

The Ninth Session of the Intergovernmental Meeting
on Acid Deposition Monitoring Network in East Asia
19-20 November 2007, Vientiane, Lao PDR

Working Group on Future Development (WGFD) Progress Report on the Instrument to Provide a Sound Basis for Contribution to EANET

I. Introduction

1. In November 2005, the Seventh Session of the Intergovernmental Meeting (IG7) adopted the Decision 1/IG7 (Niigata Decision). It decides that the participating countries of EANET should begin a process to discuss an appropriate instrument and its legal status to provide a sound basis for financial contribution to EANET and will report the results of the discussion to the Tenth Session of the Intergovernmental Meeting (IG10) for its consideration, and that the “Feasibility Study Report on an Appropriate Instrument to Provide a Sound Basis for Financial Contribution to EANET Activities” will be a reference for the process of discussion, but it will not be a necessary basis for the process of discussion.
2. Following the report: “Components of the Instrument to Provide a Sound Basis for Contribution to EANET”(EANET/IG 8/6), the Eighth Session of the Intergovernmental Meeting (IG8) of EANET, held in November 2006, in Viet Nam, pointed out that the instrument should be simple, flexible and open for future development of EANET, based on the Joint Announcement and Tentative Design and relevant decisions at the IG meetings and that financial provisions should be developed in close consultation with concerned countries and without placing an undue burden on participating countries.
3. IG8 requested the Secretariat to develop a clean text of components of the instrument for presentation at the Sessions of the Working Group on Future Development (WGFD) of EANET, taking into account the discussion at IG8.

II. Principles for preparing the draft texts

4. Based on the decision at IG8, this report presents two versions, a legally binding and non-legally binding text for the instrument. They reflected the views and comments that were expressed at the WGFD Sessions.
5. The principles to be guided for compiling this report are as follows:
 - (1) The instrument should be simple.
 - (2) The instrument should be flexible and open for future development of EANET.
 - (3) The instrument should be based on the Joint Announcement and Tentative Design and relevant decisions at the IG meetings.

(4) Financial provisions should not place an undue burden on participating countries.

III. Progress of the discussion on the text of the instrument at WGFD

6. A first negotiating text was prepared by the Secretariat, presented and discussed at the Fourth Session of the Working Group on Future Development of EANET (WGFD4). The text was prepared based on the principles guided by IG8, especially taking the following points into account:
 - Many countries had emphasized the importance of regional air pollution in the previous sessions;
 - Strategy on EANET Development (2006-2010), which was adopted at IG8, describes to establish a framework for reviewing substances to be monitored.
 - Some countries have been conducting air pollution monitoring under the EANET framework by using automatic monitoring methods;
 - The Joint Announcement and the Tentative Design shows flexibility for other activities necessary to achieve the objectives of the Network; and
 - IG guided that the instrument should be open for future development.
7. Some countries expressed the need for a legally binding instrument while some others preferred a non-legally binding instrument. Some expressed their preference on broader scope (regional air pollution) to ensure flexibility and openness for future development of EANET, while some others considered that the present scope (acid deposition) should be kept.
8. It was clarified that a non-legally binding instrument provides only guidance to the participating countries and does not provide for legal obligations. It was also discussed that the elements would identify whether the instrument is legally binding or not.
9. The Session requested the Secretariat to prepare two versions, a legally binding and non-legally binding text based on the revisions done at WGFD4 for discussions at the next WGFD Session.
10. The revised text was discussed at the Fifth Session of the Working Group on Future Development of EANET (WGFD5). However, it became clear that there was different interpretation of the principles of the instrument (“flexible and open for future development of EANET”) among the participating countries.
11. With respect to the financial article, one country proposed to simplify it, while another insisted that the financial article should include more detailed provisions.
12. It was encouraged for all participating countries to consult the draft instrument with their legal and diplomatic authorities.

13. The Session agreed that the report to IG9 should contain the following items.
 - Two versions of the draft text (legally binding and non-legally binding) with brackets;
 - Cost estimates of the core budget activities of the Secretariat and of NC, based on the current texts; and
 - Compilation of the comments on the draft text from the participating countries (including those to be submitted by the second week of October 2007)
14. The legally binding and non-legally binding draft texts are attached as Annex 1 and 2, respectively. The draft text of the legally binding instrument covers all elements of the draft text of non-legally binding instrument and includes some additional provisions regarding procedures. The difference of two texts is attached as Annex 3.

IV. Cost estimates of core budget activities of the Secretariat and of NC

15. The WGFD5 Session requested the Secretariat and NC to clarify financial implications of the instrument in their core budget activities to ensure that the instrument would not place undue financial burden on participating countries in accordance with the decision by IG8. It was also noted that financial estimates depend on future planned activities which should be decided by IG. The cost estimate of the core budget activities of the Secretariat and NC based on the current text are attached as Annex 4 of this report.

V. Discussion points at IG 9 for guidance to WGFD

16. This report identifies issues raised during WGFD sessions that require guidance by IG as follows:
 - Scope of substances (regional air pollution, acid deposition etc.)
 - Scope of activities (control and prevention, monitoring etc.); and
 - Legal status of the instrument (legally binding or non-legally binding)

(Scope of substances)

17. Regarding the scope of substances, some participating countries expressed their preference on broader scope (regional air pollution) to ensure flexibility and openness for future development of EANET, while some countries considered that the present scope (acid deposition) should be kept.
18. The following possible phrases have been discussed during the WGFD sessions relating to the scope of substances for EANET:
 - Regional air pollution [including acid deposition];
 - Acid deposition and other [regional] air pollution [agreed by the Parties/participating countries];

- Acid deposition.
19. It should be noted that the Strategy on EANET Development (2006-2010), which was adopted at IG8, contains an activity to establish a framework for reviewing substances to be monitored, including other air pollutants and monitoring parameters; The Seventh Session of Scientific Advisory Committee (SAC7) agreed on recommending to IG the approval of the establishment of an Expert Group to review substances to be monitored in the Network. It was repeatedly pointed out at the previous sessions of the Scientific Advisory Committee from the scientific viewpoints that without addressing the issue of air pollution, even acid deposition problem cannot be dealt with appropriately since acid deposition and air pollution are interlinked with each other and cannot be discussed separately.

(Scope of activities)

20. Some participating countries expressed its view that the scope of EANET should be limited to current activities while some other countries expressed that there should be room to accommodate future activities which will facilitate more effective and efficient air quality management in East Asia.
21. Following three scopes have been discussed during the WGFD sessions relating to the activities of EANET:
- Prevention and control of [regional air pollution/acid deposition]
 - Management of [regional air pollution/acid deposition]
 - Monitoring of [regional air pollution/acid deposition]
22. It should be noted that the Strategy on EANET Development (2006-2010) contains activities to promote modeling activities and emission inventories. The project proposal on Pilot Project on Emission Inventories for Interested Participating Countries was approved by the NFPs for submission to donor agencies after WGFD5. SAC7 decided to establish an Expert Group for promotion of Emission Inventory and Modeling in NC with the assistance of SAC members. It was pointed out at the previous sessions at the Scientific Advisory Committee that from the scientific viewpoints modeling and emission inventory should be complementary with the EANET monitoring for the assessment of regional acid deposition since it is impossible to assess the status in the vast East Asian region only by limited number of EANET monitoring data.

(Legal status of the instrument)

23. The starting point of the discussion on the instrument was to address the difficulties of some participating countries to provide financial contribution through a non-legally binding instrument. It was also pointed out that the objectives of the instrument cannot be just to provide financial basis for EANET.

24. Some countries prefer a legally binding instrument not only for their financial contributions, but also that a legally binding instrument would also strengthen the basis for national activities for acid deposition problems. On the other hand, some countries expressed that a legally binding instrument is not appropriate at this stage and preferred a non-legally binding instrument.

25. It was pointed out that the final decision on the legal status of the instrument could be made at later stage after due consideration was given to the contents to be included in the instrument.

Annex 1

Legally Binding Instrument To provide a Sound Basis for Contribution to EANET
(Draft text)

[Title

Framework Agreement to Promote Cooperation for the [Prevention and Control][Management] of [Regional Air Pollution][Acid Deposition] in East Asia

The Parties to this Agreement,

Recognizing that East Asia is facing increasing risks of problems related to [regional air pollution including acid deposition][acid deposition],

Recalling that Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992, stated that the experience of the programs on transboundary air pollution in Europe and North America needed to be shared with other regions of the world,

Acknowledging the successful operation of the preparatory-phase activities of the Acid Deposition Monitoring Network in East Asia (EANET), which was undertaken by ten countries in East Asia from 1998 to 2000, following the common understanding expressed at the First Intergovernmental Meeting, on 19-20 March 1998 in Yokohama, Japan.

Recognizing that EANET was established in January 2001 as an important initiative for regional cooperation, aiming to create a common understanding on the state of acid deposition problems, to provide useful inputs to policy makers at various levels, and to contribute to cooperation on the issues related to acid deposition among the participating countries[, and that currently, thirteen countries in East Asia are participating in EANET and have been working together to conduct acid deposition monitoring and implemented other activities for EANET],

Emphasizing that activities of the cooperative network on the acid deposition [and other regional air pollution] in East Asia under EANET has been developed by taking a step-wise approach by the Participating Countries on a voluntary basis,

Recognizing the need to promote cooperation for the [prevention and control][management] of [regional air pollution][acid deposition] in East Asia,

Have agreed as follows:

Article 1
Definitions¹

[Party” means a Party to this Agreement, unless the Agreement otherwise provides.]
[“Regional Air Pollution” means....]
[“East Asia” means]
[“Acid Deposition” means....]
[“EANET” means....]

Article 2
Objective

The objective of this Agreement is:

- a) to create a common understanding of the state of [regional air pollution][acid deposition problems] in East Asia;
- b) to provide useful inputs for decision-making at local, national and regional levels aimed at preventing or reducing adverse impacts on the environment caused by [regional air pollution][acid deposition]; and
- c) to [cooperate on][contribute to cooperation on][contribute to cooperation for the resolution of] the issues related to [regional air pollution][acid deposition] among the Parties.

Article 3
Principles

[The Parties shall be guided by the following principles in the implementation of this Agreement:

- a) The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation to [prevent and control][manage] [regional air pollution][acid deposition].
- b) The Parties [should][shall] take precautionary measures to anticipate, monitor and [prevent][manage][regional air pollution][acid deposition] to minimize its adverse impacts. Where there are threats of serious or irreversible damage from [regional air pollution][acid deposition], even without scientific certainty, precautionary measures [shall][should] be taken by the Parties concerned.]

Article 4
General Obligations

1. The Parties shall take necessary measures to contribute to the cooperation on the issues related to [regional air pollution, including acid deposition][acid deposition] [among the Parties].
- [2. The Parties shall take legislative, administrative and/or other measures to implement their obligations under this Agreement.]
3. The Parties shall promote and cooperate in the exchange of information related to [regional air pollution][acid deposition].
4. The Parties shall promote active participation, and bilateral and multilateral cooperation for

¹ This provision on definition might be elaborated after further discussion of other articles.

effective implementation of [research][EANET][network] activities.

Article 5

Monitoring and Reporting

1. The Parties shall implement and strengthen their monitoring activities in line with this Agreement.
2. Each Party shall designate a national center, which is responsible for implementing the monitoring activities provided for in the Agreement.
3. Each Party shall develop and implement its national monitoring plan. Monitoring of acid deposition [and other regional air pollution] shall be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the Intergovernmental Meeting (IG), referred to in Article 11.
4. Each Party shall report the monitoring data and other relevant information to the Network Center (NC), referred to in Article 14, in accordance with guidelines adopted by the IG.
5. In order to obtain high quality monitoring data, the quality assurance / quality control (QA/QC) programs adopted by the Scientific Advisory Committee (SAC), referred to in Article 13, shall be implemented in full collaboration among the Parties for monitoring activities under the Agreement.
6. The monitoring data and other information submitted by Parties shall be compiled and stored by the NC.
7. The data and other information compiled through [EANET activities][activities under the Agreement] [shall][may][should] be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

Article 6

Assessment

1. The monitoring data and other information submitted by Parties shall be analyzed and evaluated by the SAC.
2. The SAC shall prepare periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia, based on the data reports by the NC.
3. Periodic assessment reports prepared pursuant to paragraph 2 of this Article shall be disseminated [and made available to the public].

Article 7

Research Activities

1. The Parties shall promote studies of scientific issues related to [regional air pollution][acid deposition].
2. Research activities should be mutually reinforcing and supportive with existing regional, sub-regional and national initiatives in East Asia. Collaboration should be promoted with other international monitoring networks and programs.

Article 8

Education and Training

The Parties shall promote and cooperate in developing and implementing education/ training programs to implement this Agreement in collaboration with the NC and the Secretariat, referred to in Article 12.

Article 9

Public Awareness

The Parties shall promote and cooperate in:

- a) development and implementation of public awareness programs on [regional air pollution][acid deposition]; and
- b) improvement of public access to information on [regional air pollution][acid deposition] and its effects.

Article 10

Exchange of Information

The Parties shall promote and cooperate in the exchange of information related to [regional air pollution][acid deposition] including scientific, technological, technical, socio-economic and legal information as well as information on administrative measures.

Article 11

Intergovernmental Meeting

1. An Intergovernmental Meeting is hereby established.
2. The IG, composed of the representatives of all Parties, is the decision-making body of the [EANET][Agreement]. The tasks of the IG include, among others, the following:
 - a) review and approval of the work program and budget [of the EANET] [for implementation of the Agreement];
 - b) review of implementation of the work program;
 - c) review and approval of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia;
 - d) establishment of subsidiary bodies as necessary and appropriate;
 - e) review and approval of scientific, technical, administrative and financial matters for the management of the [EANET][Agreement];
 - f) adoption of the rules of procedures and financial rules for the IG and subsidiary bodies, including the SAC;
 - g) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;
 - h) decision on other matters related to the management of the [EANET][Agreement] and implementation of the work program; and
 - i) adoption of amendments to this Agreement.
3. The IG shall meet annually, unless otherwise decided.

Article 12
Secretariat

- [1. A Secretariat is hereby established.]
2. The Secretariat, designated by the IG for the effective management of the [EANET][Agreement] and to facilitate cooperation among Parties in a transparent manner, shall carry out the following tasks under the guidance of the IG:
 - a) necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;
 - b) necessary administrative and financial arrangements for managing the [EANET][Agreement];
 - c) communication and cooperation in administrative [and policy] aspects as the focal point of the [EANET][Agreement];
 - d) promotion of capacity building and public awareness in cooperation with the NC; and
 - e) other necessary tasks as requested by the IG.

Article 13
Scientific Advisory Committee

- [1. A Scientific Advisory Committee is hereby established.]
2. The SAC, composed of scientific and technical experts from Parties, shall advise and assist the IG with various scientific and technical matters related to [EANET] activities as mandated to it by the IG. These matters shall include the following:
 - a) scientific and technical aspects of the monitoring strategies [for EANET];
 - b) development and revision of the monitoring guidelines and technical manuals;
 - c) matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats;
 - d) matters related to collection, evaluation, assessment and analysis of monitoring data;
 - e) preparation of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia[, based on the data report by the NC];
 - f) matters related to studies on [regional air pollution][acid deposition]; and
 - g) other scientific matters as requested by the IG.
3. If the Committee considers necessary for fulfilling its objectives, experts from countries other than Parties may be invited to join the Committee.

Article 14
Network Center

- [1. A Network Center is hereby established.]
2. The NC, to handle scientific and technical matters of [EANET activities][activities under the Agreement], and to facilitate cooperation among Parties in a transparent manner, shall carry out the following tasks under the guidance of the IG:
 - a) central compilation, evaluation and storage of monitoring data and related information;
 - b) preparation of data reports on [regional air pollution][acid deposition] in East Asia;
 - c) dissemination of monitoring data and other relevant information;

- d) provision of technical assistance to the Parties in implementing [EANET activities] [activities under the Agreement];
- e) implementation and coordination of QA/QC activities;
- f) development and implementation of education/training programs for those engaged in [EANET activities][activities under the Agreement];
- g) implementation of research activities on [regional air pollution][acid deposition];
- h) provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;
- i) promote capacity building and public awareness in cooperation with the Secretariat; and
- j) other tasks as requested by the IG.

Article 15

Financial Arrangement

- [1. A Fund is hereby established for the implementation of this Agreement.
2. The administrative and operational cost of the national monitoring within each country shall be borne by each country.
3. In order to provide a sound financial basis for the implementation of this Agreement, the Parties shall make [voluntary] contribution to the fund in accordance with the decision of the IG.
4. Taking into account the IG decisions, the contribution of the Parties shall be based on the flat rate amount and burden sharing according to the UN assessment scale.
5. The fund [shall][will] be open to financial and in-kind contribution from [other sources][international and regional organizations, non-governmental organizations (NGOs) and from any other international entities], subject to the [agreement of][approval] by the IG.

* Article 16 to Article 25 have not yet been fully discussed in the WGFD4 on the understanding that these articles are considered as specific for legally binding text.

[Article 16

Amendments

1. Any Party may propose amendments to the Agreement.
2. Five years later after the date of entry into force of the Agreement, the IG shall review the text of the Agreement and may propose amendments to the subsequent meeting, if necessary.
3. The text of any proposed amendments to the Agreement shall be communicated to the Parties by the Secretariat at least six months before a meeting of the IG at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Agreement.
4. Amendments shall be adopted by consensus of the representatives of the Parties at the meeting of the IG.
5. The adopted amendments shall be communicated by the Secretariat to the Depository, who shall circulate it to all Parties for their acceptance.
6. The amendments shall enter into force for the Parties which have accepted it on the sixtieth day after the date on which [two-thirds] of the Parties have deposited their instruments of

acceptance with the depositary.

7. Thereafter, the amendments shall enter into force for any other Party on the sixtieth day after the date on which that Party deposits its instrument of acceptance of the amendment.

Article 17

Annexes

1. Annexes to this Agreement shall form an integral part of the Agreement and, unless otherwise expressly provided, a reference to the Agreement constitutes at the same time a reference to the annexes thereto.
2. Annexes shall be adopted by consensus at the meeting of the IG.
3. Any Party may propose amendments to an Annex.
4. Amendments to an Annex shall be adopted by consensus at the meeting of the IG.
5. Annexes to this Agreement and amendments to Annexes shall be subject to acceptance. The Depositary shall circulate the adopted Annex or the adopted amendment to an Annex to all Parties for their acceptance. The Annex or the amendment to an Annex shall enter into force on the thirtieth day after the deposit with the Depositary of the instruments of acceptance of all Parties.

Article 18

Protocols

1. The IG may, at any session, adopt protocols to the Agreement.
2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.

Article 19

Signature

The Agreement shall be opened for signature at [the United Nations Office at Bangkok] [from ## to ## ##### 2009] by States listed in Annex I.

Article 20

Ratification, Acceptance, Approval and Accession

The Agreement shall be subject to ratification, acceptance, approval or accession by States listed in Annex I. It shall be open for accession by such States from the day after the date on which the Agreement is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 21

Entry into force

1. The Agreement shall enter into force on the sixtieth day after the deposit of the [seventh][ninth] instrument of ratification, acceptance, approval or accession.

2. For each Party ratifying, accepting, approving or acceding to the Agreement after the deposit of the [seventh][ninth] instrument of ratification, acceptance, approval or accession, the Agreement shall enter into force on the sixtieth day after the deposit by such Party of its instrument of ratification, acceptance, approval or accession.

Article 22

Application for Accession

1. Any country not listed in Annex I may submit its application for accession to this Agreement to the Secretariat, which shall be subject to approval by the IG.
2. Once its application is approved, the State may deposit its instrument of ratification, acceptance, approval or accession with the Depositary.

Article 23

Withdrawal

1. At any time after three years from the date on which the Agreement has entered into force for a Party, that Party may withdraw from the Agreement by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 24

Depositary

The Secretary-General of the United Nations shall be the Depositary of the Agreement.

Article 25

Authentic Text

The present Agreement shall be drawn up in the English language, and shall be the authentic text.

Annex I

Cambodia
China
Indonesia
Japan
Lao People's Democratic Republic
Malaysia
Mongolia
Myanmar
Philippines
Republic of Korea
Russian Federation
Thailand

Viet Nam]

]

Non-Legally Binding Instrument to Provide a Sound Basis for Contribution to EANET
(Draft text)

[Title

[Joint Declaration to Promote Cooperation for the [Prevention and Control][Management] of
[Regional Air Pollution][Acid Deposition] in East Asia]
[Joint Declaration to Provide a Sound Basis for Contribution to EANET]

The [Member][Participating] Countries to this Joint Declaration,

Recognizing that East Asia is facing increasing risks of problems related to [regional air pollution including acid deposition][acid deposition],

Recalling that Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992, stated that the experience of the programs on transboundary air pollution in Europe and North America needed to be shared with other regions of the world,

Acknowledging the successful operation of the preparatory-phase activities of the Acid Deposition Monitoring Network in East Asia, which was undertaken by ten countries in East Asia from 1998 to 2000, following the common understanding expressed at the First Intergovernmental Meeting, on 19-20 March 1998 in Yokohama, Japan.

Recognizing that the Acid Deposition Monitoring Network in East Asia was established in January 2001 as an important initiative for regional cooperation, aiming to create a common understanding on the state of acid deposition problems, to provide useful inputs to policy makers at various levels, and to contribute to cooperation on the issues related to acid deposition among the participating countries[, and that currently, thirteen countries in East Asia are participating in EANET and have been working together to conduct acid deposition monitoring and implemented other activities for EANET],

Emphasizing that activities of the cooperative network on the acid deposition [and other regional air pollution] in East Asia under the Acid Deposition Monitoring Network in East Asia has been developed by taking a step-wise approach by the Participating Countries on a voluntary basis,

Recognizing the need to promote cooperation for the [prevention and control][management] of [regional air pollution][acid deposition] in East Asia,

Have declared as follows:

Item 1
Definitions²

["Member/Participating Country" means]

["Regional Air Pollution" means....]

["East Asia" means]

["Acid Deposition" means....]

["EANET" means....]

Item2
Objective

The objective of this Joint Declaration is:

- a) to create a common understanding of the state of [regional air pollution][acid deposition problems] in East Asia;
- b) to provide useful inputs for decision-making at local, national and regional levels aimed at preventing or reducing adverse impacts on the environment caused by [regional air pollution][acid deposition]; and
- c) to [cooperate on][contribute to cooperation on][contribute to cooperation for the resolution of] the issues related to [regional air pollution][acid deposition] among the [Member][Participating] Countries.

Item 3
Principles

[The [Member][Participating] Countries [will] be guided by the following principles in the implementation of this Joint Declaration:

- a) The [Member][Participating] Countries [will], in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation to [prevent and control][manage] [regional air pollution][acid deposition].
- b) The [Member][Participating] Countries [should][will] take precautionary measures to anticipate, monitor and [prevent][manage][regional air pollution][acid deposition] to minimize its adverse impacts. Where there are threats of serious or irreversible damage from [regional air pollution][acid deposition], even without scientific certainty, precautionary measures [should][will] be taken by the [Member][Participating] Countries concerned.
- c) The [Member][Participating] Countries [will] take necessary measures to contribute to the cooperation on the issues related to [regional air pollution, including acid deposition][acid deposition] [among the [Member][Participating] countries].
- d) The [Member][Participating] Countries [will] promote and cooperate in the exchange of information related to [regional air pollution][acid deposition].
- e) The [Member][Participating] Countries [will] promote active participation, and bilateral and multilateral cooperation for effective implementation of [research][network] activities.]

² This provision on definition might be elaborated after further elaboration of other provisions.

[Item 4

General Obligations

1. The [Member][Participating] Countries [will] take necessary measures to contribute to the cooperation on the issues related to [regional air pollution, including acid deposition][acid deposition] [among the [Member][Participating] countries].
2. The [Member][Participating] Countries [will] take legislative, administrative and/or other measures to implement their obligations under this Joint Declaration.
3. The [Member][Participating] Countries [will] promote and cooperate in the exchange of information related to [regional air pollution][acid deposition].
4. The [Member][Participating] Countries [will] promote active participation, and bilateral and multilateral cooperation for effective implementation of [research][EANET][network] activities.]

Item 5

Monitoring and Reporting

1. The [Member][Participating] Countries [will] implement and strengthen their monitoring activities in line with this Joint Declaration.
2. Each [Member][Participating] Country [will] designate a national center, which is responsible for implementing the monitoring activities provided for in this Joint Declaration.
3. Each [Member][Participating] Country [will] develop and implement its national monitoring plan. Monitoring of acid deposition [and other regional air pollution] [will] be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the Intergovernmental Meeting (IG), referred to in Item 11.
4. Each [Member][Participating] Country [will] report the monitoring data and other relevant information to the Network Center (NC), referred to in Item 14, in accordance with the guidelines adopted by the IG.
5. In order to obtain high quality monitoring data, the quality assurance / quality control (QA/QC) programs adopted by the Scientific Advisory Committee (SAC), referred to in Item 13, [will] be implemented in full collaboration among the [Member][Participating] Countries for monitoring activities under the Joint Declaration.
6. The monitoring data and other information submitted by [Member][Participating] Countries [will] be compiled and stored by the NC.
7. The data and other information compiled through [EANET activities][activities under the Joint Declaration] [may][should] be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

Item 6

Assessment

1. The monitoring data and other information submitted by [Member][Participating] Countries [will] be analyzed and evaluated by the SAC.
2. The SAC [will] prepare periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia, based on the data reports by the NC.

3. Periodic assessment reports prepared pursuant to paragraph 2 of this Item [will] be disseminated [and made available to the public].

Item 7

Research Activities

1. The [Member][Participating] Countries [will] promote studies of scientific issues related to [regional air pollution][acid deposition].
2. Research activities should be mutually reinforcing and supportive with existing regional, sub-regional and national initiatives in East Asia. Collaboration should be promoted with other international monitoring networks and programs.

Item 8

Education and Training

The [Member][Participating] Countries [will] promote and cooperate in developing and implementing education/ training programs to implement this Joint Declaration in collaboration with the NC and the Secretariat, referred to in Item 12.

Item 9

Public Awareness

The [Member][Participating] Countries [will] promote and cooperate in:

- a) development and implementation of public awareness programs on [regional air pollution][acid deposition]; and
- b) improvement of public access to information on [regional air pollution][acid deposition] and its effects.

Item 10

Exchange of Information

The [Member][Participating] Countries [will] promote and cooperate in the exchange of information related to [regional air pollution][acid deposition] including scientific, technological, technical, socio-economic and legal information as well as information on administrative measures.

Item 11

Intergovernmental Meeting

1. An Intergovernmental Meeting is hereby established.
2. The IG, composed of the representatives of all [Member][Participating] Countries, is the decision-making body of the [EANET][Joint Declaration]. The tasks of the IG include, among others, the following:
 - a) review and approval of the work program and budget [of the EANET][for implementation of the Joint Declaration];
 - b) review of implementation of the work program;

- c) review and approval of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia;
 - d) establishment of subsidiary bodies as necessary and appropriate;
 - e) review and approval of scientific, technical, administrative and financial matters for the management of the [EANET][Joint Declaration];
 - f) adoption of the rules of procedures [and financial rules] for the IG and subsidiary bodies, including the SAC;
 - g) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;
 - h) decision on other matters related to the management of the [EANET][Joint Declaration] and implementation of the work program; and
 - i) adoption of amendments to this Joint Declaration.
3. The IG [will] meet annually, unless otherwise decided.

Item 12
Secretariat

- [1. A Secretariat is hereby established.]
2. The Secretariat, designated by the IG for the effective management of the [EANET][Joint Declaration] and to facilitate cooperation among [Member][Participating] Countries in a transparent manner, [will] carry out the following tasks under the guidance of the IG:
 - a) necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;
 - b) necessary administrative and financial arrangements for managing the [EANET][Joint Declaration];
 - c) communication and cooperation in administrative [and policy] aspects as the focal point of the [EANET][Joint Declaration];
 - d) promotion of capacity building and public awareness in cooperation with the NC; and
 - e) other necessary tasks as requested by the IG.

Item 13
Scientific Advisory Committee

- [1. A Scientific Advisory Committee is hereby established.]
2. The SAC, composed of scientific and technical experts from [Member][Participating] Countries, [will] advise and assist the IG with various scientific and technical matters related to EANET activities as mandated to it by the IG. These matters [will] include the following:
 - a) scientific and technical aspects of the monitoring strategies [for EANET];
 - b) development and revision of the monitoring guidelines and technical manuals;
 - c) matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats;
 - d) matters related to collection, evaluation, assessment and analysis of monitoring data;
 - e) preparation of periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia[, based on the data report by the NC];

- f) matters related to studies on [regional air pollution][acid deposition]; and
 - g) other scientific matters as requested by the IG.
3. If the Committee considers necessary for fulfilling its objectives, experts from countries other than [Member][Participating] Countries may be invited to join the Committee.

Item 14

Network Center

- [1. A Network Center is hereby established.]
2. The NC, to handle scientific and technical matters of [EANET activities][activities under the Joint Declaration], and to facilitate cooperation among [Member][Participating] Countries in a transparent manner, [will] carry out the following tasks under the guidance of the IG:
 - a) central compilation, evaluation and storage of monitoring data and related information;
 - b) preparation of data reports on [regional air pollution][acid deposition] in East Asia;
 - c) dissemination of monitoring data and other relevant information;
 - d) provision of technical assistance to the [Member][Participating] Countries in implementing [EANET activities][activities under the Joint Declaration];
 - e) implementation and coordination of QA/QC activities;
 - f) development and implementation of education/training programs for those engaged in [EANET activities][activities under the Joint Declaration];
 - g) implementation of research activities on [regional air pollution][acid deposition];
 - h) provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;
 - i) promote capacity building and public awareness in cooperation with the Secretariat; and
 - j) other tasks as requested by the IG.

Item 15

Financial Arrangement

1. [A Fund is hereby established for the implementation of this Joint Declaration
2. The administrative and operational cost of the national monitoring within each country [will] be borne by each country.
3. In order to provide a sound financial basis for the implementation of this Joint Declaration, the [Member][Participating] Countries [will] make [voluntary] contribution to the fund in accordance with the decision of the IG.
4. Taking into account the IG decisions, the contribution of the [Member][Participating] countries [will] be based on the flat rate amount and burden sharing according to the UN assessment scale.
5. The fund [will] be open to financial and in-kind contribution from [other sources][international and regional organizations, non-governmental organizations (NGOs) and from any other international entities], subject to the [agreement of][approval by] the IG.

**[Item 16
Withdrawal**

A [Member][Participating] Country may withdraw from the [EANET][Joint Declaration] at any time by giving written notice of withdrawal to the Secretariat.]

**[Item 17
Admission**

Countries in East Asia, which includes Northeast Asia and Southeast Asia, not originally participating in the [EANET][Joint Declaration], may subsequently submit the Secretariat an application for participation, which is subject to approval by the IG.]

[Member][Participating] Countries

Cambodia
China
Indonesia
Japan
Lao People's Democratic Republic
Malaysia
Mongolia
Myanmar
Philippines
Republic of Korea
Russian Federation
Thailand
Viet Nam

]

Annex 3

Differences of Two Texts

Below is a summary of differences between the legally binding and non-legally binding texts.

Component	legally binding	non legally binding
Title	• Framework Agreement	• Joint Declaration
Preamble	• the “Parties”	• the “[Member] [Participating] Countries”
Definitions		
Objective		
Principles	• “shall” • the “Parties”	• “will” • the “[Member] [Participating] Countries” • Has provisions [3.c), d), e)]
General Obligations	• Not in brackets	• In brackets
Monitoring and Reporting	• “shall” • the “Parties”	• “will” • the “[Member] [Participating] Countries”
Assessment		
Research Activities		
Education and Training		
Public Awareness		
Exchange of Information		
Intergovernmental Meeting		
Secretariat		
Scientific Advisory Committee		
Network Center		
Financial Arrangement		
Amendments		
Annexes		
Protocols		
Signature	• Provisions exist	• No provisions
Ratification, Acceptance, Approval and Accession		
Entry into force		
Application for Accession		
Withdrawal	• 1. At any time after three years from the date on which the Agreement has entered into force for a Party, that Party may withdraw from the Agreement by giving written notification to the Depository. • The 2 nd provision exists	• A [Member] [Participating] Country may withdraw from the [EANET][Joint Declaration] at any time by giving written notice of withdrawal to the Secretariat.]
Admission	• No provision	• Provision exists
Depository	• Provision exists	• No provision
Authentic Text		
Annex I	Same	

Cost Estimates of the Secretariat Activities (Projection for 2008-2015)

1) Regular budget

Items	Based on Strategy on EANET Dev.			After Adoption of Intrsument				
	2008	2009	2010	2011	2012	2013	2014	2015
1. Personnel Costs (include Salary, Social Security funds, Provident Fund, Tax, etc.)	124,000	136,000	150,000	158,000	158,000	158,000	158,000	158,000
2. Rental of premises (as per Contract)	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
3. Operating Costs								
3.1 Reporting Costs (printing of Proceedings, Newsletter, etc.)	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
3.2 Office Supplies	2000	2000	2000	2,000	2000	2000	3000	3000
3.3 Communication	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
3.4 Travel of Staff for meetings	8,000	8,000	10,000	12,000	12,000	12,000	12,000	12,000
3.4 Meeting Arrangement								
• Session of the Working Group on Future Development of EANET (2 sessions)	54,000	31,000	31,000	54,000	54,000	56,000	60,000	60,000
• Session of the Scientific Advisory Committee	55,000	57,000	59,000	55,000	55,000	55,000	55,000	56,000
Session of the Intergovernmental Meeting (IG)	51,000	52,000	52,000	52,000	52,000	52,000	54,000	54,000
Sub total	343,000	335,000	353,000	382,000	382,000	384,000	391000	392,000
4. Overhead (5% of sub-total)	17150	16750	17650	19,100.00	19100	19200	19550	19600
TOTAL	360,150	351,750	370,650	\$401,100	401,100	403,200	410550	411,600

2) New activities/supporting activities

Items	Based on Strategy on EANET			After Adoption of Instrument				
	2008	2009	2010	2011	2012	2013	2014	2015
Development of Public Awareness Materials, etc.	2000	5000	2000	3,000	3000	3000	3,000	3000
Capacity Building for Policy Makers		30,000			25000			30,000
Participation in High level Meeting	20,000							
Regional workshop			40,000		30,000			
National workshop on public Awareness		20,000						
Promotion on Emission Inventory				30,000			30,000	
Fellowship Program	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Development of Report for Policy Makers	30,000					30,000		
Sub-total	72000	77009	62000	53,000	78,000	53,000	53,000	53,000
Overhead (5%)	3600	3850.45	3100	2,650	3,900	2,650	2,650	2,650
Total Cost	75600	80859.45	65100	55,650	81,900	55,650	55,650	55,650
Grand Total (1+2)	435,750	432,609	435,750	\$456,750	483,000	458,850	466,200	467,250

Annex 4

Cost Estimates of the Core Budget activities of the Network Center for EANET (2008 -2015)

Assumptions:

- 1) IG has not made any decisions to change the present institutional framework of EANET
- 2) IG has not approved the establishment of new subsidiary bodies after end of 2007 except to consider prevention and control/management activities which are entirely new for EANET
- 3) The Secretariat is located at UNEP RRC.AP in Bangkok and the Network Centre is at ADORC, Japan
- 4) The administrative and operational costs of the national monitoring are borne by each country
- 5) The Instrument to provide a Sound Basis for Contribution to EANET is effective from 2011

Scenarios (as from 2011):

- 1: Legally binding text, regional air pollution, prevention and control/management included
- 2: Legally binding text, regional air pollution, monitoring only
- 3: Legally binding text, acid deposition only, prevention and control/management included
- 4: Legally binding text, acid deposition only, monitoring only
- 5: Non-legally binding text, regional air pollution, prevention and control/management included
- 6: Non-legally binding text, regional air pollution, monitoring only
- 7: Non-legally binding text, acid deposition only, prevention and control/management included
- 8: Non-legally binding text, acid deposition only, monitoring only

Cost Estimate Comparison of Each Scenario (US\$)

	According to Strategy on EANET Development (2006-2010)			After adoption of Instrument				
	2008	2009	2010	2011	2012	2013	2014	2015
Scenario 1 and 5	377,600	407,100	404,100	423,200	423,200	407,200	467,200	472,200
Scenario 2 and 6	377,600	407,100	404,100	415,200	415,200	399,200	459,200	464,200
Scenario 3 and 7	377,600	407,100	404,100	393,200	393,200	377,200	437,200	442,200
Scenario 4 and 8	377,600	407,100	404,100	385,200	385,200	369,200	429,200	434,200

Table 1: Projection of NC Core Budget (2008 - 2015) (US\$) under Scenario 1 and 5 (US\$)

Scenario 1: Legally binding text, regional air pollution, control and prevention included
 Scenario 5: Non-legally binding text, regional air pollution, control and prevention included

	According to Strategy on EANET Development (2006-2010)			After adoption of Instrument				
	2008	2009	2010	2011	2012	2013	2014	2015
1. Central compilation, evaluation and storage of data etc.	57,400	84,900	79,900	65,000	65,000	65,000	125,000	130,000
Data verification	37,400	2,400	2,400	25,000	25,000	25,000	25,000	30,000
Periodic Report Assessment		72,500	72,500				60,000	60,000
Consideration of monitoring of new substances				30,000	30,000	30,000	30,000	30,000
Maintenance of database	20,000	10,000	5,000	10,000	10,000	10,000	10,000	10,000
2. Preparation of data report	25,000	25,000	25,000	30,000	30,000	30,000	30,000	30,000
3. Dissemination of data and relevant information	22,000	22,000	22,000	20,000	20,000	20,000	20,000	20,000
Analysis on the state of acid deposition in the region	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
Development and updating of EANET website	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
4. Strengthening technical capacity in participating countries	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
Senior Technical Managers' Meeting	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
5. Implementation and coordination of QA/QC activities	43,000	43,000	43,000	60,000	60,000	60,000	60,000	60,000
Inter-laboratory comparison surveys	31,000	31,000	31,000	50,000	50,000	50,000	50,000	50,000
Other relevant QA/QC activities	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
6. Implementation of training activities	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Development of annual training program	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
8. Technical support for EANET meetings	129,200	117,200	119,200	123,200	123,200	117,200	117,200	117,200
Preparation of technical documents	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Attendance to the EANET meetings (IG, SAC, WGFD etc.)	40,000	40,000	40,000	60,000	60,000	50,000	50,000	50,000
Support for Task Forces and Expert Groups	69,200	57,200	59,200	43,200	43,200	47,200	47,200	47,200
10. Administrative works	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Other relevant activities	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Total	377,600	407,100	404,100	423,200	423,200	407,200	467,200	472,200

Table 2: Projection of NC Core Budget (2008 - 2015) (US\$) under Scenario 2 and 6 (US\$)

Scenario 2: Legally binding text, regional air pollution, monitoring only
Scenario 6: Non-legally binding text, regional air pollution, monitoring only

	According to Strategy on EANET Development (2006-2010)			After adoption of Instrument				
	2008	2009	2010	2011	2012	2013	2014	2015
1. Central compilation, evaluation and storage of data etc.	57,400	84,900	79,900	65,000	65,000	65,000	125,000	130,000
Data verification	37,400	2,400	2,400	25,000	25,000	25,000	25,000	30,000
Periodic Report Assessment		72,500	72,500				60,000	60,000
Consideration of monitoring of new substances				30,000	30,000	30,000	30,000	30,000
Maintenance of database	20,000	10,000	5,000	10,000	10,000	10,000	10,000	10,000
2. Preparation of data report	25,000	25,000	25,000	30,000	30,000	30,000	30,000	30,000
3. Dissemination of data and relevant information	22,000	22,000	22,000	20,000	20,000	20,000	20,000	20,000
Analysis on the state of acid deposition in the region	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
Development and updating of EANET website	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
4. Strengthening technical capacity in participating countries	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
Senior Technical Managers' Meeting	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
5. Implementation and coordination of QA/QC activities	43,000	43,000	43,000	60,000	60,000	60,000	60,000	60,000
Inter-laboratory comparison surveys	31,000	31,000	31,000	50,000	50,000	50,000	50,000	50,000
Other relevant QA/QC activities	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
6. Implementation of training activities	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Development of annual training program	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
8. Technical support for EANET meetings	129,200	117,200	119,200	115,200	115,200	109,200	109,200	109,200
Preparation of technical documents	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Attendance to the EANET meetings (IG, SAC, WGFD etc.)	40,000	40,000	40,000	60,000	60,000	50,000	50,000	50,000
Support for Task Forces and Expert Groups	69,200	57,200	59,200	35,200	35,200	39,200	39,200	39,200
10. Administrative works	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Other relevant activities	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Total	377,600	407,100	404,100	415,200	415,200	399,200	459,200	464,200

Table 3: Projection of NC Core Budget (2008 - 2015) (US\$) under Scenario 3 and 7 (US\$)

Scenario 3: Legally binding text, acid deposition only, control and prevention included
 Scenario 7: Non-legally binding text, acid deposition only, control and prevention included

	According to Strategy on EANET Development (2006-2010)			After adoption of Instrument				
	2008	2009	2010	2011	2012	2013	2014	2015
1. Central compilation, evaluation and storage of data etc.	57,400	84,900	79,900	35,000	35,000	35,000	95,000	100,000
Data verification	37,400	2,400	2,400	25,000	25,000	25,000	25,000	30,000
Periodic Report Assessment		72,500	72,500				60,000	60,000
Consideration of monitoring of new substances								
Maintenance of database	20,000	10,000	5,000	10,000	10,000	10,000	10,000	10,000
2. Preparation of data report	25,000	25,000	25,000	30,000	30,000	30,000	30,000	30,000
3. Dissemination of data and relevant information	22,000	22,000	22,000	20,000	20,000	20,000	20,000	20,000
Analysis on the state of acid deposition in the region	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
Development and updating of EANET website	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
4. Strengthening technical capacity in participating countries	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
Senior Technical Managers' Meeting	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
5. Implementation and coordination of QA/QC activities	43,000	43,000	43,000	60,000	60,000	60,000	60,000	60,000
Inter-laboratory comparison surveys	31,000	31,000	31,000	50,000	50,000	50,000	50,000	50,000
Other relevant QA/QC activities	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
6. Implementation of training activities	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Development of annual training program	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
8. Technical support for EANET meetings	129,200	117,200	119,200	123,200	123,200	117,200	117,200	117,200
Preparation of technical documents	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Attendance to the EANET meetings (IG, SAC, WGFD etc.)	40,000	40,000	40,000	60,000	60,000	50,000	50,000	50,000
Support for Task Forces and Expert Groups	69,200	57,200	59,200	43,200	43,200	47,200	47,200	47,200
10. Administrative works	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Other relevant activities	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Total	377,600	407,100	404,100	393,200	393,200	377,200	437,200	442,200

Table 4: Projection of NC Core Budget (2008 - 2015) (US\$) under Scenario 4 and 8 (US\$)

Scenario 4: Legally binding text, acid deposition only, monitoring only

Scenario 8: Non-legally binding text, acid deposition only, monitoring only

	According to Strategy on EANET Development (2006-2010)			After adoption of Instrument				
	2008	2009	2010	2011	2012	2013	2014	2015
1. Central compilation, evaluation and storage of data etc.	57,400	84,900	79,900	35,000	35,000	35,000	95,000	100,000
Data verification	37,400	2,400	2,400	25,000	25,000	25,000	25,000	30,000
Periodic Report Assessment		72,500	72,500				60,000	60,000
Consideration of monitoring of new substances								
Maintenance of database	20,000	10,000	5,000	10,000	10,000	10,000	10,000	10,000
2. Preparation of data report	25,000	25,000	25,000	30,000	30,000	30,000	30,000	30,000
3. Dissemination of data and relevant information	22,000	22,000	22,000	20,000	20,000	20,000	20,000	20,000
Analysis on the state of acid deposition in the region	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
Development and updating of EANET website	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
4. Strengthening technical capacity in participating countries	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
Senior Technical Managers' Meeting	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
5. Implementation and coordination of QA/QC activities	43,000	43,000	43,000	60,000	60,000	60,000	60,000	60,000
Inter-laboratory comparison surveys	31,000	31,000	31,000	50,000	50,000	50,000	50,000	50,000
Other relevant QA/QC activities	12,000	12,000	12,000	10,000	10,000	10,000	10,000	10,000
6. Implementation of training activities	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Development of annual training program	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
8. Technical support for EANET meetings	129,200	117,200	119,200	115,200	115,200	109,200	109,200	109,200
Preparation of technical documents	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Attendance to the EANET meetings (IG, SAC, WGFD etc.)	40,000	40,000	40,000	60,000	60,000	50,000	50,000	50,000
Support for Task Forces and Expert Groups	69,200	57,200	59,200	35,200	35,200	39,200	39,200	39,200
10. Administrative works	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Other relevant activities	6,000	20,000	20,000	30,000	30,000	20,000	20,000	20,000
Total	377,600	407,100	404,100	385,200	385,200	369,200	429,200	434,200

COMPILATION OF THE COMMENTS FROM THE PARTICIPATING COUNTIES

Japan's Comments on the Draft text of Instrument to Provide a Sound Basis for Contribution to EANET

As of October 2007

1. Introduction

Taking into account the results of discussion held at the Fifth Session of the Working Group on Future Development of EANET (WGFD5), Japan would like to submit its views and comments on the Draft text of Instrument to Provide a Sound Basis for Contribution to EANET prepared by the Secretariat.

The following comments are provided with an intention to make the Instrument flexible and acceptable not only for Japan but also for other participating countries of EANET. They are also elaborated based on the principle that the instrument should be simple, flexible and open for future development of EANET.

As the Draft text of the Legally Binding Instrument covers all the elements (items) of the Draft text of Non-Legally Binding Instrument, we limit ourselves to comment on the text of the former Draft for the sake of convenience. It is based on the assumption that the following comments would be treated equally to the common elements in the latter's text.

Also attached is the Draft text of the Instrument which reflects all of the comments below.

2. General comments

(1) Scope of the Instrument

As for the scope of the Instrument, Japan supports the idea that there should be a room to accommodate future activities which will facilitate effective and efficient air quality management based on the latest scientific information available in East Asia, and should not be limited to the activities related to only "acid deposition" and "monitoring" for the following reasons:

- "Acid deposition" problem cannot be addressed appropriately without considering of air pollution since acid deposition is closely linked to air pollutants;
- With respect to future activities of EANET, "monitoring" and "emission inventories and modeling" are necessary scientific tools for comprehensive air quality management. These tools are parts of an integrated approach which aims at addressing the issue;

- An Instrument with broader scope may give the possibility to acquire the external funds from various sources and to accomplish more achievements in research activities; and
- The term “monitoring of acid deposition” is not appropriate as it does not even reflect the current activities of EANET.

(2) *Legal status of the Instrument*

The legal status of the Instrument should be determined at later stage, after we had more discussions on the Instrument. It is because that the legal status will be based on the contents of the Instrument and the needs and feasibility of ensuring effectiveness of implementation of the Instrument.

3. *Comments on elements of the Draft text*

(1) *Title of the Instrument*

Japan considers that the title of the Instrument should be decided at the last stage of the discussion because it depends on the contents and legal status of the Instrument.

(2) *Definitions [Article1]*

It is not necessary to include definitions of all terms used in the text of the Instrument. Rather, it is preferable to define only those terms which are indispensable.

[Definition of “East Asia”]

In particular, we should not include the term “East Asia” as it is difficult to define the region. Also, it is not necessary to list the name of the countries so as to leave flexibility for the membership taking into the accession of new members in the future.

[Definition of “EANET”]

We do not consider it necessary to define the term “EANET” as it inevitably duplicates the reference to the “EANET” in the preamble of the text. We would prefer to continue using the denomination “EANET” in practice, for example, as “a network in East Asia to promote cooperation under the new framework” on the basis of decisions of the Intergovernmental Meeting (IG), which is to be established under the Instrument. Another option will be to use the name “EANET” for the work program which is related to certain network activities.

[Definition of “Regional Air Pollution”]

As for the term “Regional Air Pollution” we suggest defining it as, for example, “air pollution including acid deposition which may cause adverse effects in local and regional area as a

result of its long-range transport, and can be more effectively addressed through regional cooperation”.

(3) *Principles and General obligations [Articles 3 and 4 – new Article 3]*

We would like to propose to unify Articles 3 and 4 and to stipulate a new article on the “General Obligations” to avoid duplication and redundancy of provisions. We suggest the elements of the new article should be as follows:

1. Obligation to strengthen cooperation to prevent and control regional air pollution.
2. Obligation to take appropriate measures to anticipate, monitor and prevent regional air pollution, and obligation to take precautionary measures even without enough scientific certainty.
3. Obligation to promote active participation and regional cooperation for effective implementation of the activities under the Instrument.

(4) *Activities under the Instrument [Articles 5 to 10(11)]*

We would like to propose to insert a new article on capacity building to prepare each Party’s national inventory on emissions and develop simulation models taking into consideration of its importance for further development of EANET. *[New Article 5 is to be inserted between Articles 5 and 6]*

We recommend substituting auxiliary verbs “should” for “shall” in some paragraphs and Articles so as not to assume binding obligations. *[Paragraph 7 of Article 5, paragraph 3 of Article 6, paragraph 1 of Article 7, Articles 8 and 9]*

We consider that the activities on “Exchange of Information” referred to in Article 10 should be assigned to the IG. Accordingly, the provision on “Exchange of Information” should be transferred to paragraph 2 of Article 11. *[Articles 10 and paragraph 2 of Article 11]*

(5) *Bodies responsible for implementation of activities [Articles 11 to 14]*

In order to ensure efficiency and stability of the activities to be implemented under the Instrument, Japan considers that, in principle, it is more realistic to delegate the tasks enumerated in these Articles to the existing bodies, than newly establishing the Secretariat and the Network Center under the Instrument. If we decide to leave a decision on this matter to the newly established IG, the paragraph 1 of Article 11 and paragraph 1 of Article 14 could be deleted.

(6) *Financial arrangement [Articles 15]*

We need simple and flexible provisions on financial arrangement within the Instrument. We would like to propose to simplify them as much as possible by stipulating only the principle which outlines that each country shall make contribution to the implementation of activities under the Instrument in accordance with the decisions of the IG.

(7) *Procedures [Articles 16 to 25]*

We support to simplify the provisions on procedures for amendments, entry into force, accession and withdrawal. We consider that the details of Articles on procedures should be discussed after the contents and legal status of the Instrument have been decided. *[Articles 16 and 19 to 24]*

In order to ensure the stability of the newly established framework, we would like to propose to delete the paragraph 2 of Article 16, which stipulates the obligatory review of the text of the Instrument after 5 years of its entry into force. *[Paragraph 2 of Article 16]*

It is not necessary to attach a list of participating countries of current EANET to the Instrument as an annex, since we don't know which of those countries would conclude the Instrument at the moment of the adoption of the Instrument. As we find the annexes to the Instrument unnecessary, the Article 17 and Annex I should be deleted. *[Articles 17]*

Article 18 on protocols also could be deleted as we find no need at this stage to prepare protocols to the Instrument. *[Articles 18]*

Japan's comments

Legally Binding Instrument To provide a Sound Basis for Contribution to EANET
(Draft text)

[Title

[Framework Agreement to Promote Cooperation for the [Prevention and Control][Management] of [Regional Air Pollution] in East Asia]

The Parties to this Agreement,

Recognizing that East Asia is facing increasing risks of problems related to [regional air pollution including acid deposition][acid deposition],

Recalling that Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992, stated that the experience of the programs on transboundary air pollution in Europe and North America needed to be shared with other regions of the world,

Acknowledging the successful operation of the preparatory-phase activities of the Acid Deposition Monitoring Network in East Asia (EANET), which was undertaken by ten countries in East Asia from 1998 to 2000, following the common understanding expressed at the First Intergovernmental Meeting, on 19-20 March 1998 in Yokohama, Japan,.

Recognizing that EANET was established in January 2001 as an important initiative for regional cooperation, aiming at creating a common understanding on the state of acid deposition problems, at providing useful inputs to policy makers at various levels, and at contributing to cooperation on the issues related to acid deposition among the participating countries[, and that currently, thirteen countries in East Asia are participating in EANET and have been working together to conduct acid deposition monitoring and implement other activities for EANET],

Emphasizing that activities of the cooperative network on the acid deposition [and other regional air pollution] in East Asia under EANET has been developed by taking a step-wise approach by the Participating Countries on a voluntary basis,

Recognizing the need to promote cooperation for the [prevention and control][management] of [regional air pollution][acid deposition] in East Asia,

Have agreed as follows:

Article 1
Definitions

["Party" means a Party to this Agreement, unless the Agreement otherwise provides.]

["Regional Air Pollution" means....]

["Acid Deposition" means....]

Article 2
Objective

The objective of this Agreement is:

- a) to create a common understanding of the state of [regional air pollution] in East Asia;
- b) to provide useful inputs for decision-making at local, national and regional levels aimed at preventing or reducing adverse impacts on the environment caused by [regional air pollution];
and
- c) to [cooperate on] the issues related to [regional air pollution] among the Parties.

Article 3
General Obligations

1. The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation to [prevent and control] [regional air pollution].
2. The Parties shall take appropriate measures to anticipate, monitor and [prevent][regional air pollution] to minimize its adverse impacts. Where there are threats of serious or irreversible damage from [regional air pollution], even without enough scientific certainty, precautionary measures shall be taken by the Parties concerned.]
3. The Parties shall promote active participation, and bilateral and multilateral cooperation for effective implementation of the activities under the Agreement.

Article 4
Monitoring and Reporting

8. The Parties shall implement and strengthen their monitoring activities in line with this Agreement.
9. Each Party shall designate a national center, which is responsible for implementing the monitoring activities provided for in the Agreement.
10. Each Party shall develop and implement its national monitoring plan. Monitoring of acid deposition [and other regional air pollution] shall be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the Intergovernmental Meeting (IG), referred to in Article 11.
11. Each Party shall report the monitoring data and other relevant information to the Network Center (NC), referred to in Article 14, in accordance with guidelines adopted by the IG.
12. In order to obtain high quality monitoring data, the quality assurance / quality control (QA/QC) programs adopted by the Scientific Advisory Committee (SAC), referred to in Article 13, shall be implemented in full collaboration among the Parties for monitoring activities under the

Agreement.

13. The monitoring data and other information submitted by Parties shall be compiled and stored by the NC.
14. The data and other information compiled through [activities under the Agreement] [should] be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

Article 5

Emission Inventories and Modeling

1. Each party, in accordance with its capabilities, [shall/should] [make efforts/cooperate] to build up the capacity to prepare its emission inventory of decided air pollutants by using comparable methodologies to be promoted and decided upon by the IG and to develop simulation models for assessment on the state of regional air pollution in East Asia.
2. The NC [shall/should] promote studies and exchange of information on inventories and modeling to assist each Party in preparing and improving its emission inventory and developing simulation models.

Article 6

Assessment

4. The monitoring data and other information submitted by Parties shall be analyzed and evaluated by the SAC.
5. The SAC shall prepare periodic assessment reports on the state of [regional air pollution] in East Asia, based on the data reports by the NC.
6. Periodic assessment reports prepared pursuant to paragraph 2 of this Article should be disseminated [and made available to the public].

Article 7

Research Activities

3. The Parties should promote studies of scientific issues related to [regional air pollution].
4. Research activities should be mutually reinforcing and supportive with existing regional, sub-regional and national initiatives in East Asia. Collaboration should be promoted with other international monitoring networks and programs.

Article 8

Education and Training

The Parties should promote and cooperate in developing and implementing education/ training programs to implement this Agreement in collaboration with the NC and the Secretariat, referred to in Article 12.

Article 9

Public Awareness

The Parties should promote and cooperate in:

- a) development and implementation of public awareness programs on [regional air pollution]; and
- b) improvement of public access to information on [regional air pollution] and its effects.

Article 10

Intergovernmental Meeting

1. An Intergovernmental Meeting is hereby established.
4. The IG, composed of the representatives of all Parties, is the decision-making body of the [Agreement]. The tasks of the IG include, among others, the following:
 - a) exchange of information related to [regional air pollution] including scientific, technological, technical, socio-economic and legal information as well as information on administrative measures;
 - b) review and approval of the work program and budget [for implementation of the Agreement];
 - c) review of implementation of the work program;
 - d) review and approval of periodic assessment reports on the state of [regional air pollution] in East Asia;
 - e) establishment of subsidiary bodies as necessary and appropriate;
 - f) review and approval of scientific, technical, administrative and financial matters for the management of the [Agreement];
 - g) adoption of the rules of procedures and financial rules for the IG and subsidiary bodies, including the SAC;
 - h) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;
 - i) decision on other matters related to the management of the [Agreement] and implementation of the work program; and
 - j) adoption of amendments to this Agreement.
5. The IG shall meet annually, unless otherwise decided.

Article 11

Secretariat

The Secretariat, designated by the IG for the effective management of the [Agreement] and to facilitate cooperation among Parties in a transparent manner, shall carry out the following tasks under the guidance of the IG:

- a) necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;
- b) necessary administrative and financial arrangements for managing the [Agreement];
- c) communication and cooperation in administrative [and policy] aspects as the focal point of the [Agreement];

- d) promotion of capacity building and public awareness in cooperation with the NC; and
- e) other necessary tasks as requested by the IG.

Article 12

Scientific Advisory Committee

- [1. A Scientific Advisory Committee is hereby established.]
4. The SAC, composed of scientific and technical experts from Parties, shall advise and assist the IG with various scientific and technical matters related to activities as mandated to it by the IG. These matters shall include the following:
- a) scientific and technical aspects of the monitoring strategies;
 - b) development and revision of the monitoring guidelines and technical manuals;
 - c) matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats;
 - d) matters related to collection, evaluation, assessment and analysis of monitoring data;
 - e) preparation of periodic assessment reports on the state of [regional air pollution] in East Asia[, based on the data report by the NC];
 - f) matters related to studies on [regional air pollution]; and
 - g) other scientific matters as requested by the IG.
5. If the Committee considers necessary for fulfilling its objectives, experts from countries other than Parties may be invited to join the Committee.

Article 13

Network Center

The NC, to handle scientific and technical matters of [activities under the Agreement], and to facilitate cooperation among Parties in a transparent manner, shall carry out the following tasks under the guidance of the IG:

- a) central compilation, evaluation and storage of monitoring data and related information;
- b) preparation of data reports on [regional air pollution] in East Asia;
- c) dissemination of monitoring data and other relevant information;
- d) provision of technical assistance to the Parties in implementing [activities under the Agreement];
- e) implementation and coordination of QA/QC activities;
- f) development and implementation of education/training programs for those engaged in [activities under the Agreement];
- g) implementation of research activities on [regional air pollution];
- h) provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;
- i) promote capacity building and public awareness in cooperation with the Secretariat; and
- j) other tasks as requested by the IG.

Article 14

Financial Arrangement

1. The administrative and operational cost of the national monitoring within each Party shall be borne by each Party.
2. Each Party shall contribute to the budget. Contributions shall be paid in accordance with the respective laws and regulations of each Party, based on the financial rules and other relevant decisions adopted by the IG.

Article 15

Amendments

8. Any Party may propose amendments to the Agreement.
9. The text of any proposed amendments to the Agreement shall be communicated to the Parties by the Secretariat at least [six months] before a meeting of the IG at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Agreement.
10. Amendments shall be adopted by consensus of the representatives of the Parties at the meeting of the IG.
11. The adopted amendments shall be communicated by the Secretariat to the Depository, who shall circulate it to all Parties for their acceptance.
12. The amendments shall enter into force for the Parties which have accepted it on the [sixtieth day] after the date on which [two-thirds] of the Parties have deposited their instruments of acceptance with the depository.
13. Thereafter, the amendments shall enter into force for any other Party on the [sixtieth day] after the date on which that Party deposits its instrument of acceptance of the amendment.

Article 16

Signature

The Agreement shall be opened for signature at [the United Nations Office at Bangkok] [from ## to ## ##### 2009] by countries.

Article 17

Ratification, Acceptance, Approval and Accession

The Agreement shall be subject to ratification, acceptance, approval or accession by countries. It shall be open for accession by such countries from the day after the date on which the Agreement is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

Article 18

Entry into force

The Agreement shall enter into force on the [sixtieth day] after the deposit of the [seventh][ninth] instrument of ratification, acceptance, approval or accession.

For each Party ratifying, accepting, approving or acceding to the Agreement after the deposit of the

[seventh][ninth] instrument of ratification, acceptance, approval or accession, the Agreement shall enter into force on the sixtieth day after the deposit by such Party of its instrument of ratification, acceptance, approval or accession.

Article 19

Application for Accession

3. Any country may submit its application for accession to this Agreement to the Secretariat, which shall be subject to approval by the IG.
4. Once its application is approved, the country may deposit its instrument of ratification, acceptance, approval or accession with the Depositary.

Article 20

Withdrawal

3. At any time after [three years] from the date on which the Agreement has entered into force for a Party, that Party may withdraw from the Agreement by giving written notification to the Depositary.
4. Any such withdrawal shall take effect upon expiry of [one year] from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 21

Depositary

[The Secretary-General of the United Nations] shall be the Depositary of the Agreement.

Article 22

Authentic Text

The present Agreement shall be drawn up in the English language, and shall be the authentic text.

]

Russia's comments

Dear EANET participating countries, the Secretariat and the Network center,

Following the agreement during the Fifth Session of the Working Group on Future Development (WGFD5) to collect comments from the participating countries and attach them to the "Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET" for the consideration of IG9, the Russian Federation would like to express our view.

The Russian Federation the present stage of ENAET development it is not realistic to get an agreement on preparation of any regional Convention or agreement with strict requirements and obligations of parties. However, developing of the instrument providing a legal status for the activity of EANET in the region and for financial contribution of the participating countries to the EANET budget is highly needed.

Thus, we believe that the best way is to establish a Framework agreement. Such Framework agreement should not have any strike obligations but just general awareness of the countries on the Acid Deposition problem in the Region and willing to mitigate this problem. The scheme of financial contribution of the participating countries, operation of EANET monitoring network, etc. should be indicated in such agreement as instruments aimed to solve Acid Deposition problem in the region. Later on, when and if EANET extends the scope of its activity, some additional protocols can in the future be developed.

Such instrument should be approved at the national level in each country and signed in accordance with national legislation. In the case of the Russian Federation, only the Russian Government has an authority to sign an international agreement or to authorize any other agency to do it.

At the national level in the Russian Federation the text of the instrument should be negotiated with all interesting ministries and authorities before signing. This process can be started as soon as a draft text of the instrument is agreed among EANET countries. In this situation, Russia considers the developing of the draft text of the instrument as a very important process.

Among the options suggested in the "Draft Text of the Instrument to Provide a Sound Basis for Contribution to EANET" the Russian Federation prefers legal binding instrument and consider it as the only possibility which can be a basis for legal activity of the EANET in the region and financial contribution of the participation countries to the EANET budget.

The suggested version of the legally-binding instrument generally contains all necessary components which should be included in such kind of international agreement. However, taking into account some comments and suggestion from the participating countries, we would like to stress some points:

1. Financial arrangements should be clearly stated in the text of the Instrument including current agreements and conditions and rules for its revision.
2. Definition of the East Asia (or EANET) region should be remained in the text of the Instrument. This issue is very important for Russia because its territory cover not only Asian but also European region.
3. The article “Protocols” should be remained in the Instrument to follow the principle that the Instrument should be open for future development.
4. The article concerning “Emissions inventory” should not be included in the basic text of the Instrument, but this activity can be later developed in the form of Protocol

We believe that one of the main tasks of the Intergovernmental meeting 9 this year is to agree a legal status of the Instrument.

We wish you successful work at the IG9,
The Russian Federation EANET National Focal Point