

The Fourth Session of the Working Group  
on Future Development of EANET  
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## **Draft Texts of 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 the instrument for presentation at the Fourth Session of the Working Group on Future Development (WGFD4) of EANET, taking into account the discussion at IG8.

### **II. Methods in preparing this report**

4. Based on the discussions at IG8, this report presents draft texts for the instrument.
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.
6. With regard to the legal status of the instrument, specific conclusion has not been agreed yet among the participating countries. This report proposes texts that would be included for a

legally binding instrument. However, it is important to bear in mind that some components of the instrument and/or parts of the text may be unnecessary if the instrument is to be not legally binding.

7. The scope of pollutants that the instrument will cover has not been agreed yet either. To be flexible and open for future development may mean that it covers other pollutants as well if necessary. On the other hand, to be based on the existing documents such as the Joint Announcement on the Implementation of EANET (EANET/IG 2/5/2rev) and the Tentative Design of EANET (EANET/IG 2/5/3) may mean that it should not beyond the monitoring of acid deposition and the other existing monitoring items.

### III. Draft Texts

#### *Title*

Framework Agreement to Promote Cooperation for the Prevention and Control 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,

**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.

**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 Parties on a voluntary basis,

**Recognizing** the need to promote cooperation for the prevention and control of regional air pollution in East Asia,

Have agreed as follows:

#### **Article 1** **Definitions**

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

**Article 2**  
**Objective**

The objective of this Agreement is:

- 1) to create a common understanding of the state of regional air pollution 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; and
- 3) to cooperate on the issues related to regional air pollution among the Parties.

**Article 3**  
**Principles**

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

- 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 should take precautionary 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 scientific certainty, precautionary measures shall 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.
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.
4. The Parties shall promote active participation, and bilateral and multilateral cooperation for effective implementation of research 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, according to guidelines agreed by the Parties.

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 be provided to individuals, organizations and non-member countries, in accordance with the procedures agreed by the Parties.

#### **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 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.
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 in the world.

#### **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:

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

#### **Article 10**

##### **Exchange of Information**

The Parties shall promote and cooperate in the exchange of information related to regional air pollution 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:
  - 1) review and approval of the work program and budget [of the EANET] / [for implementation of the Agreement];
  - 2) review of implementation of the work program;
  - 3) review and approval of periodic assessment reports on the state of regional air pollution in East Asia;
  - 4) establishment of subsidiary bodies as necessary and appropriate;
  - 5) review and approval of scientific, technical, administrative and financial matters for the management of the [EANET] / [Agreement];
  - 6) adoption of the rules of procedures for the IG and subsidiary bodies, including the SAC;
  - 7) adoption of financial rules for the IG and subsidiary bodies, including the SAC;
  - 8) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;
  - 9) decision on other matters related to the management of the [EANET] / [Agreement] and implementation of the work program; and
  - 10) 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:
  - 1) necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;
  - 2) necessary administrative and financial arrangements for managing the [EANET] / [Agreement];
  - 3) communication and cooperation in administrative and policy aspects as the focal point of the [EANET] / [Agreement];
  - 4) promotion of public awareness in cooperation with the NC; and
  - 5) 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 will include the following:
  - 1) scientific and technical aspects of the monitoring strategies;
  - 2) development and revision of the monitoring guidelines and technical manuals;
  - 3) matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats;
  - 4) matters related to collection, evaluation, assessment and analysis of monitoring data;
  - 5) preparation of periodic assessment reports on the state of regional air pollution in East Asia;
  - 6) matters related to studies on regional air pollution; and
  - 7) 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:
  - 1) central compilation, evaluation and storage of monitoring data and related information;
  - 2) preparation of data reports on regional air pollution in East Asia;
  - 3) dissemination of monitoring data and other relevant information;
  - 4) provision of technical assistance to the Parties in implementing [EANET activities] / [activities under the Agreement];
  - 5) implementation and coordination of QA/QC activities;
  - 6) development and implementation of education/training programs for those engaged in [EANET activities] / [activities under the Agreement];
  - 7) implementation of research activities on regional air pollution;
  - 8) provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;
  - 9) promote public awareness in cooperation with the Secretariat; and
  - 10) 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 Parties shall, in accordance with the decisions of the IG, make contributions to the Fund.

### **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 depository.
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 Depository 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 Depository 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 State 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

### **DECISION 1/IG.7 (The Niigata Decision)**

The Seventh Session of the Intergovernmental Meeting (IG7) on the Acid Deposition Monitoring Network in East Asia (EANET), on 21-22 November 2005 in Niigata, Japan,

Recognizing that the East Asian region faces increasing risks of problems related to the acid deposition,

Recognizing that the EANET has been established as an important initiative for regional cooperation, aiming to create the common understanding on the state of acid deposition problems and for providing useful inputs to policy makers at various levels,

Recalling the agreements reached at the Second Session of the Intergovernmental Meeting through Decisions 2 and paragraph 2 of the Joint Announcement on the Implementation of the Acid Deposition Monitoring Network in East Asia (EANET),

Recognizing that the EANET Decision 1/IG5 clearly states to review the possibility of developing an international agreement to provide a sound basis for financial contribution and the importance of long-term, secured financial arrangement for the EANET activities,

Taking into account the discussions at the sessions of the Intergovernmental Meeting as well as the Working Group on Future Development (WGFD) of EANET,

Considering that in some countries the negotiations on the new financial arrangement with national financial bodies require legal status and mandate,

1. Confirms that the principles that were agreed at the Second Session of the Intergovernmental Meeting should remain as the basic policy of the EANET activities;
2. 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 for EANET and will report the results of the discussion to 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;
3. Decides that the above-mentioned process should be carried out on the basis of the best available scientific information from EANET on acid deposition and its impacts;
4. Decides that the above-mentioned process should be initiated at the earliest and conducted through WGFD;

5. Suggests that the discussion process should consider the following:
  - Elements to be included in the instrument;
  - Legal status of the instrument; and,
  - Proposed text of the instrument;
  
6. Requests the Secretariat to provide a working paper on the revised schedule of WGFD for discussion immediately after the IG7.

	Text	References
<b>Title</b>	Framework Agreement to Promote Cooperation for the Prevention and Control of Regional Air Pollution in East Asia	
<b>Preamble</b>	<b>Preamble</b>	
	The Parties to this Agreement,	
	Recognizing that East Asia is facing increasing risks of problems related to regional air pollution, including acid deposition,	EANET Joint Announcement Preamble replaced "problems related to acid deposition" with "problems related to regional air pollution, including 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,	same as EANET Joint Announcement Preamble
	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,	EANET Joint Announcement Preamble
	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.	summarized Decision 1/IG7 para2 "Recognizing that EANET has established as an important initiative for regional cooperation, aiming to create a common understanding on the state of acid deposition problems, provide useful inputs to policy makers at various levels" and EANET Joint Announcement 1, "... start the activities of EANET on a regular basis from January 2001, in a transparent manner to achieve the following objectives: 1) to create a common understanding ... 2) to provide useful inputs for decision-making ...; and 3) to contribute to cooperation..."
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 Parties on a voluntary basis,	EANET Decision 1/IG.5 para.2.(i) and (ii) modified from "(i) Financial contribution should be on a voluntary basis, at least for the initial stage of the regular phase. In other words, a burden sharing principle is not mandatory unless otherwise decided" and "(ii) Step-wise approach should be taken for financial contribution by the participating countries"	
Recognizing the need to promote cooperation for the prevention and control of regional air pollution in East Asia,	EANET Joint Announcement 1.3 modified from "to contribute to cooperation on the issues related to acid deposition among the participating countries."	
Have agreed as follows:		
<b>Definitions</b>	<b>Article 1 Definitions</b>	
	"Party" means a Party to this Agreement, unless the Agreement otherwise provides.	

	Text	References
<b>Objective</b>	<b>Article 2 Objective</b>	
	The objective of this Agreement is:	EANET Joint Announcement 1 modified from "The countries participating in this Meeting will cooperatively start the activities of EANET on a regular basis from January 2001, in a transparent manner to achieve the following objectives"
	1) to create a common understanding of the state of regional air pollution in East Asia;	EANET Joint Announcement 1.1 replaced "the acid deposition problems" with "regional air pollution"
	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; and	EANET Joint Announcement 1.2 replaced "acid deposition" with "regional air pollution"
	3) to cooperate on the issues related to regional air pollution among the Parties.	EANET Joint Announcement 1.3 modified from "to contribute to cooperation on the issues related to acid deposition among the participating countries"
<b>Principles</b>	<b>Article 3 Principles</b>	
	The Parties shall be guided by the following principles in the implementation of this Agreement:	same as Haze Agreement 3
	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.	HAZE Agreement 3.2 replaced "prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated." with "prevent and control regional air pollution." deleted "and coordination"
	2.) The Parties should take precautionary 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 scientific certainty, precautionary measures shall be taken by the Parties concerned.	Haze Agreement 3.3 modified from "The Parties should take precautionary measures to anticipate, prevent and monitor transboundary haze pollution as a result of land and/or forest fires which should be mitigated, to minimise its adverse effects. Where there are threats of serious or irreversible damage from transboundary haze pollution, even without full scientific certainty, precautionary measures shall be taken by Parties concerned"

	Text	References
<b>General Obligations</b>	<b>Article 4 General Obligations</b>	
	1. The Parties shall take necessary measures to contribute to the cooperation on the issues related to regional air pollution, including acid deposition.	EANET Joint Announcement 1.3 modified from "to contribute to cooperation on the issues related to acid deposition among the participating countries"
	2. The Parties shall take legislative, administrative and/or other measures to implement their obligations under this Agreement.	same as Haze Agreement 4.3
	3. The Parties shall promote and cooperate in the exchange of information related to regional air pollution.	summarized EANET Tentative Design 3.2 summarized "The monitoring data and other information submitted by participating countries will be compiled, evaluated and stored by the Network. Any participating country may obtain the data and other information submitted by other participating countries." and EANET Tentative Design 3.5 "The data and other information compiled through the network activities may be provided to individuals, organizations and non-member countries, in accordance with specified procedures."
4. The Parties shall promote active participation, and bilateral and multilateral cooperation for effective implementation of research activities.	EANET Joint Announcement 4 modified from "The participating countries will promote more active participation, and bilateral and multilateral cooperation for effective implementation of the network activities. The network activities should be mutually reinforcing and supportive with existing regional, subregional and national initiatives in East Asia. Collaboration should be promoted with other international monitoring networks and programs in the world."	

	Text	References
<b>Monitoring and Reporting</b>	<b>Article 5 Monitoring and Reporting</b>	
	1. The Parties shall implement and strengthen their monitoring activities in line with this Agreement.	EANET Joint Announcement 3 modified from "The participating countries will implement and strengthen their monitoring activities in line with the Tentative Design of EANET, until a further document describing the activities of EANET will be elaborated"
	2. Each Party shall designate a national center, which is responsible for implementing the monitoring activities provided for in the Agreement.	EANET Tentative Design 3.1 modified from "Each participating country will designate a national center, which is responsible for implementing the monitoring activities for the Network in the country and reporting monitoring data."
	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.	EANET Tentative Design 3.1 modified from "Each participating country will develop and implement a national monitoring plan for the Network. The acid deposition monitoring will be implemented in accordance with the monitoring guidelines, technical manuals and other technical documents adopted by the Network. Each participating country will report the monitoring data and other relevant information in accordance with specified procedures. Each participating country will designate a national center, which is responsible for implementing the monitoring activities for the Network in the country and reporting monitoring data"
	4. Each Party shall report the monitoring data and other relevant information to the Network Center (NC), referred to in Article 14, according to guidelines agreed by the Parties.	EANET Tentative Design 3.1 modified from "Each participating country will report the monitoring data and other relevant information in accordance with specified procedures."
	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.	EANET Tentative Design 3.3 replaced "the Network" with "the Scientific Advisory Committee (SAC) , referred to in Article 13" replaced "will" with "shall" replaced "participating countries" with "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.	EANET Tentative Design 3.2 modified from "The monitoring data and other information submitted by participating countries will be compiled, evaluated and stored by the Network. Any participating country may obtain the data and other information submitted by other participating countries"
7. The data and other information compiled through [EANET activities] / [activities under the Agreement] shall be provided to individuals, organizations and non-member countries, in accordance with the procedures agreed by the Parties.	EANET Tentative Design 3.5 modified from "The data and other information compiled through the network activities may be provided to individuals, organizations and non-member countries, in accordance with specified procedures."	



	Text	References
<b>Assessment</b>	<b>Article 6 Assessment</b>	
	1. The monitoring data and other information submitted by Parties shall be analyzed and evaluated by the SAC.	EANET Tentative Design 3.2 modified from "The monitoring data and other information submitted by participating countries will be compiled, evaluated and stored by the Network. Any participating country may obtain the data and other information submitted by other participating countries"
	2. 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.	EANET Tentative Design 6.5 modified from "preparation of periodic reports on the state of acid deposition in East Asia, based on the data reports by the Network Center"
	3. Periodic assessment reports prepared pursuant to paragraph 2 of this Article shall be disseminated and made available to the public.	EANET Tentative Design 3.4 modified from "Periodic reports on the state of acid deposition in East Asia will be produced and made available to the public."
<b>Research Activities</b>	<b>Article 7 Research Activities</b>	
	1. The Parties shall promote studies of scientific issues related to regional air pollution.	EANET Tentative Design 3.6 modified from "The participating countries will promote studies of other scientific issues in order to improve understanding of the risks of 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 in the world.	EANET Joint Announcement 4 replaced "network" with "research"
<b>Education and Training</b>	<b>Article 8 Education and Training</b>	
	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.	EANET Tentative Design 9.6 modified from "development and implementation of education/training programs for those engaged in the network activities"
<b>Public Awareness</b>	<b>Article 9 Public Awareness</b>	
	The Parties, shall promote and cooperate in: 1.) development and implementation of public awareness programs on regional air pollution; and 2.) improvement of public access to information on regional air pollution and its effects.	
<b>Exchange of Information</b>	<b>Article 10 Exchange of Information</b>	
	The Parties shall promote and cooperate in the exchange of information related to regional air pollution including scientific, technological, technical, socio-economic and legal information as well as information on administrative measures.	UNFCCC 4.1 (h) modified from "Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies"

	Text	References
<b>Intergovernmental Meeting</b>	<b>Article 11 Intergovernmental Meeting</b>	
	[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:	EANET Tentative Design 4 replaced "all the participating countries" with "all Parties" replaced "body of the Network" with "body of the [EANET] / [Agreement]"
	1) review and approval of the work program and budget [of the EANET] / [for implementation of the Agreement];	EANET Tentative Design 4.1 replaced "of the Network" with "[of the EANET] / [for the implementation of the Agreement]"
	2) review of implementation of the work program;	same as EANET Tentative Design 4.2
	3) review and approval of periodic assessment reports on the state of regional air pollution in East Asia;	EANET Tentative Design 4.3 added "assessment" replaced "acid deposition" with "regional air pollution"
	4) establishment of subsidiary bodies as necessary and appropriate;	same as EANET Tentative Design 4.4
	5) review and approval of scientific, technical, administrative and financial matters for the management of the [EANET] / [Agreement];	EANET Tentative Design 4.5 replaced "Network" with "[EANET] / [the Agreement]"
	6) adoption of the rules of procedures for the IG and subsidiary bodies, including the SAC;	same as EANET Tentative Design 4.6
	7) adoption of financial rules for the IG and subsidiary bodies, including the SAC;	
8) provision of necessary instructions and guidance to the subsidiary bodies, the Secretariat and the NC on their activities;	same as EANET Tentative Design 4.7	
9) decision on other matters related to the management of the [EANET] / [Agreement] and implementation of the work program; and	EANET Tentative Design 4.8 replaced "Network" with "[EANET] / [the Agreement]"	
10) adoption of amendments to this Agreement.	Haze Agreement 23.4 modified from "Amendments to an Annex shall be adopted by consensus at an ordinary meeting of the Conference of the Parties."	
3. The IG shall meet annually, unless otherwise decided.	EANET Tentative Design 5 replaced "will" with "shall"	
<b>Secretariat</b>	<b>Article 12 Secretariat</b>	
	[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:	EANET Tentative Design 8 replaced "the Network" with "[EANET] / [Agreement]" replaced "participating countries" with "Parties" replaced "will" with "shall"
	1) necessary administrative arrangements for the meetings of the IG, the SAC, and other subsidiary bodies;	same as EANET Tentative Design 8.1
	2) necessary administrative and financial arrangements for managing the [EANET] / [Agreement];	EANET Tentative Design 8.2 replaced "Network" with "[EANET] / [Agreement]"
	3) communication and cooperation in administrative and policy aspects as the focal point of the [EANET] / [Agreement];	EANET Tentative Design 8.3 replaced "administrative aspects as the focal point of the Network" with "administrative and policy aspects as the focal point of the [EANET] / [Agreement]"
4) promotion of public awareness in cooperation with the NC; and		
5) other necessary tasks as requested by the IG.	same as EANET Tentative Design 8.4	

	Text	References
<b>Scientific Advisory Committee</b>	<b>Article 13 Scientific Advisory Committee</b>	
	[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 will include the following:	EANET Tentative Design 6 replace "participating countries, will advise" with "Parties, shall advise" replaced "the network" with "[EANET]"
	1) scientific and technical aspects of the monitoring strategies;	EANET Tentative Design 6.1 deleted "for the Network"
	2) development and revision of the monitoring guidelines and technical manuals;	same as EANET Tentative Design 6.2
	3) matters related to the selection of monitoring sites, QA/QC programs, data reporting procedures and formats;	same as EANET Tentative Design 6.3
	4) matters related to collection, evaluation, assessment and analysis of monitoring data;	same as EANET Tentative Design 6.4
	5) preparation of periodic assessment reports on the state of regional air pollution in East Asia;	EANET Tentative Design 6.5 added "assessment" replaced "acid deposition in East Asia, based on the data reports by the Network Center" with "regional air pollution in East Asia"
	6) matters related to studies on regional air pollution; and	EANET Tentative Design 6.6 replaced "studies of other scientific issues" with "studies on regional air pollution"
	7) other scientific matters as requested by the IG.	same as EANET Tentative Design 6.7
3. If the Committee considers necessary for fulfilling its objectives, experts from countries other than Parties may be invited to join the committee.	EANET Tentative Design 7 modified from "If considered necessary for fulfilling the objectives of the committee, experts from countries other than participating countries may be invited to join the committee"	
<b>Network Center</b>	<b>Article 14 Network Center</b>	
	[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:	EANET Tentative Design 9 replaced "the network activities" with "[EANET activities] / [activities under the Agreement]" replaced "participating countries" with "Parties" replaced "will" with "shall"
	1) central compilation, evaluation and storage of monitoring data and related information;	same as EANET Tentative Design 9.1
	2) preparation of data reports on regional air pollution in East Asia;	EANET Tentative Design 9.2 replaced "acid deposition" with "regional air pollution"
	3) dissemination of monitoring data and other relevant information;	same as EANET Tentative Design 9.3
	4) provision of technical assistance to the Parties in implementing [EANET activities] / [activities under the Agreement];	EANET Tentative Design 9.4 replaced "participating countries" with "Parties" replaced "network activities" with "[EANET activities] / [activities under the Agreement]"
	5) implementation and coordination of QA/QC activities;	same as EANET Tentative Design 9.5
	6) development and implementation of education/training programs for those engaged in [EANET activities] / [activities under the Agreement];	EANET Tentative Design 9.6 replaced "the network activities" with "[EANET activities] / [activities under the Agreement]"
	7) implementation of research activities on regional air pollution;	EANET Tentative Design 9.7 replaced "acid deposition" with "regional air pollution"
8) provision of scientific and technical support for the IG, the SAC and other subsidiary bodies;	same as EANET Tentative Design 9.8	
9) promote public awareness in cooperation with the Secretariat; and		
10) other tasks as requested by the IG.	same as EANET Tentative Design 9.9	

	Text	References
<b>Financial Arrangement</b>	<b>Article 15 Financial Arrangement</b>	
	<p>1. A Fund is hereby established for the implementation of this Agreement.</p> <p>2. The Parties shall, in accordance with the decisions of the IG, make contributions to the Fund.</p>	<p>same as Haze Agreement 20.1</p> <p>Haze Agreement 20.4 replaced "COP" with "IG" deleted "voluntary"</p>
<b>Amendments</b>	<b>Article 16 Amendments</b>	
	1. Any Party may propose amendments to the Agreement.	same as Haze Agreement 22.1
	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.	Haze Agreement 22.2 replaced "amendment" with "amendments to the Agreement" replaced "the Conference of the Parties at" with "a meeting of the Intergovernmental Meeting at"
	4. Amendments shall be adopted by consensus of the representatives of the Parties at the meeting of the IG.	Haze Agreement 22.3 replaced "consensus at an ordinary meeting of the Conference of the Parties" with "consensus of the representatives of the Parties at the meeting of the Intergovernmental Meeting"
	5. The adopted amendments shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.	UNFCCC 15.3 replaced "amendment" with "amendments"
	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.	CLRTAP 12.3 modified from "An amendment to the present Convention shall be adopted by consensus of the representatives of the Contracting Parties, and shall enter into force for the Contracting Parties which have accepted it on the ninetieth day after the date on which two-thirds of the Contracting 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.	CLRTAP 12.3 modified from "Thereafter, the amendment shall enter into force for any other Contracting Party on the ninetieth day after the date on which that Contracting Party deposits its instrument of acceptance of the amendment"	
<b>Annexes</b>	<b>Article 17 Annexes</b>	
	<p>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.</p> <p>2. Annexes shall be adopted by consensus at the meeting of the IG.</p> <p>3. Any Party may propose amendments to an Annex.</p> <p>4. Amendments to an Annex shall be adopted by consensus at the meeting of the IG.</p> <p>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].</p>	<p>Haze Agreement 23 replaced "Conference of the Parties" to "IG"</p> <p>4. replaced "an ordinaty meeting" with "the meeting"</p>

	Text	References
	<b>Article 18 Protocols</b>	
<b>Protocols</b>	<p>1. The IG may, at any session, adopt protocols to the Agreement.</p> <p>2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a session.</p> <p>3. The requirements for the entry into force of any protocol shall be established by that instrument.</p>	<p>UNFCCC 17.1 replaced "The Conference of the Parties may, at any ordinary session" with "The IG may, at any session" replaced "Convention" with "Agreement"</p> <p>same as UNFCCC 17.2</p> <p>same as UNFCCC 17.3</p>
	<b>Article 19 Signature</b>	
<b>Signature</b>	The Agreement shall be opened for signature at [the United Nations Office at Bangkok] [from ## to ## ##### 2009] by States listed in Annex I.	CLRTAP 14.1 modified from "The present Convention shall be open for signature at the United Nations Office at Geneva from 13 to 16 November 1979 on the occasion....."
	<b>Article 20 Ratification, Acceptance, Approval and Accession</b>	
<b>Ratification, Acceptance, Approval and Accession</b>	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 Depository.	Haze Agreement 28 replaced "Member States" with "States listed in Annex I" added "by such States"
	<b>Article 21 Entry into force</b>	
<b>Entry into force</b>	<p>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.</p> <p>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.</p>	<p>Haze Agreement 29.1 replaced "This Agreement" with "The Agreement" replaced "sixth" with "[seventh/nineth]"</p> <p>Haze Agreement 29.2 replaced "Member State" with "Party" replaced "sixth" with "[seventh/nineth]"</p>
	<b>Article 22 Application for Accession</b>	
<b>Application for Accession</b>	<p>1. Any State 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.</p> <p>2. Once its application is approved, the State may deposit its instrument of ratification, acceptance, approval or accession with the Depository.</p>	EANET Tentative Design 1 modified from "Countries in East Asia, which includes Northeast and Southeast Asia (the definition to be explored), not originally participating in EANET, may subsequently submit to the Secretariat an application for participation, which is subject to approval by the Intergovernmental Meeting"
	<b>Article 23 Withdrawal</b>	
<b>Withdrawal</b>	<p>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.</p> <p>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.</p>	<p>UNFCCC 25.1 replaced "the Convention" with "the Agreement"</p> <p>same as UNFCCC 25.2</p>
	<b>Article 24 Depository</b>	
<b>Depository</b>	The Secretary-General of the United Nations shall be the Depository of the Agreement.	UNFCCC 19 replaced "of the Convention and of protocols adopted in accordance with Article 17" with "of the Agreement"
	<b>Article 25 Authentic Text</b>	
<b>Authentic Text</b>	The present Agreement shall be drawn up in the English language, and shall be the authentic text.	Haze Agreement 32 Replaced "This Agreement" with "The present Agreement"

	Text	References
<b>Annex I</b>	<b>Annex I</b> ----- Cambodia China Indonesia Japan Lao People's Democratic Republic Malaysia Mongolia Myanmar Philippines Republic of Korea Russian Federation Thailand Viet Nam	