Council Decision (EU) 2019/2207 of 5 December 2019 on the position to be taken on behalf of the European Union at the 39th session of the Executive Body of the Convention on Long-Range Transboundary Air Pollution as regards certain amendments to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone

COUNCIL DECISION (EU) 2019/2207

of 5 December 2019

on the position to be taken on behalf of the European Union at the 39th session of the Executive Body of the Convention on Long-Range Transboundary Air Pollution as regards certain amendments to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The 1979 Convention on Long-Range Transboundary Air Pollution (the 'Convention') has a Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (the 'Protocol') which was adopted in 1999.

(2) Pursuant to Article 13 bis of the Protocol, the Parties present at a session of the Executive Body of the Convention (the 'Executive Body') may adopt amendments to the Protocol and its annexes.

(3) The Protocol was amended in 2012 through the adoption of Decisions 2012/1 and 2012/2 by the Parties present at the 30th session of the Executive Body. The Amendments set out in Decision 2012/1 entered into force and became effective on the basis of the expedited procedure provided for in the Protocol. The Amendment set out in Decision 2012/2 required acceptance by the Parties to the Protocol and was approved by the Union by Council Decision (EU) 2017/1757[(1)]. That amendment entered into force on 7 October 2019.

(4) At its 39th session on 9-13 December 2019, the Executive Body is to decide on the adoption of amendments to Article 3 bis of the Protocol and Annex VII to the Protocol as proposed by the the United States of America, with the aim of facilitating ratification of the Protocol by non-EU Parties.

(5) It is appropriate to establish the position to be taken on the Union's behalf within the Executive Body, as the subject and content of the Protocol to be amended are covered by the Union *acquis*, and in particular by Directive (EU) 2016/2284 of the European Parliament and of the Council[(2)].

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/2207. (See end of Document for details)*

(6) The position of the Union at the 39th session of the Executive Body should be to support the proposal to amend Annex VII to the Protocol.

(7) Where Parties from Eastern Europe, Caucasus and Central-Asia countries present at the 39th session of the Executive Body indicate that the proposal to amend Article 3 bis of the Protocol is useful, the position of the Union at the 39th session of the Executive Body should be to support that proposal. Where those Parties do not indicate that the proposal to amend Article 3 bis of the Protocol is useful, the position of the Union should be to invite the United States of America to withdraw its proposal and, if the United States of America does not withdraw it, the Union should be able to object to the proposal,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the 39th session of the Executive Body of the Convention on Long-Range Transboundary Air Pollution ('39th session of the Executive Body') shall be the following:

(a) to support the proposal tabled by the United States of America to amend Annex VII of the Protocol to extend the flexibility timescale from 2019 to 2024;

(b) where Parties from Eastern Europe, Caucasus and Central-Asia countries present at the 39th session of the Executive Body indicate that the proposal to amend Article 3 bis of the Protocol to extend the flexibility timescales from 2019 to 2024 and from 2022 to 2030 is useful, to support the proposal tabled by the United States of America to amend that Article;

(c) where the condition under point (b) of this Article is not fulfilled, to invite the United States of America to withdraw the proposal to amend Article 3 bis of the Protocol;

(d) if the United States of America does not withdraw the proposal to amend Article 3 bis of the Protocol following an invitation as referred to in point (c) of this Article, the Union may object to the proposal.

Article 2

Representatives of the Union may, in consultation with the Member States, during on# the#spot coordination meetings, agree to refinements to the position set out in Article 1, in the light of developments at the 39th session of the Executive Body, without a further decision of the Council.

Article 3

This Decision shall enter into force on the date of its adoption.