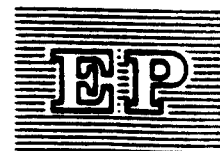




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CONFERENCE OF THE PARTIES TO THE VIENNA
CONVENTION FOR THE PROTECTION OF THE
OZONE LAYER

First meeting
Helsinki, 26-28 April 1989
Items 3 and 4 of the revised provisional agenda

REPORT OF THE EXECUTIVE DIRECTOR TO THE FIRST MEETING OF THE
CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION FOR THE
PROTECTION OF THE OZONE LAYER

A. Introduction

1. This report contains information on the status of the Vienna Convention for the Protection of the Ozone Layer and of the Montreal Protocol on Substances that Deplete the Ozone Layer. It also contains recommendations on the action to be taken by the Parties on the following matters specified in the Convention:

(a) Designation of the Secretariat and adoption of rules of procedure, financial rules and a budget. Draft rules of procedure are being circulated as document UNEP/OzL.Conv.1/3, and the financial rules and a draft budget are contained in document UNEP/OzL.Conv.1/4;

(b) Harmonization of information, review of scientific information and harmonization of strategies and policies;

(c) Adoption of arbitration procedures in accordance with article 11, paragraph 3 (a), of the Convention.

The report also outlines the procedure for the assessment of the control measures under the Montreal Protocol in order to meet the Convention requirement that the Conference should consider amendments to the Convention and its protocols.

B. Status of the Convention

2. The Vienna Convention for the Protection of the Ozone Layer was adopted on 22 March 1985 and signed on that date by 20 States and the European Economic Community (EEC). In accordance with its article 17, the Convention entered into force on 22 September 1988, following the deposit of the twentieth instrument of ratification, by Uganda, on 24 June 1988. By 28 March 1989, 41 States and EEC had ratified, accepted, approved or acceded to the Convention. Full details of the status of the Convention is contained in annex I to the present report.

3. According to article 6 of the Convention ("Conference of the Parties"), the first meeting of the Conference of the Parties shall be convened by the interim Secretariat not later than one year after entry into force of the Convention. The present meeting is being convened in Helsinki from 26 to 28 April 1989 in accordance with that provision.

C. Status of the Montreal Protocol on Substances that Deplete the Ozone Layer

4. By its resolution 2, paragraph 1, on a Protocol concerning Chlorofluorocarbons, the Conference of Plenipotentiaries that adopted the Convention requested the Executive Director of UNEP to convene a working group to continue work on a protocol that addresses both short- and long-term strategies to control equitably global production, emissions and use of CFCs, taking into account the particular situation of developing countries as well as updated scientific and economic research.

5. By paragraph 4 of the same resolution, the Conference of Plenipotentiaries authorized the Executive Director of UNEP, in consultation with the signatories and pending the entry into force of the Convention, to convene a diplomatic conference, if possible in 1987, for the purpose of adopting such a protocol.

6. On 16 September 1987, the Montreal Protocol on Substances that Deplete the Ozone Layer was adopted and signed by 24 States and EEC. The Protocol entered into force on 1 January 1989 in accordance with its article 16. Full details of its states are also contained in annex I to the present report.

7. The first meeting of the Parties to the Protocol will be held in Helsinki from 2 to 5 May 1989, immediately after the first meeting of the Conference of the Parties to the Convention.

D. The Secretariat

8. Article 7 of the Convention specifies the functions of the Secretariat and states that these 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.

9. In its resolution 1, on institutional and financial arrangements, the Conference of Plenipotentiaries that adopted the Convention noted the willingness of the Executive Director of UNEP to contribute towards the costs of the interim Secretariat during its initial two to three years of operation, subject to the availability of resources in the Environment Fund.

10. In the same resolution, the Conference requested the Executive Director of UNEP, in consultation with the signatories to the Convention and in close co-operation with the World Meteorological Organization (WMO) and other relevant United Nations bodies, to make arrangements required for the interim Secretariat in order to achieve the objectives of the Convention.

11. With the completion of the first ordinary meeting of the Conference of the Parties to the Convention, the interim Secretariat provided for in article 7, paragraph 2, of the Convention will be replaced by the Secretariat of the Convention. Article 1, paragraph 3, of the Protocol indicates that the secretariat functions under the Protocol will also be carried out by the Convention Secretariat.

12. The Executive Director of UNEP would like to express the willingness of UNEP to undertake the secretariat functions under the Convention. The Parties are requested to consider the designation of the Secretariat in the light of the draft terms of reference for the administration of a possible trust fund for the implementation of the Convention and the Protocol (UNEP/OzL.Conv.1/4, annex II).

E. Draft rules of procedure for meetings of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and financial rules

13. According to article 6, paragraph 3, of the Convention, 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.

14. One of the tasks of the first meeting of the Conference of the Parties to the Convention is therefore to adopt by consensus rules of procedure.

15. At its first meeting, the Conference will have before it draft rules of procedure (UNEP/OzL.Conv.1/3) that have been prepared on the basis of the rules of procedure for the Conference of Plenipotentiaries on the Protection of the Ozone Layer (UNEP/IG.53/2 and Corr.1) and for the Conference of Plenipotentiaries on the Protocol on Substances that Deplete the Ozone Layer (UNEP/IG.79/2), with reference made to other existing rules of procedure, including those for meetings and conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocol, and for meetings and conferences of the Contracting Parties to the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

16. Although the rules of procedures for the meetings of the Conference of the Parties to the Convention are almost wholly identical to the rules of procedure for meetings of the Parties to the Protocol, the Secretariat has deemed it appropriate for both technical reasons and reasons of principle to prepare two sets of draft rules of procedure. The differences arise merely from the fact that the rules of procedure apply to two different legal instruments.

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17. With regard to the financial rules, the Executive Director would like to draw the attention of the Conference to his report on financial implications and arrangements, including the adoption of financial rules (UNEP/OzL.Conv.1/4).

18. The Conference of the Parties is requested to adopt by consensus the rules of procedure and financial rules.

F. Transmission of information

19. According to the article 5 of the Convention ("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 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". The Executive Director would like to propose that a summary of the measures adopted by the Parties should be submitted to the Secretariat every two years after the entry into force of the Convention. The summaries should then be compiled and distributed among the Parties by the Secretariat.

G. Harmonization of strategies and policies

20. In accordance with article 2 of the Convention, the Parties should promote the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modifications of the ozone layer and make recommendations on any other measures relating to the Convention. The Vienna Convention appears to be the most appropriate instrument for harmonizing the policies and strategies on research: article 3 of the Convention indicates the areas of research and information exchange, and these areas are further elaborated in its annexes I and II. At the same time, with the entry into force of the Montreal Protocol, the Executive Director is of the opinion that that instrument is the best for achieving the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modifications of the ozone layer.

H. Review of the scientific information

21. Article 6, paragraph 4 (b), of the Convention provides that one of the tasks of the Conference of the Parties is to "review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification". The available information is contained in the following documents, all of which will be provided to the Parties upon request:

(a) Atmospheric Ozone 1985: Assessment of our understanding of the processes controlling its present distribution and change, (WMO Global Ozone Research and Monitoring Project report No.16, 3 volumes);

(b) Executive summary of the report of the Ozone Trends Panel (15 March 1988);

(c) Report of the Co-ordinating Committee on the Ozone Layer on the work of its eighth session, 24-28 February 1986;

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- (d) "Outline of ozone scientific assessment" (UNEP/OzL.Sc.1/4);
- (e) "Current scientific understanding of stratospheric ozone" (UNEP/OzL.Sc.1/3);
- (f) "Effects of ozone depletion" (UNEP/OzL.Sc.1/5);
- (g) Summary report of the UNEP Ozone Science Meeting (UNEP/OzL.WG.Data.2/Inf.1).

The World Meteorological Organization (WMO) is designated as the United Nations Scientific Authority on the ozone layer. UNEP co-ordinates research and assessment of Ozone Layer depletion and its impacts.

I. Research, observations, scientific and technological co-operation, exchange of information, and transfer of technology and knowledge

22. In accordance with articles 3 and 4 of the Convention, the Parties should adopt programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge.

23. According to article 10 of the Montreal Protocol ("Technical assistance") the Parties, at their first meeting, should begin deliberations on the means of fulfilling the obligations set out in article 9 of the Protocol ("Research, development, public awareness and exchange of information"), and paragraphs 1 and 2 of its article 10 including the preparation of workplans. Such workplans should pay special attention to the needs and circumstances of the developing countries. States and regional economic integration organizations not party to the Protocol should be encouraged to participate in activities specified in such workplans.

24. This issue was addressed at the second session of the Ad Hoc Working Group of Legal and Technical Experts for the Harmonization of Data on Production, Imports and Exports of Substances that Deplete the Ozone Layer (UNEP/OzL.WG.Data.2/3/Rev.2, annex IV) and will be addressed further by the Contracting Parties to the Montreal Protocol.

25. According to article 11, paragraph 3 (e), of the Protocol, the Parties to the Protocol, at their first meeting, shall begin preparation of workplans pursuant to article 10, paragraph 3, of the Protocol.

26. The workplans, referred to concern, inter alia, co-operation described under article 9 of the Protocol in promoting research, development and exchange of information on:

- (a) Technologies to reduce emissions of controlled substances;
- (b) Possible alternatives;
- (c) Costs and benefits of relevant control strategies;
- (d) Public awareness of environmental effects of the emissions of substances that deplete the ozone layer.

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27. To a large extent, the information exchange and technology transfer activities under the Convention and the Protocol overlap. In order to avoid repetition and duplication of activities and to benefit the most from the activities that are carried out, often with limited funds, it is the opinion of the Executive Director that the information exchange and technology transfer activities should be covered under the Protocol. The Protocol has a number of specific provisions on this topic and, in this connection, the Executive Director would draw the attention of the Conference to the relevant section of his report to the First Meeting of the Parties to the Protocol (UNEP/OzL.Pro.1/2, section F), which is being issued at the same time as the present report.

28. It is the opinion of the Executive Director that the resources of the Vienna Convention should be directed towards scientific research and systematic observations. These activities may not be covered to the same extent in the Montreal Protocol and they are crucial when it comes to monitoring the effects on the ozone layer and determining future activities to protect it.

29. The Parties are invited to consider these proposals on this subject and to make any additional proposals on programmes for research, systematic observations and scientific co-operation and refer them to the Contracting Parties to the Montreal Protocol. The report to the Contracting Parties to the Montreal Protocol is being circulated with this Report.

J. Arbitration procedures

30. According to article 11, paragraph 3, of the Convention, a State or regional economic integration organization, when ratifying, accepting, approving or acceding to the Convention, or at any time thereafter may declare in writing, to the Depositary that where a dispute is not settled by negotiation or through the mediation of a third party, it accepts either or both, arbitration, or/and submission of the dispute to the International Court of Justice as compulsory means of dispute settlement. Pursuant to this provision, Finland, the Netherlands, Norway and Sweden have made declaration to the depositary accepting both methods as compulsory. Other Parties have not indicated their preference. Article 11, paragraph 3 (a), clearly provides that the arbitration procedures are to be adopted by the Conference of the Parties at its first ordinary meeting. A draft arbitration procedure, prepared by the Secretariat, is attached as annex II of the present report for consideration and possible adoption by the Conference.

K. Assessment of the control measures under the Montreal Protocol

31. According to article 6 of the Montreal Protocol ("Assessment and review of control measures"), the Parties, beginning in 1990, and at least every four years thereafter, shall assess the control measures provided for in article 2 on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties.

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32. The Executive Director presented his plan for the assessment to the Meeting on the Scientific Review of the Depletion of the Ozone Layer, to the Workshop on Substitutes and Alternatives to CFC's and Halons, and to the second session of the Ad Hoc Working Group of Legal and Technical Experts for the Harmonization of Data on Production, Imports and Exports of Substances that Deplete the Ozone Layer all of which were held in the Hague in late October 1988. The schedule for the assessment process is contained in annex III to this report.

33. The terms of reference for the four panels are reflected in the Report of the Executive Director to the Contracting Parties of the Montreal Protocol (UNEP/OzL.Pro.1/2, annex IV).

34. In view of current concerns that the existing control measures may be insufficient to stabilize the ozone layer within acceptable bounds, based particularly on the executive summary of the report of the Ozone Trends Panel, the Executive Director has anticipated the needs of the Parties, to receive at the earliest possible time, reviews of scientific, environmental, technical and economic information and has taken appropriate measures to accelerate the assessment process.

L. National legislative activities and policies

35. A summary of the various legislative activities and policies being undertaken by various countries is being made available to the Conference in document UNEP/OzL.Conv.1/Inf.1.

M. Recommendations for action

36. The Conference may wish to authorize the Secretariat to convene a working group to facilitate the preparation of decisions which the Conference may take at its second meeting, especially with regard to programmes for research, systematic observations and scientific co-operation. This working group could also consider and make recommendations on the relations between the activities of the Convention and the Protocol.

37. The Executive Director of UNEP recommends that after considering the present report, the Conference wish to adopt decisions on the following matters:

(a) Adoption of rules of procedure for meetings of the Conference of the Parties (UNEP/OzL.Conv.1/3);

(b) Adoption of financial rules (UNEP/OzL.Conv.1/4);

(c) Adoption of the budget (UNEP/OzL.Conv.1/4);

(d) Designation of the Secretariat (see paragraphs 8-12 above);

(e) Transmission of information (see paragraph 19 above);

(f) Review of the scientific information (see paragraph 21 above);

(g) Adoption of the arbitration procedure (see annex II);

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Annex I

STATUS OF THE 1985 VIENNA CONVENTION FOR THE PROTECTION
OF THE OZONE LAYER AND THE 1987 MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE LAYER*

		Vienna Convention for the Protection of the Ozone Layer <u>a/</u>	Montreal Protocol on Substances that Deplete the Ozone Layer <u>b/</u>	
	<u>Date of signature</u>	<u>Date of ratification (R), accession (Ac), approval (Ap) or acceptance (At)</u>	<u>Date of signature</u>	<u>Date of ratification (R), accession (Ac), approval (Ap) or acceptance (At)</u>
Argentina	22. 3.1985		29. 6.1988	
Australia		16. 9.1987(Ac)	8. 6.1988	
Austria	16. 9.1985	19. 8.1987(R)	29. 8.1988	
Belgium	22. 3.1985	17.10.1988(R)	16. 9.1987	30.12.88(R)
Burkina Faso	12.12.1985		14. 9.1988	
Byelorussian SSR	22. 3.1985	20. 6.1986(Ac)	22. 1.1988	31.10.1988(At)
Canada	22. 3.1985	4. 6.1985(R)	16. 9.1987	30. 6.1988(R)
Chile	22. 3.1985		14. 6.1988	
Congo		<u>1/</u>	15. 8.1988	
Denmark <u>2/</u>	22. 3.1985	29. 9.1988(R)	16. 9.1987	16.12.1988(R)
Egypt	22. 3.1985	9. 5.1988(R)	16. 9.1987	2. 8.1988(R)
Equatorial Guinea		17. 8.1988(Ac)		
Finland	22. 3.1985	26. 9.1986(R)	16. 9.1987	23.12.1988(R)
France	22. 3.1985	4.12.1987(Ap)	16. 9.1987	28.12.1988(Ap)
German Democratic Republic		25. 1.1989(Ac)		25. 1.1989(Ac)
Germany, Federal Republic of <u>3/</u>	22. 3.1985	30. 9.1988(R)	16. 9.1987	16.12.1988(R)
Ghana			16. 9.1987	8. 3.1989(R)
Greece	22. 3.1985	29.12.1988(R)	29.10.1987	16.12.1988(R)
Guatemala		11. 9.1987(Ac)		
Hungary		4. 5.1988(Ac)		
Indonesia			21. 7.1988	
Ireland		15. 9.1988(Ac)	15. 9.1988	16.12.1988(R)

* Information provided by the Depositary, the United Nations Legal Office, New York, as of 28 March 1989.

		Vienna Convention for the Protection of the Ozone Layer <u>a/</u>	Montreal Protocol on Substances that Deplete the Ozone Layer <u>b/</u>
	<u>Date of signature</u>	<u>Date of Ratification (R), accession (Ac), approval (Ap) or acceptance (At)</u>	<u>Date of Ratification (R), accession (Ac), approval (Ap) or acceptance (At)</u>
Israel			14. 1.1988
Italy	22. 3.1985	19. 9.1988(R)	16. 9.1987
Japan		30. 9.1988(Ac)	16. 9.1987
Kenya		9.11.1988(Ac)	16. 9.1987
Liechtenstein		8. 2.1989(Ac)	
Luxembourg	17. 4.1985	17.10.1988(R)	29. 1.1988
Maldives		26. 4.1988(Ac)	12. 7.1988
Malta		15. 9.1988(Ac)	15. 9.1988
Mexico	1. 4.1985	14. 9.1987(R)	16. 9.1987
Morocco	7. 2.1986	<u>1/</u>	7. 1.1987
Netherlands <u>4/</u>	22. 3.1985	28. 9.1988(R)	16. 9.1987
New Zealand	21. 3.1986	2. 6.1987(R)	16. 9.1987
Nigeria <u>5/</u>		31.10.1988(Ac)	
Norway	22. 3.1985	23. 9.1987(R)	16. 9.1987
Panama		13.2.1989(Ac)	16. 9.1987
Philippines			14. 9.1988
Portugal		17.10.1988(Ac)	16. 9.1987
Peru	22. 3.1985		
Senegal			16. 9.1987
Singapore		5. 1.1989(Ac)	
Spain		25. 7.1988(Ac)	21. 9.1988
Sweden	22. 3.1985	26.11.1986(R)	16. 9.1987
Switzerland	22. 3.1985	17.12.1987(R)	16. 9.1987
Thailand			16. 9.1987
Togo			16. 9.1987
Uganda		23. 6.1988(Ac)	15. 9.1988
Ukrainian SSR	22. 3.1985	18. 6.1986(At)	18. 2.1988
USSR	22. 3.1985	18. 6.1986(At)	29.12.1987
United Kingdom <u>6/</u>	20. 5.1985	15. 5.1987(R)	16. 9.1987
United States of America	22. 3.1985	27. 8.1986(R)	16. 9.1987
Uruguay		27. 2.1989(Ac)	
Venezuela		1. 9.1988(Ac)	16. 9.1987
Yugoslavia		<u>1/</u>	6. 2.1989(R)
EEC	22. 3.1985	17.10.1988(Ap)	16.9.1987
Total	28	42	46
			36

Notes

(a) The Vienna Convention for the Protection of the Ozone Layer was adopted in Vienna on 22 March 1985 and entered into force on 22 September 1988.

(b) The Montreal Protocol on Substances that Deplete the Ozone Layer was adopted in Montreal on 16 September 1987 and entered into force on 1 January 1989 as at least 11 instruments of ratification, acceptance, approval or accession representing two thirds of the estimated 1986 global consumption of the controlled substances had been deposited. The 35 States and EEC that have to date deposited their instruments of ratification, acceptance, approval or accession account for approximately 84 per cent of the estimated global consumption.

1/ Formal indication received by UNEP that the ratification, acceptance, approval or accession procedures are in progress.

2/ Except the Faeroe Islands and Greenland.

3/ With application to Berlin (West).

4/ For the Kingdom in Europe, the Netherlands Antilles and Aruba.

5/ The Protocol shall not apply to the Cook Islands and Niue.

6/ On behalf of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Jersey, the Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena and dependencies, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands.

Annex II

ARBITRATION PROCEDURE

UNDER ARTICLE 11, PARAGRAPH 3 (a), OF THE VIENNA CONVENTION
FOR THE PROTECTION OF THE OZONE LAYER (1985)

Article 1

This Procedure is adopted in accordance with article 11, paragraph 3 (a), of the Vienna Convention for the Protection of the Ozone Layer. 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 have agreed to submit the dispute to arbitration pursuant 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. Where there are several parties having separate interests, or where there is disagreement as to whether they are of the same interest, each party shall appoint one member of the tribunal. The arbitrators so appointed shall designate by common agreement the other members of the tribunal. The latter shall not be nationals of any of the parties to the dispute, nor have their usual place of residence in the territory of one of the parties, nor be employed by any of them, nor have dealt with the case in any other capacity. The number of members of the tribunal appointed by the parties shall always be smaller by one than the number of members of the tribunal appointed by common agreement. The chairman of the tribunal shall be designated from among the members appointed by common agreement. He shall be designated by the common agreement of the members of the tribunal appointed by the parties.
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, in disputes between two parties, or the last arbitrator, in disputes between more than two parties, the Secretary-General of the United Nations shall, at the request of the parties, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, any other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention and the protocol or 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 and to visit the localities to which the case relates.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, 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.

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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. The absence or abstention of less than half of the members shall not constitute a bar to the tribunal reaching a decision. In the event of an equality of votes, the Chairman shall have a casting vote.

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 making its award, the arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

Article 13

The tribunal shall render its award 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 award 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 award. Any member of the tribunal may attach a separate or dissenting opinion to the award.

Article 15

The award shall be final and 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 award may be submitted by either party for decision to the arbitral tribunal which made the award. For this purpose, any vacancy in the tribunal shall be filled in the manner provided for in the original appointments of the members of the tribunal.

Annex III

RECOMMENDATIONS FOR THE ASSESSMENT OF THE CONTROL MEASURES

Timetable for the assessment process

<u>October 1988</u>	Four <u>ad hoc</u> panels established to review scientific, economic, environmental and technical aspects of ozone depletion with the concurrence of the <u>Ad Hoc Working Group of Legal and Technical Experts</u> for the Harmonization of Data on Production, Imports and Exports of Substances that Deplete the Ozone Layer
<u>January 1989</u>	Montreal Protocol enters into force
<u>February 1989</u>	Advisory group meeting for the preparation of documents for the first meeting of the Parties
<u>April/May 1989</u>	First Meeting of the Parties convenes panels of experts under article 6 of the Protocol (and establishes a working group of the Parties for integrating the reports of the panels)
<u>June/July 1989</u>	Finalization of draft reports from the four panels of experts
<u>July/August 1989</u>	Working Group of the Parties integrates the reports of the four panels of experts and makes recommendations for the amendment of control measures, as appropriate
<u>August/September 1989</u>	Reports of the panels circulated to the Parties
<u>October 1989</u>	Integrated report and recommendations circulated to the Parties
<u>April/May 1989</u>	Second Meeting of the Contracting Parties to assess the control measures in article 2 and decide on any adjustments to article 2 or amendments of other provisions of the Montreal Protocol
