

The Working Group Meeting Session 2 on Drafting MTP for the EANET (2021-2025)
and Reviewing the Scope of Instrument for the EANET
Acid Deposition Monitoring Network in East Asia
20-22 October 2020, Virtual Meeting

SUMMARY DISCUSSION AT THE WORKING GROUP MEETING ON REVIEWING THE SCOPE OF INSTRUMENT FOR THE EANET

I. INTRODUCTION

1. This report summarizes the discussion during the Working Group (WG) Meeting on Reviewing the Scope of Instrument for the EANET (WG2), which took place virtually from 1-2 July 2020. The meeting was attended by representatives of the Participating Countries, partner organizations, and resource persons. In line with the decision of the 21st Session of the Intergovernmental (IG21) Meeting on the EANET, the WG2 discussed the objective and the scope expansion of the Instrument, and the possibility, options, and consequences of how to address air pollution with a view to it being addressed in the Instrument.
2. The Summary Discussion at the WG Meeting on Reviewing the Scope of Instrument for the EANET is presented as Attachment.

II. ACTIONS REQUIRED

3. The Working Group Meeting Session 2 on Drafting MTP for the EANET (2021-2025) and Reviewing the Scope of Instrument for the EANET is invited to review the Summary Discussion at the WG Meeting on Reviewing the Scope of Instrument for the EANET and may wish to consider, discuss, provide guidance, and make recommendations to the IG22 for its review, guidance, and approval, as appropriate.

Attachment

**SUMMARY DISCUSSION AT THE WORKING GROUP MEETING ON
REVIEWING THE SCOPE OF INSTRUMENT FOR THE EANET**

I. The Documents Presented at the WG Meeting on Reviewing the Scope of Instrument for the EANET

1. At the meeting, the Secretariat had prepared and delivered the presentations on Agenda item 4.1: Legal Note on Reviewing The Scope of Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia (EANET) (EANET/WG 2/4/1) and on Agenda item 4.2: Addressing Air Pollution within the EANET Framework (EANET/WG 2/4/2). The Secretariat and the Network Center (NC) jointly delivered the presentation on Agenda item 4.3: Revision of the Guidelines on the Administrative and Financial Management for the Secretariat and the Network Center (Draft) (EANET/WG 2/4/3).
2. The Legal Note on Reviewing The Scope of Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia serves as a reference document for the Participating Countries in reviewing the Instrument's scope. It provides a review of the content of the Instrument and options for the EANET on expanding the scope of the Instrument. The key points in the document are (*detailed information is available in the document EANET/WG 2/4/1*):
 - a. General overview of the EANET Instrument
 - b. Intergovernmental Meetings and Bodies of EANET
 - c. Participation of Non-Members
 - d. Revision and Modification of the Instrument
 - e. Status of EANET
 - f. Amendment, Modification, and Revision Under International Law
 - g. Conclusion – Options for the EANET to expand the scope of Instrument
 - **Option 1**: The IG may, pursuant to its rules of procedure, wish to establish a subsidiary body in order to consider revisions or modifications to the Instrument pursuant to proposals from Participating Countries.
 - **Option 2**: A Participating Country can in the plenary of the IG submit a proposal in writing and indicate whether it falls within Item 15, i.e., whether it is a "revision or modification to any part of this Instrument".
 - **Option 3**: To avoid any process of official written consent by Participating Countries of any amendments or modifications is for the IG to adopt a separate decision outside the framework of Item 15.
 - **Option 4**: The Participating Countries to negotiate an Annex (like a Protocol) that supplements the existing Instrument.
 - **Option 5**: The Participating Countries could negotiate a completely new text that could lead to the adoption of a legally binding treaty.

3. The Report 'Addressing Air Pollution within the EANET Framework' serves as a reference document for the Participating Countries to review the legislative framework of related regional and global initiatives and analyze the building blocks of legal documents related to the possible expansion the scope of the Instrument.
4. The Draft Revision of the Guidelines on the Administrative and Financial Management for the Secretariat and the Network Center (EANET WG 2/4/3) focuses on revising the Financial Arrangement for the Secretariat and the NC to include the project fund mechanism.

II. Summary Discussion at the WG Meeting on Reviewing the Scope of Instrument for the EANET

5. In the WG Meeting, the participants discussed various aspects regarding reviewing the scope of Instrument of EANET. Prior to the Meeting, the Secretariat received comments/questions from the Participating Countries to be included in the discussion. The summary of discussion and actions taken after the WG Meeting are presented in the following table.

| Issue | Discussion/ Suggestion | Action Taken After the WG Meetings |
|---|---|--|
| Expansion of the Scope of Instrument | It was clarified at the meeting that Item 2 of the Instrument scope could be expanded, allowing activities beyond the Instrument scope to take place, as long as decided by the IG. | The WGS2 will further discuss the Instrument's revision on Agenda Item 5 and continue to discuss it in 2021. |
| | Annex to Instrument: It was clarified at the meeting that the Annex could allow flexibility to all countries to implement activities beyond the scope of the Instrument and that a Protocol is generally linked, in substance, to the parent agreement to clarify, amend, or supplement the parent agreement for focusing specific purpose to greater detail. | The WGS2 will further discuss the Instrument's revision, particularly in line with the discussion under the agenda item 5 and continue to discuss it in 2021. |
| | It was suggested that additional options (maybe option 6) would allow to avoid legal formalities. | The WGS2 could further discuss this issue, if necessary, under the agenda item 5 and continue to discuss it in 2021. |
| | <ul style="list-style-type: none"> • At the Meeting, Japan suggested creating a matrix table allowing the countries to categorize the activities identified in the draft MTPs, indicate whether they should be included or not in the current scope of the Instrument, | <ul style="list-style-type: none"> • A Survey Matrix of Categorization of Activities for Further Development of MTP (2021-2025) was circulated to the Participating Countries after WG Meeting. The Findings of |

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| | <p>the related budget, and the necessity of expansion of the Instrument to achieve them.</p> <ul style="list-style-type: none"> It was suggested to survey the Participating Countries' level of ambition related to air pollution and air quality monitoring concerning the expansion scope. | <p>the Survey has been circulated to Participating Countries.</p> <ul style="list-style-type: none"> In terms of the level of ambition (prioritization), the survey also requested the Participating Countries to make a rating of priority of the activities. |
| | <p>A Participating Country proposed that the Participating Countries need to reach a consensus on how the Instrument scope will be expanded, hence deciding the possible options, e.g., Instrument modification/ revising or Annex, etc.</p> | <ul style="list-style-type: none"> The WGS2 is suggested to make recommendations to the IG22 on selecting the options to expand the scope of Instrument by reviewing the options available. Discussion on this issue will be done under Agenda Item 5. |
| <p>Revision of the Guidelines on the Administrative and Financial Management for the Secretariat and the NC</p> | <p>It was requested to provide a document showing the modifications in the "track changes" mode.</p> | <p>The document's track changes version was shared with NFPs and WG Meeting participants on 10 July 2020. The revision of the documents is submitted to the WGS2 for review and comments.</p> |

6. The Session acknowledged the reference documents on Legal Note on Reviewing the Scope of Instrument for Strengthening the Acid Deposition Monitoring Network in East Asia, the presentation on Addressing Air Pollution within the EANET Framework, and the Revision of Guidelines on the Administrative and Financial Management for the Secretariat and the Network Center (Draft). The Session summarized that no objection was made by the Participating Countries regarding the expansion of the Instrument scope.

III. Ways Forward

7. The WGS2 will discuss further and make recommendations to be proposed to IG22 under Agenda Item 5. The Session will recommend the IG22 on the option to be selected regarding the expansion of the Instrument scope.