

Ο περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση από Βαρέα Μέταλλα (Κυρωτικός) Νόμος του 2004 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 38(ΙΙΙ) του 2004

**ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΟΥ ΠΡΩΤΟΚΟΛΛΟΥ ΤΗΣ ΣΥΜΒΑΣΗΣ ΤΟΥ 1979
ΓΙΑ ΤΗ ΔΙΑΜΕΘΟΡΙΑΚΗ ΡΥΠΑΝΣΗ ΤΗΣ ΑΤΜΟΣΦΑΙΡΑΣ ΣΕ ΜΕΓΑΛΗ
ΑΠΟΣΤΑΣΗ ΑΠΟ ΒΑΡΕΑ ΜΕΤΑΛΛΑ**

Για σκοπούς εναρμόνισης με την πράξη της Ευρωπαϊκής Κοινότητας με τίτλο:

“Απόφαση 2001/379/ΕΚ, του Συμβουλίου, της 4^{ης} Απριλίου 2001, για έγκριση εξ ονόματος της Ευρωπαϊκής Κοινότητας του πρωτοκόλλου της σύμβασης του 1979 για τη διαμεθοριακή ατμοσφαιρική ρύπανση σε μεγάλες αποστάσεις από βαρέα μέταλλα (ΕΕ L 134 της 17.05.2001.σ.40).

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός
τίτλος.

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) Νόμος του 2004.

Ερμηνεία.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια:-

“Πρωτόκολλο” σημαίνει το Πρωτόκολλο της Σύμβασης για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση που οφείλεται σε Βαρέα Μέταλλα, το οποίο υπεγράφη στο Άαρχους της Δανίας στις 24 Ιουνίου 1998 και εγκρίθηκε από την Ευρωπαϊκή Κοινότητα με την Απόφαση 2001/379/ΕΚ του Συμβουλίου της 4^{ης} Απριλίου 2001.

Κύρωση του
Πρωτοκόλλου.
Πίνακας
Μέρος I
Μέρος II.

3.-(1) Με τον παρόντα Νόμο κυρώνεται το πρωτόκολλο, του οποίου το αυθεντικό κείμενο στην Αγγλική εκτίθεται στο Μέρος I του Πίνακα και σε Ελληνική μετάφραση στο Μέρος II αυτού.

(2) Σε περίπτωση διαφοράς μεταξύ του κειμένου που εκτίθεται στο Μέρος I και εκείνου που εκτίθεται στο Μέρος II του Πίνακα, υπερισχύει το κείμενο που εκτίθεται στο Μέρος I.

Αρμόδια Αρχή.

4. Αρμόδια Αρχή για την εφαρμογή στη Δημοκρατία των διατάξεων του Πρωτοκόλλου είναι ο Υπουργός Εργασίας και Κοινωνικών Ασφαλίσεων, ή οποιοσδήποτε λειτουργός του υπουργείου, του δεόντως εξουσιοδοτημένος προς τούτο από τον Υπουργό.

Πίνακας
(Άρθρο 3)
Μέρος Ι

PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION ON
HEAVY METALS

The Parties,

Determined to implement the Convention on Long-range Transboundary Air Pollution,

Concerned that emissions of certain heavy metals are transported across national boundaries and may cause damage to ecosystems of environmental and economic importance and may have harmful effects on human health,

Considering that combustion and industrial processes are the predominant anthropogenic sources of emissions of heavy metals into the atmosphere,

Acknowledging that heavy metals are natural constituents of the Earth's crust and that many heavy metals in certain forms and appropriate concentrations are essential to life,

Taking into consideration existing scientific and technical data on the emissions, geochemical processes, atmospheric transport and effects on human health and the environment of heavy metals, as well as on abatement techniques and costs,

Aware that techniques and management practices are available to reduce air pollution caused by the emissions of heavy metals,

Recognising that countries in the region of the United Nations Economic Commission for Europe (UN/ECE) have different economic conditions, and that in certain countries the economies are in transition,

Resolved to take measures to anticipate, prevent or minimise emissions of certain heavy metals and their related compounds, taking into account the application of the precautionary approach, as set forth in principle 15 of the Rio Declaration on Environment and Development,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and development policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Mindful that measures to control emissions of heavy metals would also contribute to the protection of the environment and human health in areas outside the UN/ECE region, including the Arctic and international waters,

Noting that abating the emissions of specific heavy metals may provide additional benefits for the abatement of emissions of other pollutants,

Aware that further and more effective action to control and reduce emissions of certain heavy metals may be needed and that, for example, effects-based studies may provide a basis for further action.

Noting the important contribution of the private and non-governmental sectors to knowledge of the effects associated with heavy metals, available alternatives and abatement techniques, and their role in assisting in the reduction of emissions of heavy metals,

Bearing in mind the activities related to the control of heavy metals at the national level and in international forums,

Have agreed as follows:

Article 1

Definitions

For the purposes of the present Protocol,

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| <p>1. 'Convention' means the Convention on Long-range Transboundary Air Pollution, adopted in Geneva on 13 November 1979</p> <p>2. 'EMEP' means the Cooperative Programme for Monitoring and Evaluation of Long-range Transmission of Air Pollutants in Europe</p> <p>3. 'Executive Body' means the Executive Body for the Convention constituted under Article 10(1) of the Convention</p> | <p>4. 'Commission' means the United Nations Economic Commission for Europe</p> <p>5. 'Parties' means, unless the context otherwise requires, the Parties to the present Protocol</p> <p>6. 'Geographical scope of EMEP' means the area defined in Article 1(4) of the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), adopted in Geneva on 28 September 1984</p> |
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7. 'Heavy metals' means those metals or, in some cases, metalloids which are stable and have a density greater than 4,5 g/cm³ and their compounds
8. 'Emission' means a release from a point or diffuse source into the atmosphere
9. 'Stationary source' means any fixed building, structure, facility, installation, or equipment that emits or may emit a heavy metal listed in Annex I directly or indirectly into the atmosphere
10. 'New stationary source' means any stationary source of which the construction or substantial modification is commenced after the expiry of two years from the date of entry into force 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. ~~It shall be a matter for the competent national authorities to decide whether a modification is substantial or not, taking into account such factors as the environmental benefits of the modification~~
11. 'Major stationary source category' means any stationary source category that is listed in Annex II and that contributes at least 1% to a Party's total emissions from stationary sources of a heavy metal listed in Annex I for the reference year specified in accordance with Annex I.
 - (c) the best available techniques, taking into consideration Annex III, to each existing stationary source within a major stationary source category for which Annex III identifies best available techniques. A Party may, as an alternative, apply different emission reduction strategies that achieve equivalent overall emission reductions;
 - (d) the limit values specified in Annex V to each existing stationary source within a major stationary source category, in so far as this is technically and economically feasible. A Party may, as an alternative, apply different emission reduction strategies that achieve equivalent overall emission reductions.

Article 2

Objective

The objective of the present Protocol is to control emissions of heavy metals caused by anthropogenic activities that are subject to long-range transboundary atmospheric transport and are likely to have significant adverse effects on human health or the environment, in accordance with the provisions of the following Articles.

Article 3

Basic obligations

1. 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 by taking effective measures, appropriate to its particular circumstances.
2. Each Party shall, no later than the timescales specified in Annex IV, apply:
 - (a) the best available techniques, taking into consideration Annex III, to each new stationary source within a major stationary source category for which Annex III identifies best available techniques;
 - (b) the limit values specified in Annex V to each new stationary source within a major stationary source category. A Party may, as an alternative, apply different emission reduction strategies that achieve equivalent overall emission levels;

3. Each Party shall apply product control measures in accordance with the conditions and timescales specified in Annex VI.

~~4. Each Party should consider applying additional product management measures, taking into consideration Annex VII.~~

5. Each Party shall develop and maintain emission inventories for the heavy metals listed in Annex I, for those Parties within the 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.

6. A Party that, after applying paragraphs 2 and 3, cannot achieve the requirements of paragraph 1 for a heavy metal listed in Annex I, shall be exempted from its obligations in paragraph 1 for that heavy metal.

7. Any Party whose total land area is greater than 6 000 000 km² shall be exempted from its obligations in paragraphs 2(b), (c), and (d), if it can demonstrate that, no later than eight years after the date of entry into force of the present Protocol, it will have reduced its total annual emissions of each of the heavy metals listed in Annex I from the source categories specified in Annex II by at least 50% from the level of emissions from these categories in the reference year specified in accordance with Annex I. A Party that intends to act in accordance with this paragraph shall so specify upon signature of, or accession to, the present Protocol.

Article 4

Exchange of information and technology

1. The Parties shall, in a manner consistent with their laws, regulations and practices, facilitate the exchange of technologies and techniques designed to reduce emissions of heavy metals, including but not limited to exchanges that encourage the development of product management measures and the application of best available techniques, in particular by promoting:
 - (a) the commercial exchange of available technology
 - (b) direct industrial contacts and cooperation, including joint ventures
 - (c) the exchange of information and experience and
 - (d) the provision of technical assistance.

2. In promoting the activities specified in paragraph 1, the Parties shall create favourable conditions by facilitating contacts and cooperation among appropriate organisations and individuals in the private and public sectors that are capable of providing technology, design and engineering services, equipment or finance.

Article 5

Strategies, policies, programmes and measures

1. Each Party shall develop, without undue delay, strategies, policies and programmes to discharge its obligations under the present Protocol.

2. A Party may, in addition:

- (a) apply economic instruments to encourage the adoption of cost-effective approaches to the reduction of heavy metal emissions
- (b) develop government/industry covenants and voluntary agreements
- (c) encourage the more efficient use of resources and raw materials
- (d) encourage the use of less polluting energy sources
- (e) take measures to develop and introduce less polluting transport systems
- (f) take measures to phase out certain heavy metal emitting processes where substitute processes are available on an industrial scale
- (g) take measures to develop and employ cleaner processes for the prevention and control of pollution.

3. The Parties may take more stringent measures than those required by the present Protocol.

Article 6

Research, development and monitoring

The Parties shall encourage research, development, monitoring and cooperation, primarily focusing on the heavy metals listed in Annex I, related, but not limited, to:

- (a) emissions, long-range transport and deposition levels and their modelling, existing levels in the biotic and abiotic environment, the formulation of procedures for harmonising relevant methodologies
- (b) pollutant pathways and inventories in representative ecosystems
- (c) relevant effects on human health and the environment, including quantification of those effects
- (d) best available techniques and practices and emission control techniques currently employed by the Parties or under development
- (e) collection, recycling and, if necessary, disposal of products or wastes containing one or more heavy metals

(f) methodologies permitting consideration of socioeconomic factors in the evaluation of alternative control strategies

(g) an effects-based approach which integrates appropriate information, including information obtained under subparagraphs (a) to (f), on measured or modelled environmental levels, pathways, and effects on human health and the environment, for the purpose of formulating future optimised control strategies which also take into account economic and technological factors

(h) alternatives to the use of heavy metals in products listed in Annexes VI and VII

(i) gathering information on levels of heavy metals in certain products, on the potential for emissions of those metals to occur during the manufacture, processing, distribution in commerce, use, and disposal of the product, and on techniques to reduce such emissions.

Article 7

Reporting

1. Subject to its laws governing the confidentiality of commercial information:

(a) each Party shall report, through the Executive Secretary of the Commission, to the Executive Body, on a periodic basis as determined by the Parties meeting within the Executive Body, information on the measures that it has taken to implement the present Protocol

(b) each Party within the geographical scope of EMEP shall report, through the Executive Secretary of the Commission, to EMEP, on a periodic basis to be determined by the Steering Body of EMEP and approved by the Parties at a session of the Executive Body, information on the levels of emissions of the heavy metals listed in Annex I, using as a minimum the methodologies and the temporal and spatial resolution specified by the Steering Body of EMEP. Parties in areas outside the geographical scope of EMEP shall make available similar information to the Executive Body if requested to do so. In addition, each Party shall, as appropriate, collect and report relevant information relating to its emissions of other heavy metals, taking into account the guidance on the methodologies and the temporal and spatial resolution of the Steering Body of EMEP and the Executive Body.

2. The information to be reported in accordance with paragraph 1(a) shall be in conformity with a decision regarding format and content to be adopted by the Parties at a session of the Executive Body. The terms of this decision shall be reviewed as necessary to identify any additional elements regarding the format or the content of the information that is to be included in the reports.

3. In good time before each annual session of the Executive Body, EMEP shall provide information on the long-range transport and deposition of heavy metals.