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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)

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PROVISIONAL PROPOSAL BY THE EUROPEAN COMMUNITY

Please find below a set of model articles showing how the ideas explored in the Community's statement might be incorporated into a protocol as requested by the UNEP Secretariat. It must be understood that this text does not necessarily represent the position of the European Community, but is provided in the interest of aiding UNEP and the Vienna Group in undertaking their assigned task of elaborating a protocol on chlorofluorocarbons:

ARTICLE II: CONTROL MEASURES

1. This article shall apply to CFCs 11, 12 [113, 114, ...] which shall be referred to as "the regulated substances".
2. Within () years after entry into force of this protocol, each party shall ensure that its aggregate annual production of the regulated substances shall not exceed [its aggregate 1986 production level] [a production level to be determined in the protocol].
- [3. Notwithstanding the provisions of paragraph 2, any developing country who, on entry into force of this protocol, does not produce the regulated substances, shall be entitled to produce an amount which does not exceed its aggregate 1986 consumption level].

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L.5 (has been changed on original)

4. To calculate the aggregate production or consumption of the regulated substances, each party shall multiply the production or consumption of each of the regulated substances by its ozone depletion weight, in the manner laid down in Annex A and then add the products.

5. The provisions of this Article shall be subject to review within () years of [the entry into force] [the opening for signature] of this protocol, and to further review every () years thereafter.

6. The right of any party to adopt control measures more stringent than those contained herein is not restricted by this article.

ARTICLE III

1. At least one year before each of the reviews specified in paragraph 5 of Article II, the parties shall convene an ad hoc panel of scientific experts, with compositions and terms of reference determined by the parties, to review advances in scientific understanding of modification of the ozone layer and the potential health, environmental, and climatic effects of such modification.

2. In light of such scientific review, the parties shall jointly assess and may adjust the stringency, timing, and scope of the control measures in Article II and the ozone depletion weights in Annex A, [taking into account, among other things, any new production provided for in art. II.3].

3. Any such adjustment shall be made by amending Article II and/or Annex A as provided in Article 9 of the Convention, except that such amendment would not be subject to the six months' advance notice requirement of paragraph 2 of that article.

ARTICLE IV: CONTROL OF TRADE

The parties shall jointly study the feasibility of restricting imports of the regulated substances specified in paragraph 1 of Article II and of restricting imports of products containing or produced with the regulated substances from any State not party to this protocol.

ARTICLE V: REPORTING OF INFORMATION

1. Each party shall submit annually to the secretariat data showing its calculation of annual production consumption, imports and exports of each of the substances listed in Annex A, using the format developed by the secretariat pursuant to paragraph 2A.

2. The secretariat shall:
 - A. Develop and distribute to all parties a standard format for reporting such data as indicated by paragraph 1,
 - B. Take appropriate measures to ensure the confidentiality of all data submitted to it pursuant to paragraph 1, except for the aggregate annual production and trade figures,
 - C. Compile and distribute annually to all parties a report of the aggregate annual production and trade.
3. The parties shall jointly study the feasibility of collecting data showing the pattern of trade in products containing or produced with the regulated substances and in products containing or produced with the other substances listed in Annex A, with a view to establishing a method of calculating the total benefit from the use of such substances enjoyed by each party.