

Ε.Ε. Παρ. Ι(ΙΙΙ)
Αρ. 4240, 1.12.2017

Ν. 18(ΙΙΙ)/2017

Ο περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση από Βαρέα Μέταλλα (Κυρωτικός) (Τροποποιητικός) Νόμος του 2017 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 18(ΙΙΙ) του 2017

ΝΟΜΟΣ ΠΟΥ ΤΡΟΠΟΠΟΙΕΙ ΤΟΝ ΠΕΡΙ ΤΟΥ ΠΡΩΤΟΚΟΛΛΟΥ ΤΗΣ ΣΥΜΒΑΣΗΣ ΤΟΥ 1979 ΓΙΑ ΤΗ ΔΙΑΜΕΘΟΡΙΑΚΗ ΡΥΠΑΝΣΗ ΤΗΣ ΑΤΜΟΣΦΑΙΡΑΣ ΣΕ ΜΕΓΑΛΗ ΑΠΟΣΤΑΣΗ ΑΠΟ ΒΑΡΕΑ ΜΕΤΑΛΛΑ (ΚΥΡΩΤΙΚΟ) ΝΟΜΟ ΤΟΥ 2004

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- Συνοπτικός τίτλος.
38(ΙΙΙ) του 2004.
1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση από Βαρέα Μέταλλα (Κυρωτικός) (Τροποποιητικός) Νόμος του 2017 και θα διαβάζεται μαζί με τον περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση από Βαρέα Μέταλλα (Κυρωτικό) Νόμο του 2004 (που στο εξής θα αναφέρεται ως «ο βασικός νόμος») και ο βασικός νόμος και ο παρών Νόμος θα αναφέρονται μαζί ως οι περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση από Βαρέα Μέταλλα (Κυρωτικοί) Νόμοι του 2004 και του 2017.
- Τροποποίηση του άρθρου 2 του βασικού νόμου.
2. Το άρθρο 2 του βασικού νόμου τροποποιείται με την αντικατάσταση στο τέλος αυτού της τελείας με άνω τελεία και την προσθήκη, αμέσως μετά, του ακόλουθου νέου όρου και του ορισμού του:
- «“τροποποιήσεις” σημαίνει τις τροποποιήσεις του Πρωτοκόλλου, οι οποίες υιοθετήθηκαν στην τριακοστή πρώτη συνάντηση του Εκτελεστικού Οργάνου της Σύμβασης που πραγματοποιήθηκε στη Γενεύη της Ελβετίας, στις 13 Δεκεμβρίου 2012, οι οποίες εγκρίθηκαν από το Υπουργικό Συμβούλιο με την Απόφασή του με αρ. 81.790 και ημερομηνία 12 Δεκεμβρίου 2016.».
- Προσθήκη νέου άρθρου 3Α στο βασικό νόμο.
3. Ο βασικός νόμος τροποποιείται με την προσθήκη, αμέσως μετά το άρθρο 3 αυτού, του ακόλουθου νέου άρθρου 3Α:
- «Κύρωση των τροποποιήσεων. 3Α. Με τον περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση από Βαρέα Μέταλλα (Κυρωτικό) (Τροποποιητικό) Νόμο του 2017, κυρώνονται οι τροποποιήσεις, των οποίων το πρωτότυπο κείμενο στην αγγλική γλώσσα εκτίθεται στο Μέρος ΙΙΙ του Πίνακα και η μετάφραση στην ελλην

ΠΙΝΑΚΑΣ
(Άρθρο 3Α)
Μέρος ΙΙΙ
(Αγγλική γλώσσα)

Decision 2012/5

Amendment of the text of and annexes other than III and VII to the 1998 Protocol on Heavy Metals

Article 1 Amendment

The Parties to the 1998 Protocol on Heavy Metals meeting within the thirty-first session of the Executive Body,

Decide to amend the 1998 Protocol on Heavy Metals to the Convention on Long-range Transboundary Air Pollution as set out in the annex to this decision.

Article 2 Relationship to the Protocol

No State or regional economic integration organization may deposit an instrument of acceptance of this amendment unless it has previously, or simultaneously, deposited an instrument of ratification, acceptance or approval of or accession to the Protocol.

Article 3 Entry into force

In accordance with article 13, paragraph 3, of the Protocol, this amendment shall enter into force on the ninetieth day after the date on which two thirds of the Parties to the Protocol have deposited with the Depositary their instruments of acceptance thereof.

Annex Amendments to the 1998 Protocol on Heavy Metals

(a) Article 1

1. In paragraph 10 the words “of: (i) this Protocol; or (ii) an amendment to annex I or II, where the stationary source becomes subject to the provisions of this Protocol only by virtue of that amendment” are replaced by the words “for a Party of the present Protocol. A Party may decide not to treat as a new stationary source any stationary source for which approval has already been given by the appropriate competent national authority at the time of entry into force of the Protocol for that Party and provided that the construction or substantial modification is commenced within five years of that date”.

2. A new paragraph 12 is added after paragraph 11 as follows:

12. The terms “this Protocol”, “the Protocol” and “the present Protocol” mean the 1998 Protocol on Heavy Metals, as amended from time to time.

(b) Article 3

3. In paragraph 2, the word “Each” is replaced by the words “Subject to paragraphs 2 bis and 2 ter, each”.

4. In paragraph 2 (a) the words “for which annex III identifies best available techniques” are replaced by the words “for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques”.

5. In paragraph 2 (c) the words “for which annex III identifies best available techniques” are replaced by the words “for which guidance adopted by the Parties at a session of the Executive Body identifies best available techniques”.

6. New paragraphs 2 bis and 2 ter are inserted after paragraph 2 as follows:

2 bis. A Party that was already a Party to the present Protocol prior to the entry into force of an amendment that introduces new source categories may apply the limit values applicable to an “existing stationary source” to any source in such a new category the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.

2 ter. A Party that was already a Party to the present Protocol prior to the entry into force of an amendment that introduces new limit values applicable to a “new stationary source” may continue to apply the previously applicable limit values to any source the construction or substantial modification of which is commenced before the expiry of two years from the date of entry into force of that amendment for that Party, unless and until that source later undergoes substantial modification.

7. In paragraph 5:

(a) The words “, for those Parties within geographical scope of EMEP, using as a minimum the methodologies specified by the Steering Body of EMEP, and, for those Parties outside the geographical scope of EMEP, using as guidance the methodologies developed through the work plan of the Executive Body” are deleted and replaced by a full stop “.”.

(b) The following text is added after the first sentence:

Parties within the geographic scope of EMEP shall use the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographic scope of EMEP shall use as guidance the methodologies developed through the workplan of the Executive Body.

8. A new paragraph 8 is added at the end of article 3, as follows:

8. Each Party should actively participate in programmes under the Convention on the effects of air pollution on human health and the environment and programmes on atmospheric monitoring and modelling.

(c) Article 3 bis

9. A new article 3 bis is added as follows:

Article 3 bis

Flexible transitional arrangements

1. Notwithstanding article 3, paragraphs 2 (c) and 2 (d), a Party to the Convention that becomes a Party to the present Protocol between 1 January 2014 and 31 December 2019 may apply flexible transitional arrangements for the implementation of best available techniques and limit values to existing stationary sources in specific stationary source categories under the conditions specified in this article.

2. Any Party electing to apply the flexible transitional arrangements under this article shall indicate in its instrument of ratification, acceptance, approval or accession to the present Protocol the following:

(a) The specific stationary source categories listed in annex II for which the Party is electing to apply flexible transitional arrangements, provided that no more than four such categories may be listed;

(b) Stationary sources for which construction or the last substantial modification commenced prior to 1990 or an alternative year of the period 1985–1995 inclusive, specified by a Party upon ratification, acceptance, approval or accession, which are eligible for flexible transitional arrangements as set out in paragraph 5; and

(c) An implementation plan consistent with paragraphs 3 and 4 identifying a timetable for full implementation of the specified provisions.

3. A Party shall, as a minimum, apply best available techniques for existing stationary sources in categories 1, 2, 5 and 7 of annex II no later than eight years after the entry into force of the present Protocol for the Party, or 31 December 2022, whichever is sooner, except as provided in paragraph 5.

4. In no case may a Party's application of best available techniques or limit values for any existing stationary sources be postponed past 31 December 2030.

5. With respect to any source or sources indicated pursuant to paragraph 2 (b), a Party may decide, no later than eight years after entry into force of the present Protocol for the Party, or 31 December 2022, whichever is sooner, that such source or sources will be closed down. A list of such sources shall be provided as part of the Party's next report pursuant to paragraph 6. Requirements for application of best available techniques and limit values will not apply to any such source or sources, provided the source or sources are closed down no later than 31 December 2030. For any such source or sources not closed down as of that date, a Party must thereafter apply the best available techniques and limit values applicable to new sources in the applicable source category.

6. A Party electing to apply the flexible transitional arrangements under this article shall provide the Executive Secretary of the Commission with triennial reports of its progress towards implementation of best available techniques and limit

values to the stationary sources in the stationary source categories identified pursuant to this article. The Executive Secretary of the Commission will make such triennial reports available to the Executive Body.

(d) Article 7

10. In paragraph 1 (a):

- (a) The semi-colon at the end of the paragraph “,” is replaced by “. Moreover.”; and
- (b) New subparagraphs (i) and (ii) are inserted as follows:
 - (i) Where a Party applies different emission reduction strategies under article 3 paragraphs 2 (b), (c) or (d), it shall document the strategies applied and its compliance with the requirements of those paragraphs;
 - (ii) Where a Party judges the application of certain limit values, as specified in accordance with article 3, paragraph 2 (d), not to be technically and economically feasible, it shall report and justify this;

11. For paragraph 1 (b) there is substituted the following:

(b) Each Party within the geographical scope of EMEP shall report to EMEP, through the Executive Secretary of the Commission, information on the levels of emissions of heavy metals listed in annex I, using the methodologies specified in guidelines prepared by the Steering Body of EMEP and adopted by the Parties at a session of the Executive Body. Parties in areas outside the geographical scope of EMEP shall report available information on levels of emissions of the heavy metals listed in annex I. Each Party shall also provide information on the levels of emissions of the substances listed in annex I for the reference year specified in that annex;

12. New paragraphs are added after paragraph 1 (b) as follows:

(c) Each Party within the geographical scope of EMEP should report available information to the Executive Body, through the Executive Secretary of the Commission, on its air pollution effects programmes on human health and the environment and atmospheric monitoring and modelling programmes under the Convention using guidelines adopted by the Executive Body;

(d) Parties in areas outside the geographical scope of EMEP should make available information similar to that specified in subparagraph (c), if requested to do so by the Executive Body.

13. In paragraph 3:

- (a) The words “In good time before each annual session of” are replaced by “Upon the request of and in accordance with timescales decided by”;
- (b) The words “and other subsidiary bodies” are inserted after the word “EMEP”;
- (c) The word “relevant” is inserted after the word “provide”.