

Handbook for the
Vienna Convention for the
Protection of the Ozone Layer
(1985)

Seventh edition (2006)



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United Nations Environment Programme
PO Box 30552
Nairobi
Kenya
web site: <http://ozone.unep.org>
email: ozoneinfo@unep.org

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Co-ordination:
Ozone Secretariat, UNEP

Layout and formatting:
Duncan Brack, Consultant (duncan@dbrack.org.uk)

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Foreword

When the Vienna Convention for the Protection of the Ozone Layer was adopted in 1985, it became an important legal basis for taking international action to protect the Earth's stratospheric ozone layer. Twenty years later, in 2005, the world marked the twentieth anniversary of the adoption of the Vienna Convention. This was a time to reflect on the efforts that the Parties to the Convention had made to realise the objectives of the treaty.



Among the objectives set out in the Convention is for Parties to promote cooperation by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer and to adopt legislative or administrative measures against activities likely to have adverse effects on the ozone layer. This objective has largely been achieved – according to the latest scientific assessment of ozone depletion, the ozone layer over the mid-latitudes (30-60 degrees north and south) should recover by 2049. The assessment further suggests that the ozone layer over the Antarctic should recover by 2065 – 15 years later than once expected because of the special conditions caused by super-cold, super-fast winds within the Antarctic. Despite this delay, the Parties to the Vienna Convention are clearly succeeding in tackling a major global environmental problem, and they can be justly proud of their endeavours.

The publication of this seventh edition of the Handbook for the Vienna Convention for the Protection of the Ozone Layer (1985) incorporates the full text of the treaty and an updated list of all decisions adopted by the Conference of the Parties to the Vienna Convention up to 2005. The index to decisions will help the users of this Handbook to locate the decisions, as they are listed under the Articles of the Convention to which they refer as well by the meeting at which they were adopted.

In previous editions, the Handbook was published in a single volume along with the Handbook for the Montreal Protocol. However, with the continuous increase in the volume of information that has to be regularly updated and added to the Handbook every three years, it has been decided to publish two separate volumes, each addressing the information relevant to the treaty in question.

I commend this Handbook to all prospective users and hope that it will continue to be relevant as a source of information on the decisions of the Parties and related material on the science of the recovery of the ozone layer.

Achim Steiner
Executive Director
United Nations Environment Programme

Introduction

Welcome to the seventh edition of the Handbook for the Vienna Convention.

Unlike the last (sixth) edition of the Handbook for the International Treaties for the Protection of the Ozone Layer, which was published by combining the information on the Vienna Convention and the Montreal Protocol, this seventh edition contains only information on the Vienna Convention for the Protection of the Ozone Layer. We have decided to publish this edition separately from the Handbook on the Montreal Protocol in order to accommodate in that volume the substantial number of decisions of the Parties to the Montreal Protocol that were taken from the Fifteenth to Seventeenth Meetings of the Parties between 2003 and 2005, which up until now have only been available from the reports of the Meetings.



The seventh edition of this Handbook carries the full text of the Vienna Convention for the Protection of the Ozone Layer (1985) in Section 1. Section 2 updates the text of the decisions of the Conferences of the Parties by incorporating the decisions adopted at the Seventh Conference of the Parties in Dakar, Senegal, on 12–16 December 2005. The decisions are presented in sub-sections relating to each article of the Convention. Section 3 of the Handbook contains the Rules of Procedure for meetings of the Conference of the Parties to the Vienna Convention and the Meetings of the Parties to the Montreal Protocol. Finally, the General Index, in Section 4, updates important information on key words and terminologies used in the Handbook.

The Handbook has continued to be a useful reference guide and will continue to be updated as necessary. The Secretariat welcomes any suggestions for any further improvement of the format of this Handbook in the future – especially in respect of the expanding volume of information that has to be updated periodically.

Marco Gonzalez
Executive Secretary
Ozone Secretariat, UNEP

Section 1

The Vienna Convention

The Vienna Convention for the Protection of the Ozone Layer

Preamble

The Parties to this Convention,

Aware of the potentially harmful impact on human health and the environment through modification of the ozone layer,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which provides 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 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”,

Taking into account the circumstances and particular requirements of developing countries,

Mindful of the work and studies proceeding within both international and national organizations and, in particular, of the World Plan of Action on the Ozone Layer of the United Nations Environment Programme,

Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels,

Aware that measures to protect the ozone layer from modifications due to human activities require international co-operation and action, and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations to further develop scientific knowledge of the ozone layer and possible adverse effects resulting from its modification,

Determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer,

HAVE AGREED AS FOLLOWS:

Article 1: Definitions

For the purposes of this Convention:

1. “The ozone layer” means the layer of atmospheric ozone above the planetary boundary layer.
2. “Adverse effects” means changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.
3. “Alternative technologies or equipment” means technologies or equipment the use of which makes it possible to reduce or effectively eliminate emissions of substances which have or are likely to have adverse effects on the ozone layer.
4. “Alternative substances” means substances which reduce, eliminate or avoid adverse effects on the ozone layer.

5. “Parties” means, unless the text otherwise indicates, Parties to this Convention.
6. “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. “Protocols” means protocols to this Convention.

Article 2: General obligations

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.
2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:
 - (a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;
 - (b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;
 - (c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;
 - (d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.
3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.
4. The application of this article shall be based on relevant scientific and technical considerations.

Article 3: Research and systematic observations

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:
 - (a) The physical and chemical processes that may affect the ozone layer;
 - (b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra-violet solar radiation having biological effects (UV-B);
 - (c) Climatic effects deriving from any modifications of the ozone layer;
 - (d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation on natural and synthetic materials useful to mankind;

- (e) Substances, practices, processes and activities that may affect the ozone layer, and their cumulative effects;
- (f) Alternative substances and technologies;
- (g) Related socio-economic matters;

and as further elaborated in annexes I and II.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I.
3. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centres in a regular and timely fashion.

Article 4: Co-operation in the legal, scientific and technical fields

1. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed and shall aggregate it to protect its confidentiality before it is made available to all Parties.
2. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:
 - (a) Facilitation of the acquisition of alternative technologies by other Parties;
 - (b) Provision of information on alternative technologies and equipment, and supply of special manuals or guides to them;
 - (c) The supply of necessary equipment and facilities for research and systematic observations;
 - (d) Appropriate training of scientific and technical personnel.

Article 5: Transmission of information

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine.

Article 6: Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six

months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat.
4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:
 - (a) Establish the form and the 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 modification 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 to 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.
5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 7: Secretariat

1. The functions of the secretariat shall be:

- (a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;
 - (b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;
 - (c) To perform the functions assigned to it by any protocol;
 - (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
 - (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (f) To perform such other functions as may be determined by the Conference of the Parties.
2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 8: Adoption of protocols

1. The Conference of the Parties may at a meeting adopt protocols pursuant to Article 2.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting.

Article 9: Amendment of the Convention or protocols

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.
4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.
5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol.

Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 10: Adoption and amendment of annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.
2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:
 - (a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;
 - (b) Any party that is unable to approve an additional annex to this Convention or annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
 - (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.
3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.
4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

Article 11: Settlement of disputes

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.
2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:
 - (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

- (b) Submission of the dispute to the International Court of Justice.
4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.
 5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith.
 6. The provisions of this Article shall apply with respect to any protocol except as provided in the protocol concerned.

Article 12: Signature

This Convention shall be open for signature by States and by regional economic integration organizations at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

Article 13: Ratification, acceptance or approval

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.
3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

Article 14: Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.
3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Article 15: Right to vote

1. Each Party to this Convention or to any protocol shall have one vote.
2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 16: Relationship between the Convention and its protocols

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.
2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

Article 17: Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.
2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.
3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.
4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date which the Convention enters into force for that Party, whichever shall be the later.
5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 18: Reservations

No reservations may be made to this Convention.

Article 19: Withdrawal

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.
3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 20: Depositary

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.
2. The Depositary shall inform the Parties, in particular, of:
 - (a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;
 - (b) The date on which the Convention and any protocol will come into force in accordance with article 17;
 - (c) Notifications of withdrawal made in accordance with article 19;
 - (d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;
 - (e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;
 - (f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof.
 - (g) Declarations made in accordance with article 11, paragraph 3.

Article 21: Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE AT VIENNA ON THE 22ND DAY OF MARCH 1985

Annex I: Research and systematic observations

1. The Parties to the Convention recognize that the major scientific issues are:
 - (a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;
 - (b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.
2. The Parties to the Convention, in accordance with article 3, shall co-operate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:

- (a) *Research into the physics and chemistry of the atmosphere*
- (i) Comprehensive theoretical models: further development of models which consider the interaction between radiative, dynamic and chemical processes; studies of the simultaneous effects of various man-made and naturally occurring species upon atmospheric ozone; interpretation of satellite and non-satellite measurement data sets; evaluation of trends in atmospheric and geophysical parameters, and the development of methods for attributing changes in these parameters to specific causes;
 - (ii) Laboratory studies of: rate coefficients, absorption cross-sections and mechanisms of tropospheric and stratospheric chemical and photochemical processes; spectroscopic data to support field measurements in all relevant spectral regions;
 - (iii) Field measurements: the concentration and fluxes of key source gases of both natural and anthropogenic origin; atmospheric dynamics studies; simultaneous measurements of photochemically-related species down to the planetary boundary layer, using *in situ* and remote sensing instruments; intercomparison of different sensors, including co-ordinated correlative measures for satellite instrumentation; three-dimensional fields of key atmospheric trace constituents, solar spectral flux and meteorological parameters;
 - (iv) Instrument development, including satellite and non-satellite sensors for atmospheric trace constituents, solar flux and meteorological parameters;
- (b) *Research into health, biological and photodegradation effects*
- (i) The relationship between human exposure to visible and ultra-violet solar radiation and (a) the development of both non-melanoma and melanoma skin cancer and (b) the effects on the immunological system;
 - (ii) Effects of UV-B radiation, including the wavelength dependence, upon (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton;
 - (iii) The mechanisms by which UV-B radiation acts on biological materials, species and ecosystems, including: the relationship between dose, dose rate, and response; photorepair, adaptation, and protection;
 - (iv) Studies of biological action spectra and the spectral response using polychromatic radiation in order to include possible interactions of the various wavelength regions;
 - (v) The influence of UV-B radiation on: the sensitivities and activities of biological species important to the biospheric balance; primary processes such as photosynthesis and biosynthesis;
 - (vi) The influence of UV-B radiation on the photodegradation of pollutants, agricultural chemicals and other materials;
- (c) *Research on effects on climate*
- (i) Theoretical and observational studies of the radiative effects of ozone and other trace species and the impact on climate parameters, such as land and ocean surface temperatures, precipitation patterns, the exchange between the troposphere and stratosphere;
 - (ii) The investigation of the effects of such climate impacts on various aspects of human activity;

- (d) *Systematic observation on:*
- (i) The status of the ozone layer (i.e. the spatial and temporal variability of the total column content and vertical distribution) by making the Global Ozone Observing System, based on the integration of satellite and ground-based systems, fully operational;
 - (ii) The tropospheric and stratospheric concentrations of source gases for the HO_x, NO_x, ClO_x and carbon families;
 - (iii) The temperature from the ground to the mesosphere, utilizing both ground-based and satellite systems;
 - (iv) Wavelength-resolved solar flux reaching, and thermal radiation leaving, the Earth's atmosphere, utilizing satellite measurements;
 - (v) Wavelength-resolved solar flux reaching the Earth's surface in the ultra-violet range having biological effects (UV-B);
 - (vi) Aerosol properties and distribution from the ground to the mesosphere, utilizing ground-based, airborne and satellite systems;
 - (vii) Climatically important variables by the maintenance of programmes of high-quality meteorological surface measurements;
 - (viii) Trace species, temperatures, solar flux and aerosols utilizing improved methods for analyzing global data.
3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this annex. Particular emphasis should be given to the intercalibration of observational instrumentation and methods with a view to generating comparable or standardized scientific data sets.
4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer.

(a) **Carbon substances**

(i) *Carbon monoxide (CO)*

Carbon monoxide has significant natural and anthropogenic sources, and is thought to play a major direct role in tropospheric photochemistry, and an indirect role in stratospheric photochemistry.

(ii) *Carbon dioxide (CO₂)*

Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.

(iii) *Methane (CH₄)*

Methane has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.

(iv) *Non-methane hydrocarbon species*

Non-methane hydrocarbon species, which consist of a large number of chemical substances, have both natural and anthropogenic sources, and play a direct role in tropospheric photochemistry and an indirect role in stratospheric photochemistry.

(b) **Nitrogen substances**(i) *Nitrous oxide (N₂O)*

The dominant sources of N₂O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NO_x, which play a vital role in controlling the abundance of stratospheric ozone.

(ii) *Nitrogen oxides (NO_x)*

Ground-level sources of NO_x play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO_x close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.

(c) **Chlorine substances**(i) *Fully halogenated alkanes, e.g. CCl₄, CFCl₃ (CFC-11), CF₂Cl₂ (CFC-12), C₂F₃Cl₃ (CFC-113), C₂F₄Cl₂ (CFC-114)*

Fully halogenated alkanes are anthropogenic and act as a source of ClO_x which plays a vital role in ozone photochemistry, especially in the 30–50 km altitude region.

(ii) *Partially halogenated alkanes, e.g. CH₃Cl, CHF₂Cl (CFC-22), CH₃CCl₃, CHFCl₂ (CFC-21)*

The sources of CH₃Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO_x.

(d) **Bromine substances**

Fully halogenated alkanes, e.g. CF₃Br

These gases are anthropogenic and act as a source of BrO_x, which behaves in a manner similar to ClO_x.

(e) **Hydrogen substances**(i) *Hydrogen (H₂)*

Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.

(ii) *Water (H₂O)*

Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapor in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

Annex II: Information exchange

1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be

taken are appropriate and equitable. Therefore, Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.

2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

3. *Scientific information*

This includes information on:

- (a) Planned and ongoing research, both governmental and private, to facilitate the co-ordination of research programmes so as to make the most effective use of available national and international resources;
- (b) The emission data needed for research;
- (c) Scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere and of its susceptibility to change, in particular on the state of the ozone layer and effects on human health, environment and climate which would result from changes on all time-scales in either the total column content or the vertical distribution of ozone;
- (d) The assessment of research results and the recommendation for future research.

4. *Technical information*

This includes information on:

- (a) The availability and cost of chemical substitutes and of alternative technologies to reduce the emissions of ozone-modifying substances and related planned and ongoing research;
- (b) The limitations and any risks involved in using chemical or other substitutes and alternative technologies.

5. *Socio-economic and commercial information on the substances referred to in annex I*

This includes information on:

- (a) Production and production capacity;
- (b) Use and use patterns;
- (c) Imports/exports;
- (d) The costs, risks and benefits of human activities which may indirectly modify the ozone layer and of the impacts of regulatory actions taken or being considered to control these activities.

6. *Legal information*

This includes information on:

- (a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;
- (b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;

- (c) Methods and terms of licensing and availability of patents relevant to the protection of the ozone layer.

Declarations made at the time of adoption of the Final Act of the Conference of Plenipotentiaries on the Protection of the Ozone Layer

[The Conference agreed that the declarations contained in paragraphs 1 to 3, as submitted on 21 March 1985, and the declarations contained in paragraphs 4 and 5, as submitted on 22 March 1985, should be appended to the Final Act.]

1. The delegations of Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany (Federal Republic of), Italy, Netherlands, New Zealand, Norway, Sweden, Switzerland, and United Kingdom of Great Britain and Northern Ireland express their regret at the absence from the Vienna Convention for the Protection of the Ozone Layer of any provision for the compulsory settlement of disputes by third parties, at the request of one party. Consistently with their traditional support for such a procedure, these delegations appeal to all Parties to the Convention to make use of the possibility of a declaration under article 11, paragraph 3 of the Convention.
2. The delegation of Egypt reiterates the importance attached by its Government to the international and national efforts to protect the environment, including the protection of the ozone layer. For that reason, it has participated from the outset in the preparatory work for the Conference of Plenipotentiaries on the Protection of the Ozone Layer, and in the adoption of the Convention and resolutions. While concurring with the consensus on article 1 of the Convention, the delegation of Egypt understands paragraph 6 of that article as being applicable to all regional organizations, including the Organization of African Unity and the League of Arab States, provided they fulfil the conditions laid down in that article, namely, that they have competence in respect of matters governed by the Convention and have been duly authorized by their member States in accordance with their internal rules of procedure. While concurring with the consensus on article 2 of the Convention, the delegation of Egypt states that the first sentence of paragraph 2 of that article should be read in the light of the third preambular paragraph. While concurring with the consensus on Resolution No. 1 on Institutional and Financial Arrangements, the delegation of Egypt states that its approval of the third preambular paragraph of that resolution is without prejudice to its position on the method of apportioning contributions among the member States, with particular reference to option 2, which it had supported during the discussions on preparatory document UNEP/WG.94/13, whereby 80 per cent of the costs would be covered by the industrialized countries and the remaining 20 per cent apportioned among the member States on the basis of the United Nations scale of assessment.
3. With regard to Resolution No. 2 on the Protocol Concerning Chlorofluorocarbons, the delegation of Japan is of the opinion that a decision whether or not to continue work on a protocol should await the results of the work of the Co-ordinating Committee on the Ozone Layer. Secondly, with regard to paragraph 6 of the above-mentioned resolution, the delegation of Japan is of the opinion that each country should itself decide how to control emissions of chlorofluorocarbons.
4. The delegation of Spain declares that, in accordance with the interpretation by the President of the Conference in his statement of 21 March 1985, its Government understands paragraph 6 of the Resolution on a Protocol Concerning Chlorofluorocarbons as being addressed exclusively to the individual countries themselves, which are urged to control their limits of production or use, and not to third countries or to regional organizations with respect to such countries.
5. The delegation of the United States of America declares that it understands article 15 of the Convention to mean that regional economic integration organizations, none of whose member States are Parties to the Convention or relevant Protocol, shall have one vote each. It further understands that article 15 does not allow any double voting by regional economic integration organizations and their member States, that is, regional economic integration organizations may never vote in addition to their member States which are party to the Convention or relevant protocol, and vice versa.

Section 2

Decisions of the
Conferences of the
Parties
to the
Vienna Convention

Decisions of the Conferences of the Parties to the Vienna Convention

Pages 20–22 list the decisions adopted by each Conference of the Parties to the Vienna Convention cross-referred to the related article(s) of the Convention, together with the annexes to which they refer.

The remainder of Section 2 reproduces the text of the decisions, and some of the annexes, organized by articles of the Convention.

Annexes which are of transient importance only are not included here, but may be found in the reports of the Conferences of the Parties to the Vienna Convention available from the Ozone Secretariat.

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Article 3: Research and systematic observations

Decisions on Research and Systematic Observations

Decision VCI/4: Research, observations and transfer of technology

The *Conference of the Parties*, in *Decision VCI/4 of its First Meeting*, decided that the following activities shall be given priority in the research, observations and transfer of technology:

- (a) The atmospheric impact of potential substitutes for the 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 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 gases, other than the controlled substances, for example methyl chloroform;
- (f) Studies on the social and economic effects of ozone depletion.

Decision VCI/5: Research capability of developing countries

The *Conference of the Parties*, in *Decision VCI/5 of its First Meeting*, decided 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.

Decision VCII/2: Information exchange under Annex II to the Vienna Convention

The *Conference of the Parties*, in *Decision VCII/2 of its Second Meeting*, decided:

- (a) To note that exchange of information under Annex II would in large part be fulfilled by Parties reporting the data required by Article 7 of the amended Montreal Protocol, and by exchanging information and reporting on activities as required by Article 9 of the Protocol; and therefore to call on all Parties to the Convention, whether or not Parties to the amended Protocol, to provide such data and information;
- (b) To request the Montreal Protocol Parties to ask the Assessment Panels to identify and report on what information on substances listed in Annex I of the Convention, can be made available from other sources, and what can and should be supplied separately by the Parties; and to ask the Secretariat, in light of this information, to develop with the chairs of the Assessment Panels an appropriate provisional reporting format;
- (c) To note the recommendation of the meeting of the Ozone Research Managers that the HFCs should be added to the list of substances in Annex I of the Vienna Convention;

- (d) To note that some countries had already submitted information for exchange in accordance with the objectives of Annex II of the Convention, and to invite all Parties to submit any information relevant to the objectives of this Annex.

Decision VCII/5: Review of scientific information

The *Conference of the Parties*, in *Decision VCII/5 of its Second Meeting*, decided to take note of the 1989 reports of the four assessment panels, established by the Parties to the Montreal Protocol in accordance with article 6 of the Protocol, and also the ongoing work of the panels in preparing supplementary reports for consideration by the Fourth Meeting of the Parties to the Montreal Protocol to be held in 1992.

Decision VCII/7: Implementation of Decision VCI/5

The *Conference of the Parties*, in *Decision VCII/7 of its Second Meeting*, decided to ask the Secretariat to request the Parties to provide more information on the implementation of Decision 5 of the First Meeting of the Conference of the Parties to the Vienna Convention, and also to ask the Secretariat of the Vienna Convention to provide the information with regard to existing regional activities.

Decision VCII/9: Expansion of the Global Ozone Observing System Network

The *Conference of the Parties*, in *Decision VCII/9 of its Second Meeting*, decided to request the Parties to the Vienna Convention as a matter of urgency to facilitate through bilateral and multilateral contributions the expansion of the ozone observing stations network, in particular at locations selected on the basis of generally accepted scientific criteria which are in the territories of interested developing countries, and specifically to request:

- (a) WMO and UNEP to keep Parties continually aware of specific network needs which could be met by bilateral or multilateral co-operation;
- (b) developed countries to make voluntary contributions to the WMO Special Fund for Environmental Monitoring for GO₃OS;
- (c) developing countries to make ozone layer monitoring a priority in their requests for bilateral and multilateral assistance within the context of the Global Ozone Observing System.

Decision VCIII/2: Reports of the Assessment Panels

The *Conference of the Parties*, in *Decision VCIII/2 of its Third Meeting*, decided:

1. To take note of the 1991 reports of Scientific Assessment, Environmental Effects Assessment and Technology and Economic Assessment Panels;
2. To take note of the ongoing work of the three Assessment Panels in preparing updated reports for consideration by the Seventh Meeting of the Parties to the Montreal Protocol;

Decision VCIII/4: Reporting for the purposes of Annex I to the Vienna Convention

The *Conference of the Parties*, in *Decision VCIII/4 of its Third Meeting*, decided:

1. To accept the recommendation that for the purposes of Article 3 of, and Annex I to, the Vienna Convention, it is adequate if the Parties to the Convention report data under the Montreal Protocol on all substances controlled by the Protocol;

2. To defer a decision under Article 3 of, and Annex I to, the Convention with respect to hydrofluorocarbons, pending a decision of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change or of the first session of the Conference of the Parties to the Framework Convention on Climate Change on the reporting on hydrofluorocarbons.

Decision VCIV/2: Reports of the three Assessment Panels

The *Conference of the Parties*, in *Decision VCIV/2 of its Fourth Meeting*, decided:

1. To take note with appreciation of the reports of the Scientific, Environmental Effects and Technology and Economic Assessment Panels and the Technical Options Committees;
2. To acknowledge the important role played by the Scientific Assessment Panel in coordinating the report of the World Meteorological Organization (WMO) and the substantial contributions by the national agencies to the preparation of the report.

Decision VCIV/4: Funding matters

The *Conference of the Parties*, in *Decision VCIV/4 of its Fourth Meeting*, decided:

1. To invite the Global Environment Facility (GEF) to support the monitoring of ozone and UV radiation and related research in developing countries;
2. To request the Parties to support such programmes using appropriate mechanisms.

Decision VCV/2: Reports of the three Assessment Panels

The *Conference of the Parties*, in *Decision VCV/2 of its Fifth Meeting*, decided:

1. To take note, with appreciation, of the reports of the Scientific, Environmental Effects and Technology and Economic Assessment Panels and the Technical Options Committees;
2. To acknowledge and encourage the collaboration of the Assessment Panels with the Intergovernmental Panel on Climate Change, the Subsidiary Body on Scientific, Technical and Technological Advice under the United Nations Framework Convention on Climate Change and the International Civil Aviation Organization;
3. To acknowledge the important role played by the Scientific Assessment Panel in coordinating its report and the contributions by the World Meteorological Organization, the national agencies and international organizations to the preparation of the report.

Decision VCVI/2: Ozone-related monitoring and research activities for the Vienna Convention

The *Conference of the Parties*, in *Decision VCVI/2 of its Sixth Meeting*, decided:

Recalling Articles 3 and 4, and Annexes I and II of the Vienna Convention, Decisions VCI/4, VCI/5, VCII/4, VCII/7, VCII/9, VCIII/5, VCIV/3, VCIV/4, and VCV/3, and paragraph 39 of the Plan of Action of the World Summit on Sustainable Development,

Recognizing the urgent need for enhancing the effective regime for the protection of the ozone layer established in the Vienna Convention and the Montreal Protocol,

1. To take note, with appreciation, of the report of the fifth meeting of the Ozone Research Managers, and the recommendations therein;

2. To request the United Nations Environment Programme, in consultation with World Meteorological Organization, to establish an extrabudgetary fund for receiving voluntary contribution from the Parties to the Vienna Convention and international organizations, for the purpose of financing activities on research and systematic observations relevant to the Vienna Convention, consistent with the decisions listed above, in developing countries and countries with economies in transition;
3. To urge all Parties and international organizations to make voluntary contributions to the Fund as well as voluntary contributions in kind for the purposes mentioned in paragraph 2;
4. The primary aim of the Fund should be to provide complementary support for the continued maintenance and calibration of the existing World Meteorological Organization Global Atmospheric Watch ground-based stations for monitoring column ozone, ozone profiles and ultra-violet radiation in the developing countries and in the countries with economies in transition, to address balanced global coverage. Consideration should be given to supporting other activities identified by the Ozone Research Managers and in consultation with the co-chairs of the United Nations Environment Programme Scientific Assessment and Environmental Effects Assessment Panels, for the improvement of the observation network and relevant research;
5. To request the Secretariat, in consultation with the World Meteorological Organization, to advise the Parties of the institutional arrangements for making decisions on allocation of funds, with a specific proposal to meet the requirements identified in paragraph 4 above and to provide an annual report;
6. To request the Secretariat to invite the Parties and international organizations to make annual voluntary contributions to the Fund;
7. To review the institutional arrangements for the operation of the Fund at the next meeting of the Conference of the Parties to the Vienna convention, taking into account the developments and requirements within other conventions, to avoid duplication of efforts;
8. To request the World Meteorological Organization and the United Nations Environment Programme, to draw to the attention of the Parties opportunities for meeting common objectives among conventions, in particular the United Nations Framework Convention on Climate Change.

Decision VCVII/2: Trust Fund for activities on research and systematic observations relevant to the Vienna Convention

The *Conference of the Parties*, in *Decision VCVII/2 of its Seventh Meeting*, decided:

Noting the conclusions and recommendations of the sixth meeting of Ozone Research Managers regarding the continuing need to ensure a stable, long-term observational capability that is regionally balanced in order to track the evolution of ozone and climate-related source gases and parameters, detect and track the stabilization and expected recovery of stratospheric ozone, attribute changes in radiative forcing to changes in the ozone profile and derive a global record of ground-level ultraviolet radiation,

Noting the current need to enhance the capacity of Parties operating under paragraph 1 of Article 5 of the Montreal Protocol and countries with economies in transition, in order to enable them to maintain existing instruments and networks, install new capabilities to provide useful enhancements to observational capabilities and disseminate information about the effects of ozone and ultraviolet changes,

Noting that such enhancements in capacity are in the interests of all Parties, since the creation of a more informed scientific community will not only contribute to global ozone and ultraviolet radiation science, but will serve as the basis for providing local policy makers with further scientific support for the long-term implementation of the Montreal Protocol and its amendments,

1. To take note, with appreciation, of the report of the sixth meeting of the Ozone Research Managers and the recommendations contained therein;

2. To request the Executive Director of the United Nations Environment Programme, through the Ozone Secretariat, to extend the Trust Fund established pursuant to decision VI/2 of the Vienna Convention beyond 31 December 2007 for an additional eight years up to 31 December 2015 in order to continue to support monitoring and research activities in developing countries and countries with economies in transition;
3. To take a decision at the tenth meeting of the Conference of the Parties in 2014 on whether or not to extend the Trust Fund beyond 2015;
4. To request the United Nations Environment Programme and the World Meteorological Organization to continue their cooperation with respect to the Trust Fund pursuant to the terms of the agreement contained in annex I to the note on issues for discussion by and information for the attention of the Conference of the Parties and the Meeting of the Parties, on the understanding that that agreement may be changed from time to time to meet evolving needs and conditions;
5. To urge all Parties and international organizations to make voluntary contributions to the Fund as well as voluntary contributions in kind for the priorities mentioned in the recommendations of the sixth Meeting of the Ozone Research Managers;
6. To request the Secretariat to invite the Parties and relevant international organizations to make annual voluntary contributions to the Fund, and with each successive invitation to the Parties, to report on the prior years' contributions, funded activities, and future planned activities;
7. To request the United Nations Environment Programme and the World Meteorological Organization to direct funds received to priorities among those listed within the recommendations of the sixth Meeting of the Ozone Research Managers striving for regional balance, on the understanding that, depending on available funding, an effort should be made to leverage other sources of funding, especially similar funds within the World Meteorological Organization, and provide assistance to a number of Parties operating under paragraph 1 of Article 5 of the Montreal Protocol and countries with economies in transition in all regions;
8. To request the Ozone Secretariat to report to the next meeting of the Conference of the Parties of the Vienna Convention in 2008 on the operation of, contributions to, and expenditures from the Trust Fund since its inception.

Decisions on Ozone Research Managers

Decision VCII/4: Recommendations of the Ozone Research Managers

The *Conference of the Parties*, in *Decision VCII/4 of its Second Meeting*, decided to note the outcome of the first meeting of the Ozone Research Managers (WMO Global Ozone Research and Monitoring Project Report No. 23) and, in accordance with the recommendations of that meeting:

- (a) To recommend that the collaboration with WMO in the co-ordination of research and systematic observations should be further expanded;
- (b) To request the Parties to the Convention to determine the ways and means to provide scientific and technical training in ozone monitoring and research and other relevant assistance especially to developing countries;
- (c) To recommend that WMO should continue to provide guidance and infrastructure to ensure the maintenance and calibration of existing GO₃OS stations, their data availability and analysis, and to aim at expanding the GO₃OS to better cover the polar and tropical regions;
- (d) To request the Secretariat to continue to collect information, within the framework of the Convention, on national research activities and ensure its wide distribution;

- (e) To recall Decision VCI/6(a)(ii) of the First Meeting of the Conference of the Parties to the Vienna Convention which requested the meeting of the ozone Research Managers to be composed of:
- (i) Government Atmospheric Research Managers, and;
 - (ii) Government Research Managers of research related to health and environmental effects of ozone modifications, and to request WMO in collaboration with UNEP to continue to arrange for convening the Ozone Research Managers meetings related to the Vienna Convention and to ensure that scientific assessment panels under the Montreal Protocol co-operate closely, to which end the chairpersons of the assessment panels should be invited to participate in the meetings of the Ozone Research Managers;
- (f) To request the Parties to take note of the full range of recommendations in the Ozone Research Managers Meetings report and request that the Ozone Research Managers establish priorities for those recommendations in their next report.

Decision VCIII/5: Recommendations of the second meeting of the Ozone Research Managers

The *Conference of the Parties*, in *Decision VCIII/5 of its Third Meeting*, decided:

1. To take note of the report of the second meeting of the Ozone Research Managers, especially with regard to the high priority scientific objectives to guide the future work on the ozone issue, the needed improvements in the long-term observations of ozone and ozone-related constituents, and the acute need for the improvement of training in the fields of both measurements and analysis as identified by the Ozone Research Managers;
2. To request that all Parties make voluntary contributions to the World Meteorological Organization's Special Fund for Environment Monitoring for the Global Ozone Observing System in order to expand the station network in developing countries;
3. To welcome the Global Environment Facility's decision to fund a number of global ozone observation stations and to request that that body give due consideration to funding the installation of a limited number of additional stations in the tropical belt and in any other regions not adequately covered, in light of recommendations of the Ozone Research Managers, and where the requesting country deems such stations a priority; and to request the World Meteorological Organization in co-operation with the United Nations Environment Programme to investigate and evaluate available monitoring equipment so as to equip such stations as appropriate using best available technologies for measuring both ozone and UV-B.

Decision VCIII/8: Future meetings of the Ozone Research Managers

The *Conference of the Parties*, in *Decision VCIII/8 of its Third Meeting*, decided to hold a meeting of the Ozone Research Managers every three years, six months prior to the meeting of the Conference of the Parties and back-to-back with the meeting of the Bureau of the Conference in partial modification of decision VCI/6 of the first meeting of the Conference of the Parties.

Decision VCIV/3: Recommendations of the third meeting of the Ozone Research Managers

The *Conference of the Parties*, in *Decision VCIV/3 of its Fourth Meeting*, decided:

1. To take note of the report of the Third Meeting of the Ozone Research Managers (WMO Global Ozone Research and Monitoring Project Report No. 41);
2. To endorse the recommendations of the Third Meeting of the Ozone Research Managers, as contained in the report of that meeting, to the fourth meeting of the Conference of the Parties to the Vienna Convention;

3. To request all Parties:
 - (a) To maintain and further develop monitoring and archiving of measurements of stratospheric and tropospheric ozone, including vertical profiles and other trace species and aerosols, and to pursue the development and implementation of new observational capacities, such as aircraft and satellite-based measurements;
 - (b) To increase investigation and quantification of stratospheric and tropospheric processes through routine monitoring and experimental campaigns to understand current changes and to further develop predictions of stratospheric change both for the short and long term;
 - (c) To investigate the interactions between ozone and climate and the impact of aircraft emissions;
 - (d) To cooperate with the World Meteorological Organization in its continued work towards coordinated and compatible UV-B measurements and their archiving;
 - (e) To enhance research on the effects of UV-B through, inter alia, establishing baseline data on biological systems and establishing the interactions with other environmental factors such as climate change;
 - (f) To cooperate with the World Meteorological Organization and the United Nations Environment Programme to enhance training and baseline monitoring of ozone, UV-B radiation and related research in developing countries;
 - (g) To make additional voluntary contributions to the World Meteorological Organization's Trust Fund for environmental monitoring for the Global Ozone Observing System.

Decision VCV/3: Recommendations of the fourth meeting of the Ozone Research Managers

The *Conference of the Parties*, in *Decision VCV/3 of its Fifth Meeting*, decided:

1. To take note of the report of the fourth meeting of the Ozone Research Managers;
2. To endorse the recommendations of the fourth meeting of the Ozone Research Managers, as contained in the report WMO/UNEP, Report of the fourth meeting of the Ozone Research Managers, WMO Global Ozone Research and Monitoring Project, Report No. 45 to the fifth meeting of the Conference of the Parties to the Vienna Convention;
3. To request all Parties:
 - (a) To continue to maintain instruments and develop the monitoring, calibration and archiving of measurements of stratospheric and tropospheric ozone, including measurements of vertical ozone profiles and of other trace species and aerosols that are essential and to pursue the development and implementation of new observational capabilities such as aircraft and satellite-based measurements hand-in-hand with an accelerated programme for ground-based instrument calibration;
 - (b) To expand the ground-based ozone stations, especially in the continental part of Asia (e.g., Siberia), as well as in the Caribbean and Central American region;
 - (c) To increase investigation and quantification of stratospheric and tropospheric processes through routine monitoring and experimental campaigns in order to understand current changes and to further develop and implement predictions of stratospheric change both for the short and long term;
 - (d) To continue giving high priority to research into the interactions between ozone and climate and into the impact of aircraft emissions on ozone;

- (e) To request the World Meteorological Organization to continue to work towards improving the quality and compatibility of UV-B measurements and their archiving;
- (f) To enhance substantially research on the effects of ultraviolet radiation (UV-B), and efforts to monitor such effects;
- (g) To request the World Meteorological Organization and the United Nations Environment Programme to pursue ways of enhancing training and baseline monitoring of ozone and UV-B radiation and related research in developing countries, bearing in mind that these goals can only be accomplished with assistance from international funding organizations such as the Global Environment Facility and with the direct support of the Parties to the Convention to such programmes through the appropriate mechanisms.

Article 5: Transmission of information

Decision VCI/2: Reporting of measures taken by Parties

The *Conference of the Parties*, in *Decision VCI/2 of its First Meeting*, decided 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.

Article 6: Conference of the Parties

Decisions on meetings of the Conference of the Parties

Decision VCI/1: Rules of procedure for Conferences of the Parties

The *Conference of the Parties*, in *Decision VCI/1 of its First Meeting*, decided 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. [See *Section 3 of this Handbook*].

Decision VCI/6: Subsidiary bodies

The *Conference of the Parties*, in *Decision VCI/6 of its First Meeting*, decided:

- (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 subparagraphs 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 knowledge 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 ongoing national and international research and monitoring programmes to ensure proper co-ordination of these programmes and identify gaps that need to be addressed.

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.

Decision VCII/1: Amendments to the rules of procedure

The *Conference of the Parties*, in *Decision VCII/1 of its Second Meeting*, decided:

- (a) To amend paragraph 2 of rule 6 as follows:

Delete the words “in matters of direct concern to the organizations and states they represent” in the third and fourth lines of the paragraph. The paragraph would now read:

“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.”;

- (b) To amend paragraph 1 of rule 21 of the Rules of Procedure to include the following additional sentences:

“In electing its officers, the meeting of the Conference 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 16 December 1972, by which UNEP was established.”;

- (c) To amend rules 23 and 24 as follows:

(i) Rule 23 – delete paragraph 2;

(ii) Rule 24 – delete the words “other than the President” and replace by the words “of the Bureau”.

Decision VCII/8: Meetings of the Conference of the Parties

The *Conference of the Parties*, in *Decision VCII/8 of its Second Meeting*, decided to convene the meeting of the Conference of the Parties once every three years starting from the 1993 meeting, i.e. to hold the fourth meeting of the Conference of the Parties in 1996.

Decision VCII/11: Third meeting of the Conference of the Parties

The *Conference of the Parties*, in *Decision VCII/11 of its Second Meeting*, decided to convene the third meeting of the Conference of the Parties in 1993 in conjunction with the fifth meeting of the Parties to the Montreal Protocol at the same venue.

Decision VCIII/7: Fourth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer

The *Conference of the Parties*, in *Decision VCIII/7 of its Third Meeting*, decided:

1. To convene the fourth meeting of the Conference of the Parties to the Vienna Convention in 1996 in conjunction with the Eighth Meeting of the Parties to the Montreal Protocol and at the same venue;
2. To accept with appreciation the offer of Austria to host a celebration of the tenth anniversary of the Convention in conjunction with the Seventh Meeting of the Parties to the Montreal Protocol in 1995 in Vienna.

Decision VCIV/6: Fifth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer

The *Conference of the Parties*, in *Decision VCIV/6 of its Fourth Meeting*, decided to convene the fifth meeting of the Conference of the Parties to the Vienna Convention in 1999 in conjunction with the Eleventh Meeting of the Parties to the Montreal Protocol at the same venue.

Decision VCV/5: Sixth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer

The *Conference of the Parties*, in *Decision VCV/5 of its Fifth Meeting*, decided to convene the sixth meeting of the Conference of the Parties to the Vienna Convention in 2002 in conjunction with the Fourteenth Meeting of the Parties to the Montreal Protocol.

Decision VCVI/4: Seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer

The *Conference of the Parties*, in *Decision VCVI/4 of its Sixth Meeting*, decided to convene the seventh meeting of the Conference of the Parties to the Vienna Convention in 2005 in conjunction with the Seventeenth Meeting of the Parties to the Montreal Protocol.

Decision VCVII/4: Eighth meeting of the Conference of the Parties to the Vienna Convention

The *Conference of the Parties*, in *Decision VCVII/4 of its Seventh Meeting*, decided to convene the eighth meeting of the Conference of the Parties to the Vienna Convention back-to-back with the Twentieth Meeting of the Parties to the Montreal Protocol.

Decisions on financial matters**Decision VCI/9: Financial arrangements**

The *Conference of the Parties*, in *Decision VCI/9 of its First Meeting*, decided:

- (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 the report of the first meeting [reproduced below];
- (e) The contributions of the Parties shall be in the form of voluntary contributions according to the formula in Annex V of the report of the first meeting;
- (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 of the report of the first meeting.

Annex III:

Terms of reference for the administration of the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer

1. A Trust Fund for the Vienna Convention for the Protection of the Ozone Layer (hereinafter referred to as the Trust Fund) shall be established to provide financial support to the Convention.
2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP and the Secretary-General, of the United Nations, shall establish the Trust Fund for the administration of the Convention.
3. The Trust Fund shall be established for an initial period of three and one half years beginning 1 October 1989 and ending 31 March 1993. The appropriations of the Trust Fund for this period shall be financed from:
 - (a) Voluntary contributions made by the Parties to the Convention including contributions from any new Parties;
 - (b) Voluntary contributions from States not party to the Convention, other governmental, intergovernmental and non-governmental organizations and other sources.
4. The voluntary contributions referred to in Article 3 (a) above, are to be based on the United Nations scale of contributions for the apportionment of the expenses of the United Nations adjusted to provide that no one contribution shall exceed 25 per cent of the total and no contributions shall be required when the United Nations scale provides for a contribution of less than 0.1 per cent.
5. The budget estimates prepared in United States dollars, covering the income and expenditure of the Convention, shall be submitted to the ordinary meetings of the Conference of the Parties to the Convention.
6. The proposed budget shall be dispatched by the Secretariat to all Parties to the Convention at least ninety days before the date fixed for the opening of the ordinary meeting of the Conference of the Parties to the Convention.
7. The Parties shall make every effort to reach agreement on the budget by consensus. If all efforts at consensus have been exhausted and no agreement reached, the budget shall, as a last resort, be adopted by two-thirds majority vote of the Parties present and voting representing at least 50 per cent of the total consumption of the controlled substances of the Parties.
8. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, he shall have discretion to adjust the budget so that expenditures are at all times fully covered by contributions received.
9. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income. No commitments shall be made in advance of the receipt of contributions.
10. The Executive Director of UNEP may make transfers from one budget line to another within the budget in accordance with the Financial Regulations and Rules of the United Nations. At the end of a calendar year of a financial period, the Executive Director may transfer any uncommitted balance of appropriations to the following calendar year.
11. All contributions are due to be paid in the year immediately preceding the year to which the contributions relate.

12. All contributions are to be paid in United States dollars into the following account: Account No. 485-000326, UNEP Trust Funds and Counterpart Contributions, JP Morgan Chase, International Agencies Banking, 1166 Avenue of the Americas, 17th Floor, New York, N.Y. 10036-2708, United States.
13. Contributions from States that become Parties after the beginning of the financial period shall be made on a *pro rata* basis for the balance of the financial period.
14. Contributions not immediately required for the purposes of the Fund shall be invested at the discretion of the United Nations and any interest so earned shall be credited to the Fund.
15. The Executive Director shall deduct from the income of the Trust Fund an administrative support charge equal to 13 per cent of other expenditures recorded during any accounting period in order to meet the cost of administrative activities financed from the Trust Fund and providing services relating to personnel, accounting, audit, etc.
16. At the end of the first calendar year of a financial period, the Executive Director shall submit to the Parties the accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.
17. The General Procedures governing the Operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations shall govern the financial operations of the Convention.
18. In the event that the Parties wish the Trust Fund to be extended beyond 31 March 1993, the Executive Director of UNEP shall be so requested by the Parties at least six months earlier. Such extension of the Trust Fund shall be subject to the approval of the UNEP Governing Council and the United Nations Secretary-General.

Decision VCI/10: Voluntary contributions to Trust Fund

The *Conference of the Parties*, in *Decision VCI/10 of its First Meeting*, decided that the States non-Parties and the non-contributing Parties to the Trust Fund are encouraged to make voluntary contributions to the Trust Fund.

Decision VCII/10: Budgets and financial matters

The *Conference of the Parties*, in *Decision VCII/10 of its Second Meeting*, decided:

- (a) To request the Secretariat to submit as soon as possible to all Parties certified and audited accounts of the Vienna Convention Trust Fund for the expenditures under the Fund for the 1990 financial year;
- (b) To request the Secretariat to submit to the Parties the certified and audited accounts for 1989 of the Interim Ozone Secretariat;
- (c) To submit certified and audited accounts for subsequent years prior to regular meeting of the Parties;
- (d) To emphasize that expenditures incurred due to recommendations by the Bureau should only be met either within the budget adopted by the Parties for that year or by other additional contributions made towards these expenditures;
- (e) To emphasize that it is essential to avoid increases in already adopted budgets in the years to which they relate;
- (f) To extend the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer from 31 March 1993 to 31 March 1995;

- (g) To urge all Parties to pay their outstanding 1990 and 1991 contributions promptly and to also pay their future contributions promptly and in full in accordance with the terms of reference and the formula for contributions as attached to this report as Annex II;
- (h) To note that the revised 1991 budget has been increased to \$813,690, which corresponds to the funds available to the Secretariat from paid and pledged contributions of 1990 and 1991, less the expenditures incurred in 1990;
- (i) To adopt the final budget for 1992 of \$351,430 and for 1993 of \$877,445, as set out in Annex I.

Decision VCIII/6: Budgets and financial matters

The *Conference of the Parties*, in *Decision VCIII/6 of its Third Meeting*, decided:

1. To take note of the certified and audited accounts of the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer for expenditures under the Trust Fund for 1990 and 1991 and the certified and audited accounts for the Interim Ozone Secretariat;
2. To take note of the financial report on the Trust Fund for the Vienna Convention for the first year of the biennium 1992-1993 ended 31 December 1992;
3. To urge all Parties to pay their outstanding 1990-1993 contributions promptly and also to pay their future contributions promptly and in full in accordance with the terms of reference of the Trust Fund and the formula for contributions as attached to the report of the third meeting of the Conference of the Parties as annex I;
4. To extend the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer from 31 March 1995 to 31 December 2000;
5. To adopt the final budgets of \$297,245 for 1994, \$609,690 for 1995, \$825,520 for 1996 and \$317,020 for 1997, as set out in annex II to the report of the third meeting of the Conference of the Parties;
6. To urge the Secretariat to furnish the Parties with an estimation of the current three years needs and, in the same format, the actual expenditures of the previous three years so that the Parties would have a good understanding of the Secretariat's budgetary requirements.

Decision VCIV/5: Budget and financial matters

The *Conference of the Parties*, in *Decision VCIV/5 of its Fourth Meeting*, decided:

1. To take note of the certified and audited accounts of the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer for expenditures under the Trust Fund for 1993, 1994 and 1995;
2. To take note of the financial reports on the Trust Fund for the Vienna Convention for the biennium 1992-1993 ended 31 December 1993; first year of biennium 1994-1995 as at 31 December 1994 and the biennium 1994-1995 ended 31 December 1995;
3. To request the Executive Director of UNEP to extend the duration of the Trust Fund for the Vienna Convention until 31 December 2000, subject to the approval of the UNEP Governing Council;
4. To adopt the budgets for the Trust Fund of \$1,057,170 for 1996, \$361,090 for 1997, \$382,342 for 1998, \$1,207,991 for 1999, and \$370,590 for 2000, as set out in Annex I to the report of the fourth meeting;
5. To urge all Parties to pay their outstanding contributions on time and in full in accordance with the terms of reference of the Trust Fund and the formula for contributions contained in Annex II to the report of the fourth meeting;

6. To urge all Parties to make additional voluntary contributions amounting to US\$200,000 annually to WMO (World Meteorological Organization), in support of its ozone monitoring activities of developing countries, in view of the fundamental importance of such monitoring activities to the Convention;
7. To request the Executive Director of UNEP to ensure that the 13 per cent programme support costs charged to the Trust Fund for the Vienna Convention are used fully in support of the Convention and its Secretariat, and to report to the next Meeting of the Conference of the Parties on the ways in which the 13 per cent has been used for the benefit of the Convention and its Secretariat.

Decision VCV/4: Financial report and budgets

The *Conference of the Parties*, in *Decision VCV/4 of its Fifth Meeting*, decided:

1. To note with appreciation the exemplary financial management by the Secretariat over many years;
2. To take note of the financial report on the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer for expenditures of the first year of the biennium 1998-1999, as contained in document UNEP/OzL.Conv.5/5;
3. To approve the budgets of \$370,590 for 2000, \$370,590 for 2001, \$1,207,991 for 2002 and the proposed budget of \$370,590 for 2003, as set out in annex I to the report of the fifth meeting of the Conference of the Parties;
4. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties, as set out in annex II to the report of the fourth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (UNEP/OzL.Conv.4/6), for the year 2000, and in annex II to the report of the fifth meeting of the Conference of the Parties, for the year 2001;
5. To draw down an amount of \$75,000 from the unspent balance for the purpose of reducing it, thereby ensuring that the contributions to be paid by the Parties amount to \$295,590 for 2000, \$295,590 for 2001, \$1,132,991 for 2002 and \$295,590 for 2003;
6. To review the status of reserves in the Meeting of the Parties in the year 2002.

Decision VCVI/3: Financial matters: Financial reports and budgets

The *Conference of the Parties*, in *Decision VCVI/3 of its Sixth Meeting*, decided:

1. To welcome the continuing excellent management by the Secretariat of the finances of the Vienna Convention Trust Fund and the very good quality documentation furnished to the meeting;
2. To take note with appreciation of the financial statements of the Trust Fund for the biennium 2000-2001 and the report on the actual expenditures for 2001 as compared to the approvals for that year, as contained in document UNEP/OzL.Conv.6/4;
3. To approve the budget for the Trust Fund in the amount of \$449,690 for 2003, \$559,689 for 2004, \$1,233,169 for 2005 and take note of the proposed budget of \$556,299 for 2006, as set out in Annex I of the report of the 6th Conference of the Parties;
4. To firstly draw down an amount of \$100,000 in years 2004, 2005 and 2006 from the Fund balance for the purpose of reducing that balance (including the annually accruing interest income);
5. To secondly draw down further from the unspent balance from year 2001, an amount of \$79,100 in 2003 and \$76,886 in 2005;

6. To ensure, as a consequence of the draw-downs referred to in paragraphs 4 and 5 above, that the contributions to be paid by the Parties amount to \$295,590 for 2003, \$459,689 for 2004, \$1,056,283 for 2005 and \$456,299 for 2006 as set out in Annex I of the report of the 6th Conference of the Parties. The contributions of the individual Parties shall be as listed in Annex II to the present report;
7. To urge all Parties to pay their outstanding contributions as well as their future contributions promptly and in full;
8. To amend paragraph 4 of the terms of reference for the administration of the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer by substituting 25 per cent by 22 per cent in accordance with the United Nations General Assembly resolution through its decision A/RES/55/5 B-F of 23 December 2000;
9. To request the Executive Director to extend the Vienna Convention Trust Fund until 31 December 2010.

Decision VCVII/3: Financial matters: financial reports and budgets

The *Conference of the Parties*, in *Decision VCVII/3 of its Seventh Meeting*, decided:

1. To welcome the continuing excellent management by the Secretariat of the finances of the Vienna Convention Trust Fund and the very good quality documentation furnished to the meeting;
2. To take note with appreciation of the financial statement of the Trust Fund for the biennium 2004-2005 ended 31 December 2004 and the report on the actual expenditures for 2004 as compared to the approvals for that year, as contained in document UNEP/OzL.Conv.7/4;
3. To approve the budget for the Trust Fund in the amount of \$897,672 for 2006, \$589,691 for 2007, and \$1,162,601 for 2008 as set out in annex I of the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;
4. To draw down an amount of \$386,672 and \$559,601 in years 2006 and 2008 from the Fund balance for the purpose of reducing that balance;
5. To ensure, as a consequence of the draw-downs referred to in paragraph 4, that the contributions to be paid by the Parties amount to \$511,000 for 2006, \$589,691 for 2007 and \$603,000 for 2008 as set out in annex I of the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. The contributions of the individual Parties shall be as listed in annex II to that report;
6. To allow the Secretariat to make transfers up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;
7. To urge all Parties to pay their outstanding contributions as well as their future contributions promptly and in full.

Article 7: Secretariat

Decision VCI/8: Designation of Secretariat

The Conference of the Parties, in Decision VCI/8 of its First Meeting, decided to designate UNEP as the Secretariat of the Convention.

Article 8: Adoption of protocols

Decision VCI/3: Relationship between the Vienna Convention and the Montreal Protocol

The *Conference of the Parties*, in *Decision VCI/3 of its First Meeting*, decided:

- (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.

Article 9: Amendment of the Convention or protocols

(see also the decisions listed under Article 14, 'Accession')

Decision VCII/3: Amendment procedure under the Vienna Convention

The *Conference of the Parties*, in *Decision VCII/3 of its Second Meeting*, decided:

- (a) to request the Parties to the Montreal Protocol to request the *Ad Hoc* Working Group on Non-Compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention;
- (b) to request the Secretariat to prepare a note outlining the problem.

Decision VCIII/3: Amendment procedure under the Vienna Convention

The *Conference of the Parties*, in *Decision VCIII/3 of its Third Meeting*, decided to note the conclusions of the *Ad Hoc* Working Group of Legal Experts on Non-Compliance with the Montreal Protocol on procedures for expediting the amendment procedure under Article 9 of the Vienna Convention, and decision IV/5, paragraph 4, of the Fourth Meeting of the Parties to the Montreal Protocol in respect of these conclusions and to agree that there is no need to expedite the amendment procedure under Article 9 of the Vienna Convention for the Protection of the Ozone Layer.

Article 11: Settlement of disputes

Decision VCI/7: Arbitration procedure

The *Conference of the Parties*, in *Decision VCI/7 of its First Meeting*, decided to adopt, in accordance with Article 11, paragraph 3(a) of the Vienna Convention, the Arbitration Procedure in Annex II of the report of the first meeting [*reproduced below*].

Annex II: Arbitration procedure under article 11, paragraph 3 (a) of the Vienna Convention for the Protection of the Ozone Layer

Article 1

This procedure is adopted as required by Article 11, paragraph 3 (a), of the Vienna Convention for the Protection of the Ozone Layer. Unless the Parties to a dispute otherwise agree the arbitration procedure shall be conducted in accordance with articles 2 to 16 below.

Article 2

The claimant Party shall notify the Secretariat that the Parties are referring a dispute to arbitration pursuant to Article 11, paragraph 3, of the Convention. The notification shall state the subject-matter of arbitration and include in particular the articles of the Convention or the Protocol, the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Contracting Parties to the Convention or to the Protocol concerned.

Article 3

1. In disputes between two Parties, the arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
2. In disputes between more than two Parties, Parties in the same interest shall appoint one member of the tribunal jointly by agreement.
3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the United Nations shall, at the request of a Party, designate him within a further two month's period.
2. If one of the Parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the other arbitrator within a further two months' period.

Article 5

The arbitral tribunal shall render its decisions in accordance with international law, as well as the provisions of this Convention and any protocols concerned.

Article 6

Unless the Parties to the dispute otherwise agree, the arbitral tribunal shall determine its own procedure, assuring that each Party has a full opportunity to be heard and to present its case.

Article 7

The Parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, facilities and information; and
- (b) Enable it when necessary to call witnesses or experts and receive their evidence.

Article 7 bis

The Parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the Parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the Parties.

Article 9

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 11

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 12

If one of the Parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other Party may request the tribunal to continue the proceedings and to make its award. Absence of a Party or failure of a Party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 13

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

Article 14

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 15

The final decision shall be without appeal unless the Parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the Parties to the dispute.

Article 16

Any controversy which may arise between the Parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either Party for decision to the arbitral tribunal which rendered it.

Article 14: Accession

Decision VCII/6: Adjustments and Amendments to the Montreal Protocol

The *Conference of the Parties*, in *Decision VCII/6 of its Second Meeting*, decided to note the adjustments and Amendment to the Montreal Protocol that were adopted at the Second Meeting of the Parties to the Montreal Protocol, held in London from 27 to 29 June 1990, to urge the Parties to the Protocol to expedite their ratification of the Amendment, to urge all the Parties to the Vienna Convention to ratify the Montreal Protocol and to urge all the countries who have not ratified the Vienna Convention and the Montreal Protocol and its Amendment to do so expeditiously.

Decision VCIII/1: Adjustments and Amendments to the Montreal Protocol

The *Conference of the Parties*, in *Decision VCIII/1 of its Third Meeting*, decided:

1. To note the adjustments and Amendment to the Montreal Protocol that were adopted by the Fourth Meeting of the Parties to the Montreal Protocol, held in Copenhagen in November 1992; to urge the Parties to the Protocol to expedite their ratification of the Amendment; to urge all the Parties to the Vienna Convention to ratify the Montreal Protocol; and, to urge all the countries that have not ratified the Vienna Convention and the Montreal Protocol and its Amendments to do so expeditiously;
2. To provide immediate support and assistance to newly sovereign States that were previously part of unions, federations or other States and all other non-Parties in becoming Parties to the Vienna Convention and Montreal Protocol.

Decision VCIV/1: Adjustments and Amendments to the Montreal Protocol

The *Conference of the Parties*, in *Decision VCIV/1 of its Fourth Meeting*, decided:

1. To note the adjustments to the Montreal Protocol that were adopted by the Seventh Meeting of Parties to the Montreal Protocol, held in Vienna from 5 to 7 December 1995, and that these adjustments relating to controlled substances in Annex A and Annex B of the Montreal Protocol entered into force for all Parties on 5 August 1996 and those relating to Annex C and Annex E will enter into force for all Parties on 1 January 1997;
2. To urge all States that have not already ratified the Vienna Convention, the Montreal Protocol and its Amendments, to do so expeditiously.

Decision VCV/1: Adjustments and amendments to the Montreal Protocol

The *Conference of the Parties*, in *Decision VCV/1 of its Fifth Meeting*, decided:

1. *To note* the adjustments and Amendment to the Montreal Protocol that were adopted by the Ninth Meeting of Parties to the Montreal Protocol, held in Montreal from 15 to 17 September 1997, and that the adjustments relating to control measures in Annex A, Annex B and Annex E of the Montreal Protocol entered into force on 5 June 1998 and the Amendment entered into force on 10 November 1999 for Parties that ratified the Amendment;
2. *To urge* all States that have not already ratified the Vienna Convention, the Montreal Protocol and the London, Copenhagen and Montreal Amendments, to do so expeditiously. Universal participation is necessary to ensure the protection of the ozone layer.

Decision VCVI/1: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing Amendments

The *Conference of the Parties*, in *Decision VCVI/1 of its Sixth Meeting*, decided:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.
2. To note that as of 28 November 2002, 164 Parties had ratified the London Amendment to the Montreal Protocol, 142 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, 84 Parties had ratified the Montreal Amendment to the Montreal Protocol while only 41 Parties had ratified the Beijing Amendment to the Montreal Protocol;
3. To note further that the Beijing Amendment entered into force on 25 February 2002, on the ninetieth day following the date of deposit on which the twentieth instrument of ratification had been deposited by States or regional economic integration organizations that are Party to the Montreal Protocol on Substances that deplete the Ozone Layer;
4. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision VCVII/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing amendments to the Montreal Protocol

The *Conference of the Parties*, in *Decision VCVII/1 of its Seventh Meeting*, decided:

1. To note with satisfaction the large number of countries which have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note that, as of 15 December 2005, 180 Parties had ratified the London Amendment to the Montreal Protocol, 171 Parties had ratified the Copenhagen Amendment to the Montreal Protocol and 139 Parties had ratified the Montreal Amendment to the Montreal Protocol, while only 104 Parties had ratified the Beijing Amendment to the Montreal Protocol;
3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Section 3

Rules of Procedure

Rules of procedure for meetings of the Conference of the Parties to the Vienna Convention and Meetings of the Parties to the Montreal Protocol

Introduction

The Rules of procedure for both the Montreal Protocol and the Vienna Convention are substantially the same except for Rules 1 and 2 which are printed separately. Elsewhere in these Rules, specific reference to the Vienna Convention is indicated in brackets at each respective place.

Purposes

Rule 1

These rules of procedure shall apply to any meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer convened in accordance with article 11 of the Protocol.

[Vienna Convention

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer convened in accordance with Article 6 of the Convention].

Definitions

Rule 2

For the purposes of these rules:

1. “Convention” means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985;
2. “Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987;
3. “Parties” means, unless the text otherwise indicates, Parties to the Protocol;
4. “Conference of the Parties” means the Conference of the Parties established in accordance with Article 6 of the Convention;
5. “Meeting of the Parties means the meeting of the Parties convened in accordance with Article 11 of the Protocol;
6. “Regional economic integration organization” means an organization defined in Article 1, paragraph 6, of the Convention;
7. “President” means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

8. “Secretariat” means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with paragraph 2 of Article 7 of the Convention;
9. “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties.

[Vienna Convention]

For the purposes of these rules:

1. “Convention” means the Vienna Convention for the Protection of the ozone Layer, adopted on 22 March 1985;
2. “Parties” means, unless the text otherwise indicates, Parties to the Convention;
3. “Conference of the Parties” means the Conference of the Parties established in accordance with Article 6 of the Convention;
4. “Regional economic integration organization” means an organization defined in Article 1, paragraph 6, of the Convention;
5. “President” means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;
6. “Secretariat” means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with Article 7, paragraph 2 of the Convention;
7. “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties.]

Place of meetings

Rule 3

The meetings of the [Conference of the] Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Ordinary meetings of the Parties shall be held once every [two] year[s], unless the Parties decide otherwise. In years when there is an ordinary meeting of the Conference of the Parties to the Vienna Convention, that meeting and the meeting of the Parties to the Protocol shall be held in conjunction.
2. At each ordinary meeting, the Parties [Conference] shall fix the opening date and duration of its next ordinary meeting.
3. Extraordinary meetings of the [Conference of the] Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of meetings at least two months before the meeting.

Observers

Rule 6

1. The Secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State not party to the Protocol [Convention] of any meeting so that they may be represented by observers.
2. 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.

Rule 7

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the Secretariat of its wish to be represented, of any meeting so that they may be represented by observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.
2. 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 in matters of direct concern to the body or agency they represent.

Agenda

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include:

1. Items specified in article 11 of the Protocol [6 of the Convention];
2. Items the inclusion of which has been decided at a previous meeting;
3. Items referred to in rule 15 of the present rules of procedure;
4. Any item proposed by a Party before the agenda is circulated;
5. The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed by the Secretariat to the Parties at least two months before the opening of the meeting.

Rule 11

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplement to the provisional agenda, which the meeting shall examine together with the provisional agenda.

Rule 12

The meeting when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after it has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the meeting [Conference] of the Parties.

Representation and credentials

Rule 16

Each Party participating in the meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the meeting if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The officers of any meeting shall examine the credentials and submit their report to the meeting.

Rule 20

Pending a decision of the meeting upon their credentials representatives shall be entitled to participate provisionally in the meeting.

Officers

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the officers of the meeting. In electing its officers the Meeting [Conference] of the Parties shall have due regard to the principle of equitable geographical representation [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 1, paragraph 1, of General Assembly resolution 2997 (XXVI) of 15 December 1972, by which the United Nations Environment Programme was established. *[This paragraph was subject to amendment at the second meeting of the Parties – see decision II/19 in Section 2 of the Handbook for the Montreal Protocol.]*
2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. On occasion, one or more of these officers may be re-elected for one further consecutive term.
3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the meeting [Conference] of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
2. The President, in the exercise of his functions, remains under the authority of the meeting [Conference] of the Parties.

Rule 23

If the President is temporarily absent from a session or any part thereof, he shall designate a Vice-President to act as President. *[This paragraph was subject to amendment at the third meeting of the Parties – see decision III/14 Section 2 of the Handbook for the Montreal Protocol.]*

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate. *[This paragraph was subject to amendment at the third meeting of the Parties – see decision III/14 Section 2 of the Handbook for the Montreal Protocol.]*

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the meeting.

Committees and working groups**Rule 26**

1. The meeting may establish such committees or working groups as may be required for the transaction of its business.
2. The meeting may decide that such committees or working groups may meet in the period between ordinary meetings.
3. Unless otherwise decided by the meeting, the chairman for each such committee or working group shall be elected by the meeting. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the chairman of a committee or working group, to adjust the allocation of work.
4. Without prejudice to paragraph 3 of this rule, each committee or working group shall elect its own officers.
5. A majority of the Parties designated by the meeting to take part in the committee or working group shall constitute a quorum, but in the event of the committee or working group being open-ended one quarter of the Parties shall constitute a quorum.
6. Unless otherwise decided by the meeting, these rules shall apply mutatis mutandis to the proceedings of committees and working groups, except that:
 - (a) The chairman of a committee or working group may exercise the right to vote; and
 - (b) Decisions of committees or working groups shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

Secretariat**Rule 27**

1. The head of the international organization designated as Secretariat of the Convention shall be the Secretary-General of any meeting. He may delegate his functions to a member of the Secretariat. He, or his representative, shall act in that capacity in all sessions of the meeting and in all sessions of committees or working groups of the meeting.
2. The Secretary-General shall appoint an Executive Secretary of the meeting and shall provide and direct the staff required by the meeting and the committees or working groups of the meeting.

Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;

- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as secretariat of the Convention; and
- (f) Generally perform all other work that the meeting may require.

Conduct of business

Rule 29

Sessions of the meeting, and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.

Rule 30

The President may declare a session of the meeting open, and permit the debate to proceed and have any decision taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the meeting without having previously obtained the permission of the President. Without prejudice to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.
2. The meeting may, on a proposal from the President, or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favor of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 32

The chairman or rapporteur of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to

delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

2. Proposals of amendments to the Protocol [Convention], including its annexes, and of additional annexes to the Protocol [Convention] shall be communicated to the Parties by the Secretariat at least six months before the meeting at which they were proposed for adoption.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:
 - (a) To suspend a session;
 - (b) To adjourn a session;
 - (c) To adjourn the debate on the question under discussion; and
 - (d) For the closure of the debate on the question under discussion.
2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favor of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the meeting, by a two-thirds majority of the Parties present and voting, decides in favor of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

Voting

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 40

1. Unless otherwise provided by the [Convention] or by the Protocol, decisions of a meeting on all matters of substance shall be taken by a two-thirds majority vote of the Parties present and voting, except as otherwise provided in the Terms of Reference for the administration of the Trust Fund.
2. Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.
5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

If two or more proposals relate to the same question, the meeting, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favor of and the other against the motion, after which shall be put immediately to the vote.

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revise parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of the voting on the amendments under this rule.

Rule 46

Except for elections, voting shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such

explanations. The President shall not permit the proposer of a proposal or an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the meeting.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter, shall be unrestricted, and so on until all the places have been filled.

Languages

Rule 52

The Official languages of the meeting shall be Arabic, Chinese, English, French, Russian, and Spanish.

Rule 53

1. Statements made in an official language of the meeting shall be interpreted in the official languages.
2. A representative may speak in a language other than an official language of the meeting, if he provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Sound records of the meeting

Rule 55

Sound records of the meeting, and whenever possible of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

Ad hoc meetings

Rule 56

1. A meeting may recommend to the Secretariat, taking duly into account the financial implications, the convening of *Ad Hoc* meetings, either of representatives of the Parties or of experts nominated by the Parties, in order to deal with matters which, because of their specialized nature, or for other reasons, cannot be adequately discussed during the normal session of a meeting.
2. The terms of reference of these *Ad Hoc* meetings and the questions to be discussed shall be determined by a meeting.
3. Unless otherwise decided by the meeting, each *Ad Hoc* meeting shall elect its own officers.
4. These rules of procedure shall apply *mutatis mutandis* to such *Ad Hoc* meetings.

Amendments to rules of procedure

Rule 57

1. These rules of procedure may be amended by consensus by a meeting [the Conference] of the Parties.
2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

Overriding authority of the Convention or the Protocol

Rule 58

1. In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.
2. In the event of any conflict between the provisions of these rules and any provision of the Protocol, the Protocol shall prevail.

Section 4

General Index

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