

The Third Special Session of the Working Group  
on Future Development of EANET  
19 November 2008, Chiang Mai, Thailand

**REVISED DRAFT TEXT OF THE INSTRUMENT  
TO PROVIDE A SOUND BASIS FOR CONTRIBUTION TO EANET**

*[Title*

<p>[option 1: [Framework Agreement][Instrument] to Promote Cooperation for the [Prevention and Control][Management] of [Regional Air Pollution][Acid Deposition] in East Asia] [option 2: Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia]</p>
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The Participating Countries to this Instrument,

**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,

**Acknowledging** that thirteen countries in East Asia are participating in EANET and have been successfully working together to conduct acid deposition monitoring [and to implement other activities for EANET], based on the Joint Announcement on Implementation of the Acid Deposition Monitoring Network in East Asia (JA) adopted by the participating countries and Tentative Design of EANET (TD) referred to in JA,

**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,

**Also recognizing** that the instrument should be simple, flexible, open for future development and be based on the JA, TD and other decisions of the [participating countries][IG meetings],

[**Emphasizing** the importance of appropriate financial arrangement for the sound operation of the EANET with a view to sustaining the development of the EANET, strengthening the financial mechanism of the EANET and providing a sound basis for financial contribution to the EANET and enhancing capacity building of acid deposition monitoring for all the participating countries of the EANET, ],

[**Noting** that the participating countries of the EANET will be guided, in the implementation of this Instrument, by the principles that the use of financial contribution should produce effective outcomes, that the related executive bodies should take necessary measures to improve efficiency of contribution,]

[**Noting** the fact that the effective realization of the EANET activities before taking into force of this Instrument was supported by voluntary contributions of some participating countries, covering the activities of the EANET Secretariat and the core activities of the Network Center which annually consisted of about one million US dollars and expressing great thanks to the Governments of these countries],

[**Determined** to renew their commitment to continuing the activities of EANET as set out in the Tentative Design],

Have agreed as follows:

#### [Article 1/Item 1]

##### Definitions

[“EANET” means, for the purpose of Items 2 to [25], the cooperative network of the Participating Countries which aim to promote activities under this instrument building on Acid Deposition Monitoring Network in East Asia established in January 2001.]

[EANET means, for the purpose of this instrument, Acid Deposition Monitoring Network in East Asia.]

[“Regional air pollution” means [air pollution including] acid deposition at the first stage with possible extension to other air pollution, which has regional implications as decided by the Participating Countries.]

[“Management” means monitoring and other air pollution management activities as decided by the [Participating Countries.]

**[Article 2/Item 2]**  
**Objectives [and Scope]**

The objectives [and scope] of this instrument are:

- 1) to create a common understanding of the state of [regional air pollution][acid deposition] problems in East Asia;
- 2) 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
- 3) to contribute to cooperation on the issues related to [regional air pollution][ acid deposition] among the Participating Countries.

[The scope of the instrument may be extended to cover other regional air pollution, as decided by the Intergovernmental Meeting (IG).]

**[Article 3/Item 3]**  
**Principles**

1. The 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][acid deposition monitoring].
2. The Participating Countries will be encouraged to take appropriate measures to anticipate, monitor [and prevent] [regional air pollution][acid deposition ]to minimize its adverse impacts, taking into account the precautionary principle.
3. The Participating Countries will promote active participation, and bilateral and multilateral cooperation for effective implementation of the activities under this Instrument.

**[Article 4/Item 4]**  
**Monitoring and Reporting**

1. The Participating Countries will implement and strengthen their monitoring activities in line with this Instrument.
2. Each Participating Country will designate a national center, which is responsible for

implementing the monitoring activities provided for in this Instrument.

3. Each 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 IG.
4. Each Participating Country will report the monitoring data and other relevant information to the Network Center (NC), 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), will be implemented by the NC in full collaboration among the Participating Countries for monitoring activities under this Instrument.
6. The monitoring data and other information submitted by the Participating Countries will be compiled, stored and analyzed by the NC.
7. The data and other information compiled through the EANET activities will be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

]

**[Article 5/Item 5]**

**Assessment**

1. The monitoring data and other information submitted by the Participating Countries will be analyzed, evaluated and assessed.
2. Periodic assessment reports on the state of [regional air pollution][acid deposition] in East Asia will be prepared based on the data reports, disseminated and made available to the public.

**[Article 6/Item 6]**

**Research Activities**

1. The Participating Countries will promote studies on 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 7/Item 7]****Education and Training**

The Participating Countries, in collaboration with the NC and the Secretariat, will promote and cooperate in developing and implementing education/training programs to implement this Instrument.

**[Article 8/Item 8]****Public Awareness**

The Participating Countries will promote and cooperate in:

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

[

**[Article 9/Item 9]****Exchange of Information**

The 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,

]

[

**[Article 10/Item 10]****Intergovernmental Meeting**

1. An Intergovernmental Meeting is hereby established.
2. The IG, composed of the representatives of all Participating Countries, is the decision-making body of the EANET. The tasks of the IG include, among others, the following:
  - a) review and approval of the work program and budget of the EANET, [taking into account amount of money available in the Fund];
  - 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;
  - f) adoption of the rules of procedures 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 and implementation of the work program; and
  - [i) adoption of annexes, protocols and amendments to this Instrument.]
3. The IG will meet annually, unless otherwise decided.

**[Article 11/Item 11]**

**Secretariat**

1. [A Secretariat is hereby established.] [UNEP is designated as the Secretariat for this instrument by the [Participating Countries][IG].]
2. The Secretariat, designated [by the IG] for the effective management of the EANET and to facilitate cooperation among the 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;
  - c) communication and cooperation in administrative and policy aspects as the focal point of the EANET;
  - 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/Item 12]**

**Scientific Advisory Committee**

1. A Scientific Advisory Committee is hereby established.
2. The SAC, composed of scientific and technical experts from the 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 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, but not limited to the data compiled 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 the Participating Countries may be invited to assist the Committee.

**[Article 13/Item 13]**

**Network Center**

1. [A Network Center (NC) is hereby established.] [The Acid Deposition and Oxidant Research Center, based in Japan is designated as the NC for this instrument by the Participating Countries.]
2. The NC, to handle scientific and technical matters of the EANET activities, and to facilitate cooperation among the Participating Countries in a transparent manner, will carry out the following tasks under the guidance of the IG:
  - a) central compilation, evaluation, storage and analysis 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 Participating Countries in implementing the EANET activities;
  - e) implementation and coordination of QA/QC activities;
  - f) development and implementation of education/training programs for those engaged in the EANET activities;
  - 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) promotion of capacity building and public awareness in cooperation with the Secretariat; and
  - j) other tasks as requested by the IG.

]

**[Option1]**

**[Article 14/Item 14]**

**Financial Arrangement**

1. A Fund is hereby established for the implementation of this Instrument.]
2. The administrative and operational cost of the national monitoring within each [Participating] Country will be borne by each [Participating] Country.
3. The administrative and operational costs of the Secretariat [and the NC core] activities will be financed by voluntary contributions by the Participating Countries, while efforts should be made to mobilize existing funding sources and seek new ones.
4. The voluntary financial contribution of the Participating Countries will be based on the flat

rate amount and burden sharing according to the latest UN assessment scale. Contribution will be the minimum amount needed to operate the Secretariat [and the NC core] activities. The Participating Countries may provide additional financial and in-kind contributions on a voluntary basis.

5. Financial and in-kind contribution may be made by international and regional organizations, non-governmental organizations (NGOs) and other sources, subject to approval by the IG.

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**[Option2 (simplified)]**

**[Article 14/Item 14]**

**Financial Arrangement**

1. The administrative and operational cost of the national activities within each country will be borne by each country within the respective budgetary appropriations.
2. Contributions will be paid in accordance with the respective laws and regulations and within the respective budgetary appropriations of each Participating Country, based on the financial rules and other relevant decisions adopted by the IG.

]

**[Option3]**

**[Article 14/Item 14]**

**Financial Arrangement**

Contribution

1. The administrative and operational cost of the national monitoring within each country will be borne by each country.
2. The administrative and operational costs of the Secretariat activities will be financed by voluntary contributions of the Participating Countries. [The [decision][discussion] of possible contribution to the NC will be made after reviewing its performance report./The core activities of the NC that will be covered by the financial contribution from the Participating Countries should be agreed on by the Participating Countries] [The financial contribution may be made in cash [convertible currency or non-convertible currency,] or in kind.]
- [3. All the Participating Countries are encouraged to make voluntary contribution to the network. The financial contribution may be made in cash or in kind.]
3. The contribution in cash will be deposited in a fund or another depository decided by the IG
4. The amount of financial contribution by the Participating Countries will be made in accordance with the decisions of the [EANET][IG].
5. Contribution by all the Participating Countries is encouraged, taking into account their economic and social circumstances. Their contributions may be on the basis of the decisions



of the [EANET][IG] or above, or they may maintain their contributions at the top historical level.

6. Network will be open to financial and in-kind contribution from other sources, including international and regional organizations, NGOs etc. subject to the approval of the IG.

Expenditure of contribution

7. The financial contribution will be administered by the Secretariat under the guidance of the IG.
8. The [interest][income] from financial contribution will be used to finance activities of general interest of the Participating Countries.

Supervision

9. The annual financial reports with specific format(s) will be provided by the Secretariat and the NC to the IG. The financial efficiency of the Secretariat and the NC will be audited by independent auditing agencies. The Secretariat and the NC will also submit the auditors' reports to the IG.

]

*[Option 4]*

**[Article 14/Item 14]**

**Financial Arrangement**

1. The administrative and operational cost of the national monitoring within each country will be borne by each country.
2. The administrative and operational costs of the Secretariat and the NC core activities will be financed by voluntary contributions of the Participating Countries, which will aspire to cover expenses on all core activities.
3. Contribution by all the Participating Countries is encouraged taking into account their economic and financial circumstances and in accordance with the respective national laws and regulations,
4. The voluntary financial contribution of the Participating Countries will be made taking into account the EANET core budget amount and burden sharing according to the latest UN assessment scale. Contribution will be the minimum amount needed to operate the Secretariat [and the NC core] activities. The Participating Countries may provide additional financial and in-kind contributions on a voluntary basis.
5. Scheme and guidelines for the transfer of financial contribution will be developed and adopted by the IG. The financial contributions and interest from financial contributions will be administered by the Secretariat under the guidance of the IG;
6. Network will be open to financial and in-kind contribution from other sources, including international and regional organizations, NGOs etc. being as subject to the approval of the

IG.

7. The annual financial reports with specific format(s) will be provided by the Secretariat and the NC to the IG. The financial efficiency of the Secretariat and the NC will be audited by independent auditing agencies. The Secretariat and the NC will also submit the auditors' reports to the IG.

]

**[Item 15**

**Amendments**

1. Any Participating Country may propose amendments to the instrument after five years of the date of signature by the government of the Participating Countries.
2. The text of any proposed amendments to the instrument will be signed by the government of the Participating Countries. ]

**[Item 16**

**Withdrawal**

A Participating Country may withdraw from the [EANET] 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, may subsequently submit to the Secretariat an application for participation, which is subject to approval by the IG.]

[The Instrument will be approved in accordance with national procedures of each of the participating countries and will become effective on the 30<sup>th</sup> day after the date of submission of diplomatic note [or other written notice] to the Secretariat indicating such approval.

In witness whereof the undersigned, being duly authorized thereto by their respective governments, have signed this Instrument.

Name of country, signature.... ]

Note: Articles 15-24 are considered as specific for legally binding text.

### **Article 15**

#### **Amendments**

1. Any Participating Country may propose amendments to the instrument after five years of the date of signature by the government of the Participating Countries.
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 [will be signed by the government of the Participating Countries] 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.  
[Amendments shall be adopted by two-thirds majority of the representatives of the parties present and voting at the meeting of the IG.]
5. The adopted amendments shall be communicated by the Secretariat to the Depositary, 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 16**

#### **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 17**

**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 18**

**Signature**

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

**[Article 19**

**Settlement of Disputes**

Any dispute between Parties as to the interpretation or application of, or compliance with, this Agreement or any protocol thereto, shall be settled amicably by consultation or negotiation]

**Article 20**

**Ratification, Acceptance, Approval and Accession**

The Agreement shall be subject to ratification, acceptance, approval or accession by [States][Countries] [listed in Annex I]. It shall be open for accession by such [Member] [Participating] 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 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 Depository.

#### **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 Depository.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depository of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

#### **Article 24**

##### **Depository**

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

#### **Article 25**

##### **Authentic Text**

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

]

**Attachment****COMMENTS OF THE PARTICIPATING COUNTRIES****1) CHINA comments sent on 28 September 2008****REVISED DRAFT TEXT OF THE INSTRUMENT  
TO PROVIDE A SOUND BASIS FOR CONTRIBUTION TO EANET***Title*

Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia

The Participating Countries to this Instrument,

**Recognizing** that East Asia is facing increasing risks of problems related to 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,

**Acknowledging** that thirteen countries in East Asia are participating in EANET and have been working together to conduct acid deposition monitoring for EANET, based on the Joint Announcement on Implementation of the Acid Deposition Monitoring Network in East Asia (JA) adopted by the participating countries and Tentative Design of EANET (TD) referred to in JA,

**Emphasizing** that activities of the cooperative network on the acid deposition in East Asia under EANET has been developed by taking a step-wise approach by the participating countries

on a voluntary basis,

**Determined** to renew their commitment to continuing the activities of EANET as set out in Tentative Design,

**Recognizing** the need to promote cooperation on acid deposition monitoring in East Asia,

**Also recognizing** that the instrument should be simple, flexible, open for future development and be based on the JA, TD and other decisions of the IG meetings,

**Emphasizing** the importance of appropriate financial arrangement for the sound operation of the EANET with a view to sustaining the development of the EANET, strengthening the financial mechanism of the EANET and providing a sound basis for financial contribution to the EANET and enhancing capacity building of acid deposition monitoring for all the participating countries of the EANET,

**Noting** that the participating countries of the EANET will be guided, in the implementation of this Instrument, by the principles that the use of financial contribution should produce effective outcomes, that the related executive bodies should take necessary measures to improve efficiency of contribution,

Have agreed as follows:

### **Objectives**

The objectives of this instrument are:

1. to create a common understanding of the state of acid deposition problems in East Asia;
2. 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 acid deposition; and
3. to contribute to cooperation on the issues related to acid deposition among the Participating Countries.

### **Principles**

1. The Participating Countries will, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation to acid deposition monitoring.
2. The Participating Countries will be encouraged to take appropriate measures to anticipate and monitor acid deposition to minimize its adverse impacts, taking into account the precautionary principle.

3. The Participating Countries will promote active participation, and bilateral and multilateral cooperation for effective implementation of the activities under this Instrument.

#### **Monitoring and Reporting**

1. The Participating Countries will implement and strengthen their monitoring activities in line with this Instrument.
2. Each Participating Country will designate a national center, which is responsible for implementing the monitoring activities provided for in this Instrument.
3. Each Participating Country will develop and implement its national monitoring plan. Monitoring of acid deposition will be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the IG.
4. Each Participating Country will report the monitoring data and other relevant information to the Network Center (NC), 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), will be implemented by the NC in full collaboration among the Participating Countries for monitoring activities under this Instrument.
6. The monitoring data and other information submitted by the Participating Countries will be compiled, stored and analyzed by the NC.
7. The data and other information compiled through the EANET activities will be provided to individuals, organizations and non-member countries, in accordance with the procedures adopted by the IG.

#### **Assessment**

1. The monitoring data and other information submitted by the Participating Countries will be analyzed, evaluated and assessed.
2. Periodic assessment reports on the state of [acid deposition] in East Asia will be prepared based on the data reports, disseminated and made available to the public.

#### **Research Activities**

1. The Participating Countries will promote studies on scientific issues related to 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.

#### **Education and Training**

The Participating Countries, in collaboration with the NC and the Secretariat, will promote and cooperate in developing and implementing education/training programs to implement this



Instrument.

### **Public Awareness**

The Participating Countries will promote and cooperate in:

- 1) development and implementation of public awareness programs on [acid deposition]; and
- 2) improvement of public access to information on [acid deposition] and its effects.

### **Exchange of Information**

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

### **Financial Arrangement**

#### **Contribution**

1. The administrative and operational cost of the national monitoring within each country will be borne by each country.
2. The administrative and operational costs of the Secretariat core activities will be financed by voluntary contributions of the Participating Countries.
3. All the participating countries are encouraged to make voluntary contribution to the network. The financial contribution may be made in cash or in kind.;
4. The contribution in cash will be deposited in a fund or another place decided by the IG
5. The amount of financial contribution by the Participating Countries will be made in accordance with the decisions of the IG.
6. Contribution by all the Participating Countries is encouraged, taking into account their economic and social circumstances. Their contributions may be on the basis of the decisions of the IG or above, or they may maintain their contributions at the top historical level.
7. Network will be open to financial and in-kind contribution from other sources, including international and regional organizations, NGOs etc. subject to the approval of the IG.

#### **Expenditure of contribution**

8. The financial contribution will be administered by the Secretariat under the guidance of the IG;
9. The income from financial contribution will be used to finance activities of general interest of the Participating Countries.

#### **Supervision**

10. The annual financial reports with specific format(s) will be provided by the Secretariat and the NC to the IG. The financial efficiency of the Secretariat and the NC will be audited by independent auditing agencies. The Secretariat and the NC will also submit the auditors' reports to the IG.

**2) REPUBLIC OF KOREA'S comments, sent on 01 October 2008**

Dear Adelaida,

Thank you so much for your continuous effort.

We really appreciate that we got the well-defined and merged single material due to your wonderful efforts.

Actually we know it would be really difficult to merge several options into the single one.

However, you had a great and exquisite job for making this one.

In the merged material, we would like to officially express some comments of Korea.

First of all, in 'Preamble', there is a new paragraph which was not considered as to be added in the previous WGFD meeting. (Please refer to the attached with our comment in this part)

Second, in 'Financial Arrangement', some wordings can cause to make a confusion for us.

For example,

- 'The decision of possible contribution to the NC....', in this paragraph we should consider more relevant word ; 'the decision' or 'the discussion'.
- Required to be more clarified; 'in accordance with the decision of EANET/in accordance of the IG decision',
- and using the word of 'may' in this part.

Would you please make an clarificaiton and explanation about those things ?

Thank you.

With regards,

Oh, Heun-Jin

**REVISED DRAFT TEXT OF THE INSTRUMENT  
TO PROVIDE A SOUND BASIS FOR CONTRIBUTION TO EANET**

*[Title*

[option 1: [Framework Agreement][Instrument] to Promote Cooperation for the [Prevention and Control][Management] of [Regional Air Pollution][Acid Deposition] in East Asia]  
[option 2: Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia]

The Participating Countries to this Instrument,

**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,

**Acknowledging** that thirteen countries in East Asia are participating in EANET and have been successfully working together to conduct acid deposition monitoring and to implement other activities for EANET, based on the Joint Announcement on Implementation of the Acid Deposition Monitoring Network in East Asia (JA) adopted by the participating countries and Tentative Design of EANET (TD) referred to in JA,

**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,

**Also recognizing** that the instrument should be simple, flexible, open for future development and be based on the JA, TD and other decisions of the participating countries,

[**Emphasizing** the importance of appropriate financial arrangement for the sound operation of the EANET with a view to sustaining the development of the EANET, strengthening the financial mechanism of the EANET and providing a sound basis for financial contribution to the EANET and enhancing capacity building of acid deposition monitoring for all the participating countries of the EANET, ],

**Noting** that the participating countries of the EANET will be guided, in the implementation of this Instrument, by the principles that the use of financial contribution should produce effective outcomes, that the related executive bodies should take necessary measures to improve efficiency of contribution, → This paragraph is new. What we remember is that this new paragraph was not considered officially or formally in the session of WGFD or IG. In this instrument, this paragraph should be deleted.

Have agreed as follows:

**3) RUSSIA comments sent on 23 October 2008**

**The Russian National Focal Point comments  
to the Merged revised draft text of the Instrument to provide a sound basis for  
contribution to EANET  
and to the Second draft of the report of the working group on future development  
(WGFD) for the tenth session of the intergovernmental meeting of EANET (IG10)  
on the Instrument to provide a sound basis for contribution to EANET**

**Merged revised draft text of the Instrument to provide a sound basis for  
contribution to EANET**

The Russian National Focal Point would like to express our gratitude to the EANET Secretariat for the preparation of the draft Merged text of the Instrument. With regard to the position of participating countries which prefer assumption of “soft legal Instrument”, the Russian Federation would like to emphasize once again that according to its national legislation Russia could provide financial contribution to international program only if it is acting on the basis of international agreement signed by the Governments of the participating countries. In this situation Russia could not guarantee financial contribution to the EANET budget in the case of acceptance of “non-legal binding Instrument” or “soft legal Instrument”.

Taking into consideration the strong willingness of the participating countries to prepare merged text of the Instrument to the 10-th Intergovernmental meeting with minimum brackets and various options, the Russian NFP would like to suggest merging also Item/Article 14 – Financial arrangements. The following suggested edition could create a ground to allow Russian NFP at least to apply to the national financial authority with request to consider a possibility to provide financial contribution to the EANET program:

**Item/Article 14 – Merged option**

8. The administrative and operational cost of the national monitoring within each country will be borne by each country.
9. The administrative and operational costs of the Secretariat and the NC core activities will be financed by voluntary contributions of the Participating Countries, which will aspire to cover expenses on all core activities.
10. Contribution by all the Participating Countries is encouraged taking into account their economic and financial circumstances and in accordance with the respective national laws and regulations,

11. The voluntary financial contribution of the Participating Countries will be made taking into account the EANET core budget amount and burden sharing according to the latest UN assessment scale. Contribution will be the minimum amount needed to operate the Secretariat [and the NC core] activities. The Participating Countries may provide additional financial and in-kind contributions on a voluntary basis.
12. Scheme and guidelines for the transfer of financial contribution will be developed and adopted by the IG. The financial contributions and interest from financial contributions will be administered by the Secretariat under the guidance of the IG;
13. Network will be open to financial and in-kind contribution from other sources, including international and regional organizations, NGOs etc. being as subject to the approval of the IG.
14. The annual financial reports with specific format(s) will be provided by the Secretariat and the NC to the IG. The financial efficiency of the Secretariat and the NC will be audited by independent auditing agencies. The Secretariat and the NC will also submit the auditors' reports to the IG.

The Russian NFP suggests to include the following statement to the Preamble in order to inform the Governments of the participating countries about estimated amount of the EANET budget:

«Noting the fact that the effective realization of the EANET activity before taking into force of this Instrument was supported by voluntary contributions of some participation countries covering core activities of the EANET Secretariat and the Network Center which annually consisted of about one million US dollars and expressing grate thanks to the Governments of these countries, “

The Russian NFP suggesting also to delete brackets in the Item/Article 10 – Intergovernmental meeting Item 2a around the words “taking into account amount of money available in the Fund”.

**The Second draft of the report of the working group on future development (WGFD) for the tenth session of the intergovernmental meeting of EANET (IG10) on the Instrument to provide a sound basis for contribution to EANET**

Referring to the decision of the WGFD7 the Russian National Focal Point appreciate very much the efforts of the Secretariat on revising Report taking into account the progress on the text of the instrument and the discussions during the WGFD7. The Second draft, at our opinion, reflects the situation with progress of the Instrument much better than previous versions. However, we still have some comments

and corrections:

1. Paragraph 6 – the structure of the Report (starting from the words: "The Session also decided...") should not be included in the text of the Report. This was some interim decisions which is not necessary be reported to IG.
2. Paragraph 16 – According to the discussion at the WGFD7 the word "Governments" should be included in the following sentence "The latest proposal is to use soft law instrument with signature by the representatives of **the Governments** of participating countries and without ratification processes."
3. Paragraph 24 - the same as in the paragraph 16 the word "Governments" should be added into the sentence under the built "Legal status of the Instrument" - "If a legally binding instrument or a soft law instrument with signature by the representatives of **the Governments** of participating countries without the need of ratification can be accepted among the participating countries."

**PHILIPPINES Comments, sent on 24 September 2008**

Hi Aida,

Please find hereunder minor comments on the above-mentioned subject:

1) Article 5 Assessment: It should mention who is tasked to do this

2) Article 9 Exchange of Information: Remove [Option 1] because there is no other Option

3) Article 11 Secretariat: Seems there is inconsistency between designation of the Secretariat in #1 (by the participating countries) and #2 (by the IG).

4) Article 14 (option 1): Please insert the word "participating" between the words "each" & "country in item #2.

5) Article 14 (option 3): Item #4, Change EANET to "IG".

I would like to take this opportunity to congratulate the Secretariat for a "job well done" in coming out with a Merged Version. I noted that almost all of the text of Option B were incorporated in the merged version.

Cheers,

Jean