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Ad Hoc Working Group of Legal and Technical
Experts for the Preparation of the Protocol on
Chlorofluorocarbons to the Vienna Convention
for the Protection of the Ozone Layer (Vienna Group)

Geneva, 1-5 December 1986

FIFTH REVISED DRAFT PROTOCOL ON CHLOROFLUOROCARBONS*
PREAMBLE

THE PARTIES TO THIS PROTOCOL,

Being parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under the Vienna Convention to take appropriate measures 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,

Recognizing the possibility that world-wide emissions of fully halogenated chlorofluorocarbons and other chlorine containing substances can significantly deplete and otherwise modify the ozone layer, resulting or likely to result in adverse effects on human health and the environment,

Recognizing also the potential climatic effects of chlorofluorocarbons emissions,

Determined to protect the ozone layer by taking precautionary measures to control total global emissions of chlorofluorocarbons,

Mindful of the precautionary measures for controlling emissions of chlorofluorocarbons that have already been taken at the national and regional levels,

Aware that measures taken to protect the ozone layer from modifications due to the use of chlorofluorocarbons should be based on relevant scientific and technical considerations,

*Articles I, III, VI-XII have been agreed by the Ad hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer at its second part of the fourth session (January 1985, Vienna). The Preamble and Articles IV and V partially retained as agreed taking into account the deletion of articles II and IV from the fourth revised draft.

Mindfully that special provision needs to be made in regard to the production and use of chlorofluorocarbons for the benefit of developing countries,

Considering the importance of promoting international co-operation in the research and development of science and technology on the control and reduction of Chlorofluorocarbons emissions, bearing in mind, in particular, the needs of developing countries,

HAVE AGREED AS FOLLOWS:

ARTICLE I: DEFINITIONS

For the purposes of this Protocol,

1. "The Convention" means the Vienna Convention for the Protection of the Ozone Layer;
2. "Parties" means, unless the context otherwise requires, Parties to this Protocol;
3. "The Secretariat" means the Secretariat of the Vienna Convention;
4. "Chlorofluorocarbon" or "CFC" means any fully halogenated chlorofluorocarbene.

ARTICLE II: CONTROL MEASURES

ARTICLE III: REVIEW OF CONTROL MEASURES

The Parties shall regularly at their meetings reassess the control measures provided for in article II, on the basis of the scientific, environmental and economic information available, and shall take all appropriate action.

ARTICLE IV: REPORTING OF INFORMATION

1. Within one year after the entry into force of this Protocol each Party shall inform the Secretariat about the implementation of this Protocol.
2. The Parties to this Protocol, either individually or jointly, shall submit annually to the Secretariat:
 - (a) Information on national laws, regulations, policy directives and other measures adopted to implement this Protocol;
 - (b) Any other information to indicate their implementation of this Protocol.

ARTICLE V: RESEARCH, DEVELOPMENT AND EXCHANGE OF INFORMATION

The Parties shall co-operate in promoting, directly and through competent international bodies, bearing in mind the needs of developing countries, research, development and exchange of information on:

- (a) The best practicable technologies;
- (b) Possible alternatives to CFCs and CFC products;
- (c) Costs and benefits of relevant control strategies.

2. Each Party shall submit to the Secretariat a summary of activities conducted pursuant to the present article on a biennial basis.

ARTICLE VI: TECHNICAL ASSISTANCE

1. The Parties shall co-operate, taking into account in particular the needs of developing countries, in promoting, in the context of the provisions of article 4 of the Vienna Convention, technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party of Signatory to this Protocol in need of technical assistance in implementing it may submit a request to the Secretariat.

ARTICLE VII: SECRETARIAT FUNCTIONS

The Secretariat shall:

- (a) Arrange for and service meetings of the Parties;
- (b) Distribute to the Parties information on each Party's year of maximum use of CFCs by sectors and the total amount of its use in that year, as reported by the Parties in accordance with article IV;
- (c) Prepare and distribute to the Parties regularly a report based on information received pursuant to articles IV and V;
- (d) Notify the Parties of any request for technical assistance received pursuant to article VI so as to facilitate the provision of such assistance to the extent possible.
- (e) Perform such other functions as may be assigned to it by the Parties.

ARTICLE VII: MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties within one year after the entry into force of this Protocol and in conjunction with a meeting of the Conference of the parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the Parties shall be held in conjunction with meetings of the parties to the Vienna Convention, unless otherwise decided by the Parties to the Protocol. Extraordinary meetings of the Parties may be held at such other times as may be deemed necessary by them, or at the written request of any of them, provided that, within six months of such a request being communicated to them by the Secretariat, it is supported by at least a third of the Parties.

3. The functions of the meetings of the Parties shall be:

- (a) To review implementation of this Protocol;
- (b) To establish where necessary guidelines or procedures for reporting of information as provided for in article IV and V;
- (c) To review requests for technical assistance provided for in article VI;
- (d) To review reports received from the Secretariat pursuant to article VII;
- (e) To reassess, pursuant to article III, the control measures provided for in article;
- (f) To consider and adopt proposals for amendment of this Protocol;
- (g) To consider and adopt the budget for the implementation of this Protocol.

ARTICLE VIII: FINANCIAL PROVISIONS

The expenditure required for the functioning of the Secretariat or other expenditure for the administration of this Protocol shall be charged against special contributions from the Parties to this Protocol exclusively.

ARTICLE IX: RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

- 1. The relevant provisions of the Vienna Convention with respect to any protocol shall apply to this Protocol.
- 2. The rules of procedure and financial rules adopted pursuant to article 6, paragraph 3 of the Convention shall apply to this Protocol, unless the Parties to the Protocol agree otherwise.

ARTICLE X: SIGNATURE

This Protocol shall be open for signature at.....fromto..... by signatories to the Convention.

ARTICLE XI: ENTRY INTO FORCE

- 1. This Protocol shall enter into force on the same date as the Convention enters into force, provided that there have been deposited nine instruments of ratification, acceptance, approval or accession to the Protocol. In the event that nine such instruments have not been deposited by the date of entry into force of the Vienna Convention, this Protocol shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance, approval or accession to the Protocol submitted by any party to the Vienna Convention.

2. For the purpose of paragraph 1 any instrument deposited by an organization referred to in article 12 in the Convention shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Protocol, any party to the Vienna Convention shall become a Party to this Protocol on the thirties day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

ARTICLE XII: AUTHENTIC TEXTS

The original of this Protocol, 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 EFFECTS, HAVE SIGNED THE PRESENT PROTOCOL,

DONE ATTHIS
DAY OF.....