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

First Session
Geneva, 1-5 December 1986
Item 4 of the provisional agenda

DRAFT PROTOCOL ON CHLOROFLUOROCARBONS
OR OTHER OZONE-MODIFYING SUBSTANCES

Proposal submitted by Canada

The Parties to this Protocol,

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

Mindful of their obligations 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 chlorofluorocarbons or other ozone-modifying 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 emissions of chlorofluorocarbons or other ozone-modifying substances,

Determined to protect the ozone layer by taking precautionary measures to control total global emissions of chlorofluorocarbons or other ozone-modifying substances,

Mindful of the precautionary measures for controlling emissions of chlorofluorocarbons or other ozone-modifying substances, that have already been taken at national and regional levels,

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

Mindful that special consideration should be given to the particular situation 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 emissions of chlorofluorocarbons or other ozone-modifying substances,

Have agreed as follows:

Article I

DEFINITIONS

For the purposes of this Protocol:

(a) "The Convention" means the Vienna Convention for the Protection of the Ozone Layer;

(b) "The Parties" means, unless the text otherwise indicates, the Parties to this Protocol;

(c) "The Secretariat" means the Secretariat of the Vienna Convention for the Protection of the Ozone Layer;

(d) "Chlorofluorocarbon" or "CFC" means any halogenated chlorofluoroalkane;

(e) "Ozone-modifying substance" or "OMS" means any chemical compound which is likely to modify the ozone layer;

(f) "Global emission limit" or "GEL" means the total quantity of OMSs that can be released per annum without causing irreversible harm to the ozone layer. The initial GEL for the purposes of this Protocol is [812 kilotons] per annum of OMSs weighted according to their ozone-depleting potential;

(g) "National emission limit" or "NEL" means the emission limit calculated using the GEL and in accordance with the procedural mechanism set out in schedule B annexed hereto for the chemicals listed in schedule A annexed hereto;

(h) "Actual national emissions" means [production plus imports minus exports minus quantity destroyed] of CFCs or other OMSs. [The quantity of CFCs or other OMSs refers to bulk chemicals only, and not products containing these chemicals];

(i) "Exports" means exports to countries that are Parties to this Protocol.

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Article II

CONTROL MEASURES

1. Each Party shall undertake the following obligations:

(a) [To attend a meeting of the Parties to be called by the Secretariat [at least every 5 years] for the purposes of revising the GEL. In the event that a two-thirds majority of the Parties present at the meeting can not agree on a revised GEL, then the previous GEL will remain in effect until such a majority agreement has been reached;]

or

[To attend a meeting of the Parties to be called by the Secretariat [at least every 5 years] for the purpose of re-establishing the GEL that ceases to be in effect at the end of the [five-year period] in question. A simple majority of the Parties to the Protocol present at the meeting shall establish a new GEL;]

(b) To ensure that although the procedural mechanism for allocating NELs may be modified from time to time by the Parties to the Protocol present at any meeting, the mechanism must remain so constructed that the sum of all NELs is equal to or less than the GEL;

(c) To develop and implement [at the earliest possible date] control measures and any related actions to ensure that the total release of all chemicals listed in schedule A does not exceed their NEL;

2. The provisions of this article shall in no way affect the right of the Parties to adopt domestic measures more stringent than those provided in paragraph 1 (c) above.

Article III

REVIEW OF CONTROL MEASURES

1. The Parties, at their meetings, shall:

(a) Consider the addition or deletion of OMSs to schedule A. Such additions or deletions shall be decided in accordance with the voting procedure set out in article II, paragraph 1 (a) above.

(b) Consider adjusting the allocation procedure set out in schedule B, taking into account, inter alia, additions or deletions to schedule B decided in accordance with the voting procedures set out in article II paragraph 1 (b), above.

2. In accordance with article 3 of the Convention, any modification outlined in paragraphs 1 (a) and (b) above should be based on the relevant scientific and technical considerations. A scientific assessment in this regard shall be undertaken by a group of designated scientific experts and made available to the Parties for their consideration at least [6 months] prior to the convening of any meeting.

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Article IV

REPORTING OF INFORMATION

The Parties shall submit annually to the Secretariat the best estimate of actual national emissions, weighted according to their ozone depletion potential.

Article V

RESEARCH, DEVELOPMENT AND EXCHANGE OF INFORMATION

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

- (a) The best practicable recovery, recycling and destruction technologies;
- (b) Possible alternatives to CFCs or other OMSs and their products;
- (c) Costs and benefits of relevant control strategies.

2. Once every two years, on or before a date to be prescribed by the Secretariat, each Party shall submit to the Secretariat a summary of activities conducted pursuant to this article.

Article VI

TECHNICAL ASSISTANCE

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

2. Any Party or 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) Prepare and distribute to the Parties regularly a report based on information received pursuant to articles IV and V;
- (c) 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;
- (d) Perform such other functions as may be assigned to it by the Parties.

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Article VIII

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. Unless otherwise decided by the Parties, subsequent meetings of the parties shall be held in conjunction with meetings of the parties to the Convention. Any extraordinary meeting of the Parties to this Protocol may be held at the written request of a Party, provided the request is supported by at least one third of the Parties [as confirmed by the Secretariat].
3. The functions of the meetings of the Parties shall be:
 - (a) To review the implementation of this Protocol;
 - (b) To establish, where necessary, guidelines or procedures for reporting of information as provided for in articles 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 II;
 - (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 IX

FINANCIAL PROVISIONS

The funds required for the operation of the Secretariat for the administration of this Protocol shall be charged against special contributions from the Parties to this Protocol exclusively. Such contributions shall be determined by the Parties to this Protocol at their first meeting.

Article X

RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

1. The relevant provisions of the Convention with respect to any protocol shall apply to this Protocol.

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2. [The rules of procedure and the 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 XI

SIGNATURE

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

Article XII

ENTRY INTO FORCE

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

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 Convention shall become a Party to this Protocol on the thirtieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article XIII

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 effect, have signed the present Protocol,

DONE at on this day of

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Annex

SCHEDULE A

The following chemical substances [and their relative ozone depletion potential] are believed to have the potential, either alone or in combination, to modify adversely the ozone layer and, thus, are to be considered in the development of control measures pursuant to this Protocol:

Trichlorofluoromethane	(CFC-11)	1.00
Dichlorodifluoromethane	(CFC-12)	0.86
Trichlorotrifluoroethane	(CFC-113)	0.80
Dichlorotetrafluoroethane	(CFC-114)	0.60
[Chlorodifluoromethane	(CFC-22)	0.05]
[1,1,1,-Trichloroethane	(Methyl Chloroform)	0.15]
[Bromotrifluoromethane	(Halon 1301)	10.00]
[Bromochlorodifluoromethane	(Halon 1211)	10.00]
[Tetrachloromethane	(Carbon Tetrachloride)	1.11]

[Weighting factors may be revised according to the percentage of total production that is actually emitted.]

SCHEDULE B

National emission limits (NEL) are allocated in accordance with the following apportionment procedure:

(a) Apportion [25 per cent] of the global emission limit (GEL) as specified in article II, paragraph 1 (a), of this Protocol, among the nations of the world, on the basis of their share of world population in [1983]. (Data taken from the International Monetary Fund Data Base);

(b) Apportion [75 per cent] of the global emission limit (GEL) as specified in article II, paragraph 1 (a), among the nations of the world, on the basis of the relative size of their gross national product (GNP) in [1983]. (Data taken from the International Monetary Fund Data Base);

(c) Add (a) and (b) to determine each country's NEL.
