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THE SECOND MEETING OF THE CONFERENCE
OF THE PARTIES TO THE VIENNA CONVENTION
FOR THE PROTECTION OF THE OZONE LAYER

Nairobi, 17-18 June 1991
Items 4 and 5 of the provisional agenda

REPORT OF THE EXECUTIVE DIRECTOR OF THE UNITED NATIONS
ENVIRONMENT PROGRAMME (UNEP) TO THE CONFERENCE OF
THE PARTIES TO THE VIENNA CONVENTION AT ITS
SECOND MEETING

INTRODUCTION

1. The present report sets out; (i) the status of implementation of the decisions taken at the First Meeting of the Conference of the Parties to the Vienna Convention which was held in Helsinki from 26 to 28 April 1989; (ii) the implementation of the Vienna Convention, especially with regard to Articles 2 and 5; (iii) consideration of amendments to the Vienna Convention; and (iv) the report on approved adjustments and the Amendment to the Montreal Protocol. In addition, the report also contains the amendments proposed for the Rules of Procedure for the Conference of the Parties to the Vienna Convention.
2. The present report incorporates the recommendations of the Bureau of the Conference of the Parties to the Vienna Convention, which held its first meeting from 18-19 March 1991 in Geneva (the report of the meeting is contained in document UNEP/OzL.Conv/Bur.1/1/3). In accordance with decision 6 of the First Meeting of the Conference of the Parties, the Meeting of the Bureau was held in conjunction with the First Meeting of the Ozone Research Managers, held from 13-15 March 1991, also in Geneva, organized by UNEP and WMO. The recommendations of the Bureau with regard to the outcome of the Ozone Research Managers Meeting were based on a presentation by a representative of WMO.

3. The summary of the outcome of the First Meeting of the Ozone Research Managers will be contained in an addendum to the present report. The addendum will be issued at a later date upon finalization of the Report of the Ozone Research Managers' Meeting.

I. STATUS OF THE IMPLEMENTATION OF THE DECISIONS OF THE
FIRST MEETING OF THE CONFERENCE OF THE PARTIES
TO THE VIENNA CONVENTION
(Helsinki, 26-28 April 1989)

Decision 1:

To adopt, taking into account the explanations given during the meeting, the rules of procedures for the meetings of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer in Annex I of this report (UNEP/OzL.Conv.1/5).

Status of implementation

4. At the First Meeting of the Parties to the Montreal Protocol (2-5 May 1989) that immediately followed the First Meeting of the Conference of the Parties to the Vienna Convention in Helsinki, the Parties adopted their Rules of Procedure with an amendment to rule 6, paragraph 2, as follows:

"Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting."

The Conference of the Parties may wish to consider adopting a similar amendment to the Rules of Procedure for the Meetings of the Conference of the Parties to the Vienna Convention.

5. At the Second Meeting of the Parties to the Montreal Protocol (London, 27-29 June 1990), the Parties decided to amend paragraph 1 of rule 21 of the Rules of Procedure for the Meetings of the Parties to the Montreal Protocol, to include the following additional sentences:

"In electing its officers, the Meeting of the Parties shall have due regard to the principle of equitable geographical distribution. The offices of the President and Rapporteur of the Meeting of the Parties shall normally be subject to rotation among the five groups of States referred to in section I of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Programme was established."

The Bureau of the Conference of the Parties discussed the issue of the rotation of the offices of President and Rapporteur (see paragraph 35, UNEP/OzL.Conv/Bur.1/1/3). The Bureau noted that a provision on rotation of the offices of the President and the Rapporteur would be required under rule 21. Further, the Bureau recommended that this rotation could take place on the basis of alphabetical rotation of the regions; thus, the president of the Second Meeting of the Conference of the Parties could come from the African

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Group and the Rapporteur from the Group of Western Europe and Other States. The Vice-Presidents would come from Asia, Eastern Europe and Latin America and the Caribbean. The rotation would then continue for the following meetings.

6. The Bureau of the Conference of the Parties took note that under the existing Rules of Procedure, if the President of the Meeting of the Parties is unable to complete his term of office, or to perform his functions, a new President shall be elected from the representatives of the Parties. The Bureau recognized that it would be more convenient to apply the same procedure for the President as is required for the other officers of the Meeting. Therefore the Bureau recommended that the Rules of Procedure be amended as follows:

(a) Rule 23 - delete paragraph 2;

(b) Rule 24 - delete the words "other than a president" and replace with the words "of the Bureau".

7. After consideration of the proposed amendments by the Conference of the Parties, the Rules of Procedure may be printed in a separate booklet, as was done for the Rules of Procedure for the Meetings of the Parties to the Montreal Protocol.

Decision 2:

That each Contracting Party shall submit to the Secretariat of the Convention every two years after the entry into force of the Convention a summary of the measures adopted by the Party for the implementation of the Convention. In accordance with paragraph 5 of Annex II of the Convention, the biennial reporting shall include the socio-economic and commercial information on the substances referred to in Annex I. To this end the Secretariat shall prepare a format for reporting and shall ensure any required confidentiality of the information supplied to it.

Status of implementation

8. The formats for reporting information in accordance with paragraph 5 of Annex II of the Convention, including socio-economic and commercial information on the substances referred to in Annex I of the Convention, were designed by the Secretariat. The formats were presented to the First Meeting of the Ad Hoc Group of Experts on the Reporting of Data required by Article 7 of the Montreal Protocol, held in Nairobi from 6-7 December 1990 for comments and advice. The Group felt that they were too extensive and detailed, that it would be difficult to collect data in accordance with the formats, and that some data might serve no useful purpose. The Group noted that the issue would be more appropriately discussed within the context of the Vienna Convention, for example, by the Preparatory meeting for the Second Meeting of the Conference of the Parties to the Vienna Convention (scheduled to be held from 10-12 June 1991) or at the Ozone Research Manager's meeting. The formats were circulated to the Parties of the Convention with a cover letter dated 11 December 1990 containing an introductory note inviting Governments to present suggestions or comments for the improvement of the formats. No suggestions for improvements have been received. However, one Government has partially filled out the formats.

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9. The formats were placed before the Ozone Research Managers at their first meeting. The recommendations of the Research Managers with regard to this issue will be included in the addendum to the Report of the Executive Director (see Introduction, paragraph 3).

Decision 3:

(a) That the Vienna Convention is the most appropriate instrument for harmonizing the policies and strategies on research; and

(b) That the Montreal Protocol is the appropriate instrument for achieving the harmonization of policies, strategies and measures for minimizing the release of substances causing or likely to cause modifications of the ozone layer.

Status of implementation

10. The list of ratifications/acceptance/accession/approval of the Vienna Convention and the Montreal Protocol are contained in document UNEP/OzL.Conv.2/Inf.1, which will be available at the meeting.

Decision 4:

That the following activities shall be given priority in the research, observations and transfer of technology:

(a) The atmospheric impact of potential substitutes for controlled substances, particularly with regard to their likely ozone depletion potential and their greenhouse warming potential;

(b) Monitoring of the rarer trace gases in the troposphere and research on their interactions;

(c) The Global Ozone Observing System should be expanded particularly in the tropics and in the Southern Hemisphere. Special attention must be paid to ozone monitoring in the polar regions. Nations should make a long-term commitment to such monitoring programmes, including making sufficient resources available appropriate to the effective operation;

(d) Research on the human health and biological implications of ultraviolet radiation changes at the earth's surface. Particular attention must be given to the impact on food production in the developing world and to development of crop varieties resistant to higher levels of ultraviolet radiation;

(e) Research into the effects on the atmosphere of potential ozone layer depleting substances, other than the controlled substances, for example methyl chloroform;

(f) Studies on the social and economic effects of ozone depletion.

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Status of implementation

11. The Secretariat sent letters to the Parties on 12 July 1989 requesting information on the plans the Parties had to implement the decision. Letters were also sent to the Organization for Economic Co-operation and Development (OECD) for any information with regard to 4 (e); to FAO for information with regard to decision 4 (d); and to WHO for information also with regard to 4 (d). The replies received were summarized in a document and presented to the Preparatory Meeting of the Ozone Research Managers' Meeting, held in Geneva from 7-9 February 1990 (see document WMO/UNEP/O₃ Conv/Res.Managers, Information Paper 2). The Meeting took note of the summary without making any specific recommendations.

12. The Bureau of the Conference of the Parties, at its first meeting, (Geneva, 18-19 March 1991), strongly suggested that the question of financing 12 to 15 Global Ozone Observing System (GO₃OS) stations should be favourably considered by the Parties (see paragraph 43, UNEP/OzL.Conv/Bur.1/1/3). Furthermore, the Bureau took note of the fact that more research on the socio-economic effects of ozone depletion should be conducted and asked the Secretariat to request the next meeting of the International Assessment Panels to consider the matter more fully (see paragraph 44, UNEP/OzL.Conv/Bur.1/1/3).

13. The Parties may wish to recommend further action on the implementation of this decision including action that the Secretariat could take in facilitating action by the Parties to implement the decision.

Decision 5:

To co-operate to ensure the enhancement of the capability of developing countries to contribute to ozone science research. This may be facilitated through the organization of workshops and the identification of institutes in developed countries which can co-operate with appropriate scientific institutions in the developing countries. The identification of financial institutions who might assist the development of an improved scientific capability in developing countries should also be undertaken.

Status of implementation

14. The Secretariat sent letters to the Parties on 24 August 1989 with regard to this decision. The Parties that are developing countries were requested to identify scientific institutes in their respective countries that could co-operate with the institutes in developed countries in enhancing the capabilities of the country to contribute to ozone science research. At the same time, these countries were requested to inform the Secretariat of the present activities and future plans of the institutes identified. The Parties that are developed countries were also requested to identify institutes and to inform the Secretariat of how the institutes identified might assist the developing country institutes. The replies to the letters were also summarized in a document and presented to the Preparatory Meeting of the Ozone Research Managers' Meeting, held in Geneva from 7-9 February 1990 (see document WMO/UNEP/O₃ Conv/Res.Managers, Information Paper 2). The meeting took note of the recommendations without making any specific recommendations.

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15. The Bureau of the Conference of the Parties requested the Secretariat to send another letter to the Parties requesting more information with regard to this decision (see paragraph 45, UNEP/OzL.Conv/Bur.1/1/3).

16. The Parties may wish to recommend further action on the implementation of this decision, including action that the Secretariat could take to facilitate the Parties' implementation of the decision.

Decision 6:

(a) To establish the following co-ordination bodies as subsidiary bodies of the Conference of the Parties under Article 6 Para. 4 (i) of the Vienna Convention:

- (i) The Bureau of the Conference of the Parties composed of the officers elected by the Conference;

The terms of reference of the Bureau shall be to facilitate the implementation, as appropriate, on behalf of the Parties, of the relevant sub-paragraphs of paragraph 4 of Article 6 of the Convention, particularly, - review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modifications; - consider, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and prepare a draft agenda for such activities for consideration by the Parties at their following Conference with estimates of the costs required for the implementation of the proposed activities; - consider other topics on the Agenda of the next Conference of the Parties, and review the documents prepared by the Secretariat for the Conference to facilitate the work of the Conference.

The Bureau of the Conference of the Parties is to hold maximum two meetings between two sessions of the Conference of the Parties, one of them in conjunction with the Research Managers' Meeting referred to in the next section.

The cost of the meeting of the Bureau is to be covered within the budget of the Convention;

- (ii) A Meeting composed of: (a) government atmospheric Research Managers and (b) government Research Managers of research related to health and environmental effects of ozone modifications.

Such a Meeting shall review on-going national and international research and monitoring programmes to ensure proper co-ordination of these programmes and identify gaps that need to be addressed.

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The Meeting shall be held every 2 years (6 months prior to the meeting of the Parties) jointly with a meeting of the Bureau.

The Meeting should produce a report including recommendations for future research and expanded co-operation between researchers in developed and developing countries for presentation to the following meeting of the Parties to the Convention.

It is assumed that the Research Managers from developed countries will cover their own expenses and that the Secretariat budget will cover only participation of no more than ten Research Managers from developing countries.

(b) The Secretariat of the Convention in co-operation with UNEP and WMO shall prepare for the joint meeting of the Bureau and the group of the Research Managers. The joint meeting shall take place in conjunction with a meeting of the WMO Executive Council Panel on Environmental Pollution, Monitoring and Research.

Status of implementation

17. As indicated above, WMO, in co-operation with UNEP, organized the Preparatory Meeting of the Ozone Research Managers, held in Geneva from 7-9 February 1990. The report of that meeting is available (WMO/UNEP/OzConv.Res.Managers, Doc.3).

18. The First Meeting of the Ozone Research Managers was held in Geneva from 13-15 March 1991 in conjunction with the First Meeting of the Bureau of the Conference of the Parties to the Vienna Convention (see Introduction, paragraphs 2 and 3 above).

Decision 7:

Adopt, in accordance with Article 11, para. 3 (a), of the Vienna Convention, the Arbitration Procedure in Annex II to this report.

Status of implementation

19. No further action has been taken.

Decision 8:

To designate UNEP as the Secretariat of the Convention.

Status of implementation

20. Secretariat of the Vienna Convention and its Montreal Protocol has been established in UNEP and has been and will continue to serve the Parties to the two legal instruments.

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Decision 9:

Financial Arrangements:

(a) To establish a United Nations Trust Fund in accordance with the Financial Regulations and Rules of the United Nations and in accordance with the General Procedures governing operations of the Fund of the United Nations Environment Programme;

(b) The Convention Trust Fund shall be administered by the Executive Director of UNEP and shall finance expenditures approved by the Parties and shall receive the contributions of Parties to the Convention;

(c) To that end the Conference requests the Executive Director to secure the necessary consents of the Secretary General of the United Nations and the Governing Council of UNEP;

(d) To adopt the terms of reference of the Trust Fund in Annex III of this report;

(e) The contributions of the Parties shall be in the form of voluntary contributions according to the formula in Annex V of this report;

(f) The Conference calls on all Parties to pay their contributions to the Trust Fund in advance of the period to which they relate;

(g) To approve a total budget of US\$790,000 for the biennium 1990-1991, the details of the approved budget are presented in Annex IV.

Status of implementation

21. In accordance with the decision, the Trust Fund was established in UNEP. The revised budget for 1991 and proposed budget for the biennium 1992-1993 for the Trust Fund for the Vienna Convention was circulated to the Parties with a covering letter dated 16 April 1991. Information on the status of contribution and the financial situation, including expenditures, is contained in document UNEP/OzL.Conv.2/4.

Decision 10:

The States non-Parties and the non-contributing Parties to the Trust Fund are encouraged to make voluntary contributions to the Trust Fund.

Status of implementation

22. To date, no contributions towards the Trust Fund for the Vienna Convention have been received from States that are non-Parties or from the non-contributing Parties to the Vienna Convention.

II. IMPLEMENTATION OF THE VIENNA CONVENTION

23. Article 6, paragraph 4 of the Vienna Convention requires the Conference of the Parties to keep under continuous review the implementation of this Convention, and, in addition, shall:

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(a) Establish the form and intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information on the ozone layer, on its possible modifications and on possible effects of any such modification;

(c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

(d) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

(e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;

(f) Consider amendments to any protocol, as well as any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(h) Consider and adopt, as required, protocols in accordance with article 8;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

24. With regard to sub-paragraph (a), the Conference of the Parties may wish to request the Secretariat to draft a format for reporting information on the measures adopted by them in implementation of the Convention and the Protocol. At present, various information is received by the Secretariat under the provisions of a number of Articles of the Convention and the Protocol. For example, under the Vienna Convention, information has been and should be received in accordance with decision 2 of the First Meeting of the Conference of the Parties as well as decisions 4 and 5. The Secretariat could identify gaps in the reporting of information on the implementation of the Convention and the Montreal Protocol and design a format accordingly, also taking into account the agenda to be drawn up by the Bureau (see decision 6 (a) (i), UNEP/OzL.Conv.1/5 and paragraph 22 above).

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25. With regard to sub-paragraph (b), the available reports on the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification include the reports of the four international assessment panels that were established under the Montreal Protocol. In 1988, these panels were established in accordance with Article 6 of the Montreal Protocol to review current information on the scientific, environmental, technical and economic aspects of the depletion of the ozone layer. The findings of the panels were compiled into reports that were completed in August 1989. The reports were distributed to all Governments, as well as international and non-governmental organizations.

26. With regard to sub-paragraph (c), the Parties may wish to discuss the issue of the harmonization of appropriate policies, strategies and measures.

27. With regard to sub-paragraph (d), the Bureau, in accordance with its mandate as stated in decision 6 (a) (i) of the First Meeting of the Conference of the Parties, considered, inter alia, programmes for research, systematic observations, scientific and technical co-operation, exchange of information, and the transfer of technology. The mandate of the Bureau includes the preparation of an agenda for such activities with cost estimates for consideration by the Conference of the Parties. The Bureau reviewed the recommendations of the Ozone Research Managers and requested the Secretariat in co-operation with WMO, to provide the Bureau with the cost estimates of some of the activities (see Annex III, UNEP/OzL.Conv/Bur.1/1/3).

28. With regard to sub-paragraph (e), consideration of amendments has been proposed. The Parties to the Montreal Protocol at their second Meeting, held in London from 27-29 June 1990, decided to recommend that the Parties to the Vienna Convention review, at the earliest opportunity, Article 9 of the Convention with a view to expediting the amendment procedure for protocols (decision II/16, UNEP/OzL.Pro.2/3). The Bureau of the Conference of the Parties noted that the process of amending protocols is very complicated and suggested that Article 9 of the Convention could be revised to allow for an easier amendment process. Both the Bureau of the Conference of the Parties to the Vienna Convention and the Bureau of the Second Meeting of the Parties to the Montreal Protocol recommended that the Ad Hoc Working Group of Legal Experts on Non-compliance with the Montreal Protocol, which met in Geneva from 8-10 April 1991 to consider the issue with a view to presenting an informal draft at the Second Meeting of the Conference of the Parties to the Vienna Convention. This informal draft will be incorporated into the addendum to the present report.

29. With regard to sub-paragraph (f), adjustments and the Amendment to the Montreal Protocol and a proposed annex to the Protocol are before the Conference of the Parties for information:

(a) The Parties to the Montreal Protocol, at their second Meeting in London, adopted the adjustments that strengthen the control measures provided for in Article 2 of the Montreal Protocol (Annex I, UNEP/OzL.Pro.2/3), and the Amendment which, inter alia, require the Parties to phase out 10 other CFCs, methyl chloroform and carbon tetrachloride; strengthens the provision on transfer of technology; and establishes a financial mechanism to facilitate the necessary transfer of technology (Annex I, UNEP/OzL.Pro.2/3). The adjustments entered into force on 7 March 1991 and the Amendment is expected to enter into force on 1 January 1992, provided that at least 20 instruments

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of ratification, acceptance or approval are received by the depositary before that date. Currently there are two States that have ratified the Amendment (see List of Ratifications, UNEP/OzL.Conv.2/Inf.1).

(b) The Fifth Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol, held in Nairobi from 3-5 December 1990, to discuss problems arising from the provisions on trade in the Protocol, drew up a proposed list of products containing the controlled substances. The list is proposed for consideration for adoption by the parties to the Montreal Protocol pursuant to Article 4 paragraph 3 of the Protocol. The list is contained in the Annex to document UNEP/OzL.Pro/WG.1/5/3. In accordance with Article 10, paragraph 2 (a) and Article 9, paragraph 2 of the Convention, the proposed annex is placed before the Conference of the Parties for information.

CONSIDERATION OF AMENDMENTS TO THE VIENNA CONVENTION

30. Consideration of amendments to the Vienna Convention is dealt with under paragraph 28 above.

THE ADJUSTMENTS AND THE AMENDMENT TO THE MONTREAL PROTOCOL

31. The report on the current status of matters with regard to adjustments and the Amendment to the Montreal Protocol is presented in paragraph 29 (a) above.

AMENDMENTS TO THE RULES OF PROCEDURE FOR THE MEETINGS OF THE CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION

32. The proposed amendments to the Rules of Procedure are set out in paragraphs 4-7 above.
