

Reference: C.N.711.2013.TREATIES-XXVII.1.f (Depositary Notification)

PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE
TRANSBOUNDARY AIR POLLUTION ON HEAVY METALS

AARHUS, 24 JUNE 1998

AMENDMENT TO ANNEX III TO THE 1998 PROTOCOL ON HEAVY METALS

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

By letter dated 19 July 2013, the Executive Secretary of the United Nations Economic Commission for Europe informed the depositary that, on 13 December 2012, at the thirty-first session of the Executive Body of the Convention on Long-range Transboundary Air Pollution, held in Geneva, the Parties to the Protocol adopted, by decision 2012/6, an Amendment to Annex III to the 1998 Protocol on Heavy Metals.

In accordance with paragraph 4 of article 13 of the Protocol, on the expiry of ninety days from the date of the communication¹ of its adoption to all Parties by the Executive Secretary of the Commission, i.e. on 9 January 2014, the above Amendment to shall become effective for those Parties which have not submitted to the depositary a notification in accordance with the provisions of paragraph 5 of article 13, provided that at least sixteen Parties have not submitted such a notification.

Pursuant to paragraph 5 of article 13, any Party that is unable to approve an amendment to annex III shall so notify the depositary in writing within ninety days from the date of the communication of its adoption. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the depositary, the amendment to such an annex shall become effective for that Party.

.... A certified true copy of the text of the above Amendment to Annex III included in Decision 2012/6, in the English, French and Russian languages, is attached.

11 October 2013

¹ Refer to letter, dated 11 October 2013, from the United Nations Economic Commission for Europe.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNS)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

Annex/Annexe

Decision 2012/6

Amendment of annex III to the 1998 Protocol on Heavy Metals

The Parties to the 1998 Protocol on Heavy Metals meeting within the thirty-first session of the Executive Body,

Decide to amend annex III to the 1998 Protocol on Heavy Metals to the Convention on Long-range Transboundary Air Pollution as follows:

Article 1

Amendment

For annex III the following text is substituted:

Annex III

Best available techniques for controlling emissions of heavy metals and their compounds from the source categories listed in annex II

1. This annex aims to provide Parties with guidance on identifying best available techniques for stationary sources to enable them to meet the obligations of the Protocol. Further description of and guidance on such best available techniques are provided in a guidance document adopted by the Parties at a session of the Executive Body and may be updated as necessary by a consensus of the Parties meeting within the Executive Body.
2. The expression “best available techniques” (BAT) means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing the basis for emission limit values (and other permit conditions) designed to prevent and, where that is not practicable, to reduce emissions and their impact on the environment as a whole:
 - (a) “Techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
 - (b) “Available” techniques means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the territory of the Party in question, as long as they are reasonably accessible to the operator;
 - (c) “Best” means most effective in achieving a high general level of protection of the environment as a whole.
3. Criteria for determining BAT are as follows:
 - (a) The use of low-waste technology;

- (b) The use of less hazardous substances;
- (c) The furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate;
- (d) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
- (e) Technological advances and changes in scientific knowledge and understanding;
- (f) The nature, effects and volume of the emissions concerned;
- (g) The commissioning dates for new or existing installations;
- (h) The length of time needed to introduce the best available technique;
- (i) The consumption and nature of raw materials (including water) used in the process and energy efficiency;
- (j) The need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;
- (k) The need to prevent accidents and to minimize their consequences for the environment;
- (l) Information published by national and international organizations.

The concept of BAT is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions.

4. Experience with new products and new plants incorporating low-emission techniques, as well as with the retrofitting of existing plants, is growing continuously; the guidance document referred to in paragraph 1 may, therefore, need updating.

Article 2

Entry into Force

In accordance with article 13, paragraph 4, of the Protocol, this amendment shall become effective for those Parties which have not submitted a notification to the Depositary in accordance with article 13, paragraph 5, of the Protocol on the expiry of 90 days from the date of its communication to all Parties by the Executive Secretary of the Commission, provided that at least 16 Parties have not submitted such a notification.
