



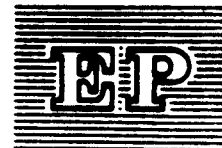
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Ad Hoc Working Group of Legal and
Technical Experts for the Elaboration
of a Global Framework Convention for
the Protection of the Ozone Layer

Fourth session
Geneva, 22-26 October 1984

Summary of comments received from Governments
on the fourth draft convention and
second revised draft protocol

1. In accordance with the Recommendations of the second part of the third session of the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer (Vienna, 16-20 January 1984) 1/, the Fourth Revised Draft Convention for the Protection of the Ozone Layer 2/ and the second Revised Draft Protocol Concerning Measures to Control, Limit and Reduce the Emissions of Chlorofluorocarbons (CFCs) for the Protection of the Ozone Layer 3/ were transmitted to all states, with an introductory note and a request for comments, by letter from the Deputy Executive Director dated 5 March 1984. The draft texts were also distributed to all states as part of the documentation for the 12th session of the Governing Council of UNEP. 4/

1/ UNEP/WG.94/10 dated 13 February 1984.

2/ UNEP/WG.94/11 dated 13 February 1984.

3/ UNEP/WG.94/12 dated 13 February 1984.

4/ UNEP/GC.12/12/Add.1, Annex 1, dated 27 April 1984.

2. As of 31 July 1984, comments had been received from the following Governments: Burma, Canada, Chile, Denmark, Federal Republic of Germany, Israel, Kuwait, Liberia, Mauritius, New Zealand and Sweden. Burma, Chile and Sweden sent interim replies with further comments to follow. Mauritius reported that its competent authorities had no comments to make. The Governments of Chile, Denmark, Israel and Liberia expressed their support for the principles as formulated in the revised drafts and made no specific suggestions for changes or alternatives.

3. The detailed comments from Canada, the Federal Republic of Germany, Kuwait and New Zealand are as follows:

(a) Canada: /30 April 1984, original: English/

"With regard to the provisions in square brackets in Article 2 of the Draft Convention, Canada would prefer alternative 1. This alternative would provide an adequate and flexible framework for settlement of any disputes between the parties concerning the interpretation or application of the Convention.

of

Canada has no strong views with regard to the text in square brackets in Articles 12 and 13 (2) and could accept those articles either with or without its inclusion.

Canada would prefer to retain the text of Article 17 now in square brackets in the Draft Convention. The effectiveness of the Convention would be diminished if reservations to any of its major provisions are permitted.

Canada continues to support strongly the conclusion of a protocol concerning measures to control, limit and reduce emissions of chlorofluorocarbons for the protection of the ozone layer. In Canada's view, alternative 1 to Article II is the formulation that most effectively takes account of existing differences in approach to regulation of chlorofluorocarbon emissions in various domestic legal systems. Canada therefore prefers that alternative."

(b) Federal Republic of Germany: /30 April 1984, original: German/

Draft Convention:

- Article 4: The possibilities of the Government to co-operate in this regard are limited, owing to the fact that the relevant technologies and technical facilities are in the hands of private enterprises which make their own decisions on the use and transfer of technological expertise;

/...

- Article 11: The second alternative is more precise and hence preferred, subject to further discussion on the alternatives of the terms in brackets;
- Articles 12 and 13: The clause "and a majority of whose member states are signatories to this convention" is not acceptable, in view of European Community Document 4655/84/ENV. 15 of 20 February 1984;
- Article 14: The "competence clause" in the second paragraph of Article 14 is not acceptable;
- Article 17: Should be retained;
- The adoption of a protocol should follow the adoption of the convention, in accordance with the procedures of the convention, and after thorough and expeditious preparation by the Co-ordinating Committee on the Ozone Layer, along the lines of the draft decision recommended in document CRP.34 (Annex 1 of UNEP/WG.94/10);

(c) Kuwait: /27 June 1984, original: Arabic/

Draft Convention:

- Article 1: The current wording is acceptable, even though it would need some clarification;
- Articles 2 to 8: The current wording is acceptable;
- Article 9: The following expression should be added:

"The secretariat will also transmit the proposed amendments to the signatories for information";
- Article 10: Acceptable;
- Article 11: Alternative 1 is preferred;
- Articles 12 to 18: Acceptable.

Annex I:

- Paragraph (d) Systematic observations (pages 2-3):
The current wording is acceptable, the brackets should be deleted;
- Paragraph (c) Chlorine substances (page 4): The current wording is acceptable, and the brackets should be deleted;
- Paragraph (d) Bromine substances (page 4): The current wording is acceptable and the brackets should be deleted.

/...

Annex II:

- Paragraph 2 (page 1): The current wording is acceptable.

Draft Protocol:

- Article 1:

Paragraphs 1, 2, 3 and 4: acceptable;

Paragraph 5: Brackets to be deleted;

Paragraph 6: Brackets to be deleted; the text to read:

"Essential uses mean the use of CFCs in aerosol propellants where there are no other acceptable alternatives".

- Article 2: Alternative 3 is preferred.
- Articles 3 to 6: All acceptable, and brackets to be deleted.

(d) New Zealand: /10 May 1984, original: English/

Draft Convention:

- Article 3, paragraph 1 (b) and 1 (c): The words "modification" should be preceded by "any" to emphasize that modification of the ozone layer is as yet only postulated, not proven;
- Article 3, paragraph 1 (c):
Add after 1 (c) the following: "Effects deriving from any modification of the ozone layer and its consequent change in UV-B radiation on natural and synthetic materials useful to mankind";
- Article 6, paragraphs 1 to 5: The representation at the Conference of the Contracting Parties should ensure scientific expertise;
- Article 6, paragraph 4 (b): Redraft as follows: "Review the scientific information on the ozone layer, on possible changes to the layer and on possible effects of any such changes";
- Article 6, paragraph 4 (d): In order to avoid duplication and confusion of effort, the relationship of the Conference with specialized national, international and United Nations agencies already involved in the ozone problem, needs to be more closely defined. The future role (if any) of the Co-ordinating Committee on the Ozone Layer should also be clarified. One way to meet some of these concerns would be to replace "adopt" in paragraph 4 (d) by "Promote" or "Promote the harmonization of national and international" ...

Annex 1:

The point made above about UV-B effects on materials should be included.

- Paragraph 1 (a): The last line should read: "potential consequences for human health, for organisms and ecosystems, and for materials useful to mankind";
- Paragraph 2 (a) (iii): The first line should read: ... "the concentration and fluxes of key source gases ..." and the last line should read ... "solar spectral flux" ...;
- Paragraph 2 (b): The title should read: "Research in health, biological and related effects"; the last phrase in paragraph 2 (b) (v), from "the photodegradation" should be deleted, and the following paragraph 2 (b) (vi) should be added: "The UV-B photodegradation of natural and synthetic materials, such as textiles, dyestuffs, paints, plastics and agricultural chemicals, and of pollutants";
- Paragraph 2 (c): Insert after the word "climate", the following: "particularly on long term global temperature and rainfall patterns, and on the glacial and polar ice fields";
- Paragraph 2 (d): After paragraph 2 (d) (iv), the following should be added: "Radiative energy flux balances outside and within the atmosphere utilising satellite measurements", and after paragraph 2 (d) (vi) the following should be added: "maintenance of programmes of high quality meteorological surface measurements of climatically important variables".

Protocol:

Article I, paragraphs 5 and 6: "aerosol propellant" - this definition should be included but with omission of the phrase "different from the aerosol propellant itself"; "essential issues" - it should be clarified whether the alternative definitions refer to the use of the product or the propellant itself on the assumption that the product is necessary.

Article II - preference for alternative 1. However, in paragraph 1, omit the words in square brackets "Within _____ years following entry into force for the Party of this Protocol each" so that the sentence commences: "Each Party shall ...". Later in the sentence, remove the words "in aerosol products" but to retain "as aerosol propellants including the export of such products". Alternative 1 on page 3 should accordingly be dropped.

Paragraph 2 on page 3: Remove the words in square brackets: "set up a time schedule and shall". Under (a) (ii), this should be worded as "non-essential but insignificant" ... because this wording is used in 1 (b) on the same page. The words in paragraph 2 "or indicating the types of CFC's and total amount of CFC's so used /and/ /b/". A progress report on the implementation of the time schedule set up" should be omitted. The second preferred alternative wording to /b/ should have the words "in aerosol products" removed.

Paragraph 3 - Should be deleted entirely.

Article II bis: Should refer to chlorofluorocarbons (CFCs) in general with the phrase "11 and 12" deleted.

Article III: Preference for first alternative of paragraph 1, and retain both parts of Article III (2).

Article VI: The number of the contracting parties should be six - not five.
