuel

Parameter	Unit	Limits <sup>(a)</sup>		Test	
		Minimum	Maximum	Method <sup>(b)</sup>	Date of publication
Cetane number		51	—	EN-ISO 5165	1992
Density at 15 °C	kg/m <sup>3</sup>	—	845	EN-ISO 3675	1995
Distillation point: 95 %	°C	—	360	EN-ISO 3405	1988
Polycyclic aromatic hydrocarbons	% m/m	—	11	IP 391	1995
Sulphur content	mg/kg	—	350	PrEN-ISO/DIS 14596	1996

<sup>(a)</sup> The values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of ISO 4259, 'Petroleum products — Determination and application of precision data in relation to methods of test', have been applied and, in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

<sup>(b)</sup> EN — European standard; IP — The Institute of Petroleum; DIS — Draft international standard.

*Note:* Parties shall ensure that, no later than 1 January 2000, diesel fuel can be marketed within their territory only if it complies with the environmental specifications set out in Table 9. Where a Party determines that banning diesel fuel with a sulphur content which does not comply with the specifications for sulphur content in Table 9, but does not exceed the current content, would raise severe difficulties for its industries in making the necessary changes in their manufacturing facilities by 1 January 2000, it may extend the time period of marketing within its territory until 1 January 2003 at the latest. In such a case the Party shall specify, in a declaration to be deposited together with its instrument of ratification, acceptance, approval or accession, that it intends to extend the time period and present written information on the reason for this to the Executive Body.

Table 10. Environmental specifications for marketed fuels to be used for vehicles equipped with positive-ignition engines

Type: Petrol

Parameter	Unit	Limits <sup>(a)</sup>		Test	
		Minimum	Maximum	Method <sup>(b)</sup>	Date of publication
Research octane number		95		EN 25164	1993
Motor octane number		85		EN 25163	1993
Reid vapour pressure, summer period	kPa	—			
Distillation:					
— evaporated at 100 °C	% v/v	—	—		
— evaporated at 150 °C	% v/v	—	—		
Hydrocarbon analysis:					
— olefins	% v/v	—			
— aromatics	% v/v	—	35	ASTM D1319	1995
— benzene	% v/v	—			
Oxygen content	% m/m	—			
Sulphur content	mg/kg	—	50	PrEN-ISO/DIS 14596	1996

<sup>(a)</sup> The values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of ISO 4259, 'Petroleum products — Determination and application of precision data in relation to methods of test', have been applied and, in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

<sup>(b)</sup> EN — European standard; ASTM — American Society for Testing and Materials; DIS — Draft international standard.

**Note:** Parties shall ensure that, no later than 1 January 2005, petrol can be marketed within their territory only if it complies with the environmental specifications set out in Table 10. Where a Party determines that banning petrol with a sulphur content which does not comply with the specifications for sulphur content in Table 10, but does comply with Table 8, would raise severe difficulties for its industries in making the necessary changes in their manufacturing facilities by 1 January 2005, it may extend the time period of marketing within its territory until 1 January 2007 at the latest. In such a case the Party shall specify, in a declaration to be deposited together with its instrument of ratification, acceptance, approval or accession, that it intends to extend the time period and present written information on the reason for this to the Executive Body.

Table 11. Environmental specifications for marketed fuels to be used for vehicles equipped with compression-ignition engines

Type: Diesel fuel

Parameter	Unit	Limits <sup>(a)</sup>		Test	
		Minimum	Maximum	Method <sup>(b)</sup>	Date of publication
Cetane number			—		
Density at 15 °C	kg/m <sup>3</sup>		—		
Distillation point: 95 %	°C	—			
Polycyclic aromatic hydrocarbons	% m/m	—			
Sulphur content	mg/kg	—	50	PrEN-ISO/DIS 14596	1996

<sup>(a)</sup> The values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of ISO 4259, 'Petroleum products — Determination and application of precision data in relation to methods of test', have been applied and, in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259.

<sup>(b)</sup> EN — European standard; DIS — Draft international standard.

**Note:** Parties shall ensure that, no later than 1 January 2005, diesel fuel can be marketed within their territory only if it complies with the environmental specifications set out in Table 11. Where a Party determines that banning diesel fuel with a sulphur content which does not comply with the specifications for sulphur content in Table 11, but does comply with Table 9, would raise severe difficulties for its industries in making the necessary changes in their manufacturing facilities by 1 January 2005, it may extend the time period of marketing within its territory until 1 January 2007 at the latest. In such a case the Party shall specify, in a declaration to be deposited together with its instrument of ratification, acceptance, approval or accession, that it intends to extend the time period and present written information on the reason for this to the Executive Body.

**B. Canada**

9. New vehicle emission standards for light-duty vehicles, light-duty trucks, heavy-duty vehicles, heavy-duty engines and motorcycles: Motor Vehicle Safety Act (and successor legislation), Schedule V of the Motor Vehicle Safety Regulations: Vehicle Emissions (Standard 1100), SOR/97-376, (28 July, 1997), as amended from time to time.
10. Canadian Environmental Protection Act, Diesel Fuel Regulations, SOR/97-110 (4 February 1997, sulphur in diesel fuel), as amended from time to time.
11. Canadian Environmental Protection Act, Benzene in Gasoline Regulations, SOR/97-493 (6 November 1997), as amended from time to time.
12. Canadian Environmental Protection Act, Sulphur in Gasoline Regulations, Canada Gazette, Part II, June 4 1999, as amended from time to time.

**C. United States of America**

13. Implementation of a mobile source emission control programme for light-duty vehicles, light-duty trucks, heavy-duty trucks and fuels to the extent required by sections 202(a), 202(g) and 202(h) of the Clean Air Act, as implemented through:
  - (a) 40 Code of Federal Regulations (C.F.R.) Part 80, Subpart D — Reformulated Gasoline;
  - (b) 40 C.F.R. Part 86, Subpart A — General Provisions for Emission Regulations;
  - (c) 40 C.F.R. Part 80, section 80.29 — Controls and Prohibitions on Diesel Fuel Quality.

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**ANNEX IX****MEASURES FOR THE CONTROL OF EMISSIONS OF AMMONIA FROM AGRICULTURAL SOURCES**

1. The Parties that are subject to obligations in Article 3(8)(a), shall take the measures set out in this Annex.
2. Each Party shall take due account of the need to reduce losses from the whole nitrogen cycle.

**A. Advisory code of good agricultural practice**

3. Within one year from the date of entry into force of the present Protocol for it, a Party shall establish, publish and disseminate an advisory code of good agricultural practice to control ammonia emissions. The code shall take into account the specific conditions within the territory of the Party and shall include provisions on:
  - nitrogen management, taking account of the whole nitrogen cycle,
  - livestock feeding strategies,
  - low-emission manure-spreading techniques,
  - low-emission manure-storage systems,
  - low-emission animal housing systems,
  - possibilities for limiting ammonia emissions from the use of mineral fertilisers.

Parties should give a title to the code with a view to avoiding confusion with other codes of guidance.

### **B. Urea and ammonium carbonate fertilisers**

4. Within one year from the date of entry into force of the present Protocol for it, a Party shall take such steps as are feasible to limit ammonia emissions from the use of solid fertilisers based on urea.
5. Within one year from the date of entry into force of the present Protocol for it, a Party shall prohibit the use of ammonium carbonate fertilisers.

### **C. Manure application**

6. Each Party shall ensure that low-emission slurry application techniques (as listed in guidance document V adopted by the Executive Body at its seventeenth session (Decision 1999/1) and any amendments thereto) that have been shown to reduce emissions by at least 30 % compared to the reference specified in that guidance document are used as far as the Party in question considers them applicable, taking account of local soil and geomorphological conditions, slurry type and farm structure. The timescales for the application of these measures shall be: 31 December 2009 for Parties with economies in transition and 31 December 2007 for other Parties <sup>(1)</sup>.
7. Within one year from the date of entry into force of the present Protocol for it, a Party shall ensure that solid manure applied to land to be ploughed shall be incorporated within at least 24 hours of spreading as far as it considers this measure applicable, taking account of local soil and geomorphological conditions and farm structure.

### **D. Manure storage**

8. Within one year from the date of entry into force of the present Protocol for it, a Party shall use for new slurry stores on large pig and poultry farms of 2 000 fattening pigs or 750 sows or 40 000 poultry, low-emission storage systems or techniques that have been shown to reduce emissions by 40 % or more compared to the reference (as listed in the guidance document referred to in paragraph (6)), or other systems or techniques with a demonstrably equivalent efficiency <sup>(2)</sup>.
9. For existing slurry stores on large pig and poultry farms of 2 000 fattening pigs or 750 sows or 40 000 poultry, a Party shall achieve emission reductions of 40 % in so far as the Party considers the necessary techniques to be technically and economically feasible <sup>(2)</sup>. The timescales for the application of these measures shall be: 31 December 2009 for Parties with economies in transition and 31 December 2007 for all other Parties <sup>(1)</sup>.

### **E. Animal housing**

10. Within one year from the date of entry into force of the present Protocol for it, a Party shall use, for new animal housing on large pig and poultry farms of 2 000 fattening pigs or 750 sows or 40 000 poultry, housing systems which have been shown to reduce emissions by 20 % or more compared to the reference (as listed in the guidance document referred to in paragraph (6)), or other systems or techniques with a demonstrably equivalent efficiency <sup>(2)</sup>. Applicability may be limited for animal welfare reasons, for instance in straw-based systems for pigs and aviary and free-range systems for poultry.

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<sup>(1)</sup> For the purpose of the present Annex, 'a country with an economy in transition' means a Party that has made with its instrument of ratification, acceptance, approval or accession a declaration that it wishes to be treated as a country with an economy in transition for the purposes of paragraphs (6) and/or (9) of this Annex.

<sup>(2)</sup> Where a Party judges that other systems or techniques with a demonstrably equivalent efficiency can be used for manure storage and animal housing in order to comply with paragraphs (8) and (10), or where a Party judges the reduction of emissions from manure storage required under paragraph (9) not to be technically or economically feasible, documentation to this effect shall be reported in accordance with Article (7)(1)(a).