

1. f) Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals

Aarhus, 24 June 1998

ENTRY INTO FORCE: 29 December 2003, in accordance with article 17 which reads as follows : "1. The present Protocol shall enter into force on the ninetieth day following the date on which the sixteenth instrument of ratification, acceptance, approval or accession has been deposited with the Depositary. 2. For each State and organization referred to in article 14, paragraph 1, which ratifies, accepts or approves the present Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the ninetieth day following the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession."

REGISTRATION: 29 December 2003, No. 21623.

STATUS: Signatories: 35. Parties: 35.

TEXT: United Nations, *Treaty Series*, vol. 2237, p. 4; Document of the Economic and Social Council EB.AIR/1998/1; C.N.711.2013.TREATIES-XXVII.1.f of 11 October 2013 (Amendment to Annex III to the 1998 Protocol on Heavy Metals) and C.N.38.2014.TREATIES-XXVII.1.f of 27 January 2014 (Entry into force).

Note: Open for signature at Aarhus (Denmark) from 24 to 25 June 1998, then at United Nations Headquarters until 21 December 1998, by States members of the Economic Commission for Europe as well as States having consultative status with the Commission pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV)¹ of 28 March 1947, and by regional economic integration organizations, constituted by sovereign States members of the Commission, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the Protocol, provided that the States and organizations concerned are Parties to the Convention.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i>
Armenia	18 Dec 1998		Liechtenstein.....	24 Jun 1998	23 Dec 2003 A
Austria	24 Jun 1998	17 Dec 2003	Lithuania.....	24 Jun 1998	28 Oct 2004
Belgium	24 Jun 1998	8 Jun 2005	Luxembourg.....	24 Jun 1998	1 May 2000
Bulgaria	24 Jun 1998	28 Oct 2003	Monaco		13 Nov 2003 a
Canada	24 Jun 1998	18 Dec 1998	Montenegro.....		30 Dec 2011 a
Croatia		6 Sep 2007	Netherlands ²	24 Jun 1998	23 Jun 2000 A
Cyprus.....	24 Jun 1998	2 Sep 2004	North Macedonia		1 Nov 2010 a
Czech Republic.....	24 Jun 1998	6 Aug 2002	Norway	24 Jun 1998	16 Dec 1999
Denmark	24 Jun 1998	12 Jul 2001 AA	Poland	24 Jun 1998	
Estonia		24 Mar 2006 a	Portugal.....	24 Jun 1998	4 May 2017 AA
European Union.....	24 Jun 1998	3 May 2001 AA	Republic of Moldova.....	24 Jun 1998	1 Oct 2002
Finland.....	24 Jun 1998	20 Jun 2000 A	Romania.....	24 Jun 1998	5 Sep 2003
France	24 Jun 1998	26 Jul 2002 AA	Serbia.....		26 Mar 2012 a
Germany	24 Jun 1998	30 Sep 2003	Slovakia	24 Jun 1998	30 Dec 2002 A
Greece.....	24 Jun 1998		Slovenia	24 Jun 1998	9 Feb 2004
Hungary	18 Dec 1998	19 Apr 2005	Spain	24 Jun 1998	21 Sep 2011
Iceland	24 Jun 1998		Sweden.....	24 Jun 1998	19 Jan 2000
Ireland.....	24 Jun 1998	9 Mar 2021	Switzerland	24 Jun 1998	14 Nov 2000
Italy.....	24 Jun 1998		Ukraine	24 Jun 1998	
Latvia.....	24 Jun 1998	9 Jun 2005			

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i>
United Kingdom of Great Britain and Northern Ireland.....	24 Jun 1998	6 Jul 2005	United States of America.....	24 Jun 1998	10 Jan 2001 A

***Declarations and Reservations
(Unless otherwise indicated, the declarations were made
upon ratification, acceptance, approval or accession.)***

AUSTRIA

"The Republic of Austria declares in accordance with Article 3 paragraph 1 and Annex I of the Protocol the year 1985 as a reference year for the obligations of this Paragraph.

The Republic of Austria declares in accordance with Article 11 of the Protocol that it accepts both the means of dispute settlement mentioned in Paragraph 2 as compulsory in relation to any party accepting an obligation concerning one or both of these means of dispute settlement."

CANADA³

"Canada intends to act in accordance with paragraph 7 of Article 3 of this Protocol."

ESTONIA

"Pursuant to article 3, paragraph 1 and Annex I of the Protocol, the Republic of Estonia set the reference years as follows:

Mercury (Hg) - year 1990
Cadmium (Cd) - year 1990
Lead (Pb) - year 1990."

FINLAND

"The Government of Finland confirms that the reference year set in accordance with the annex I is the year 1990".

LIECHTENSTEIN

"The Principality of Liechtenstein declares in accordance with Article 11, paragraph 2, of the Protocol that it accepts both of the means of dispute settlement mentioned in this paragraph as compulsory in relation to any party accepting an obligation concerning one or both of these means of dispute settlement."

LUXEMBOURG

Article 3, paragraph 1, of [the Protocol], provides that each Party shall reduce its total annual emissions into the atmosphere of each of the heavy metals listed in annex I from the level of the emission in the reference year set in accordance with that annex. Annex I sets as the reference year 1990, or an alternative year from 1985 to 1995 inclusive specified by a Party upon ratification, acceptance, approval or accession.

[The Government of Luxembourg hereby declares] that the Grand Duchy of Luxembourg intends to choose 1990 as the reference year.

MONACO

Pursuant to Article 3, paragraph 1, and Annex I of the Protocol on Heavy Metals, the Principality of Monaco declares the year 1992 as its reference year.

NETHERLANDS

"The Kingdom of the Netherlands declares, in accordance with paragraph 2 of Article 11 of the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals, that it accepts both means of dispute settlement referred to in that paragraph as compulsory in relation to any Party accepting one or both means of dispute settlement."

NORWAY

"1. With reference to Article 3 no 2 Litra (a) and Annex III, Norway hereby declares that the reference year should be 1990.

2. With reference to Article 11 no 2, Norway hereby declares that, in respect of any dispute concerning the interpretation or application of the Protocol, it recognizes only the following means of dispute settlement as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

a) Submission of the dispute to the International Court of Justice."

ROMANIA

Romania declares that the reference year set in accordance with Article 3, paragraph 1, and Annex 1 of the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals is the year 1989.

SERBIA

"The Republic of Serbia declares, in accordance with Article 3, paragraph 1, and Annex I to the Protocol, the year 1990 as a reference year for the obligations.

The Republic of Serbia declares that, in accordance with Annex VI, it wants to be considered as a State economy in transition."

SLOVAKIA

"Pursuant to Article 3, paragraph 1, and Annex I of the Protocol on Heavy Metals, the Slovak Republic hereby declares the year 1990 as its reference year."

SPAIN

In the event that the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals, should be applicable to Gibraltar, Spain wishes to make the following declaration:

1. Gibraltar is a Non-Self-Governing Territory for whose international relations the United Kingdom is responsible and which is subject to a process of decolonization in accordance with the relevant decisions and resolutions of the United Nations General Assembly.

2. The Gibraltar authorities are local in character and exercise an exclusively domestic jurisdiction that originates in and is based on the powers allocated to and conferred on them by the United Kingdom, in accordance with its domestic law and in its capacity as the sovereign State upon which depends the said Non-Self-Governing Territory.

3. Consequently, any involvement by the Gibraltar authorities in the implementation of this Convention shall

be understood to take place exclusively within the framework of the domestic jurisdiction of Gibraltar and shall not be considered to affect in any way the content of the two preceding paragraphs.

4. The procedure envisaged in the “Agreed Arrangements relating to Gibraltar Authorities in the Context of the Mixed Agreements (2007)”, concluded by Spain and the United Kingdom on 19 December 2007, and communicated to the Secretary-General of the Council of the European Union, shall be applicable to the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals, done in Aarhus on 24 June 1998.

Notes:

¹ *Official documents of the Economic and Social Council* (E/402), p. 10.

² For the Kingdom in Europe.

³ On 30 June 1999, the Government of Canada informed the Secretary-General, that its instrument of ratification should have included the declaration. The Secretary-General proposed to receive the declaration in question for deposit in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 90 days from the date of its circulation (28 July 1999). No objection having been received, the declaration was accepted for deposit upon the expiration of the above-stipulated 90-day period, that is on 26 October 1999.

