



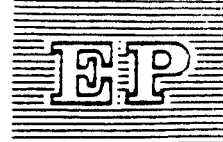
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Ad Hoc Working Group of Legal Experts on
Non-compliance with the Montreal Protocol
Third meeting
Geneva, 5-8 November 1991

DRAFT REPORT OF THE THIRD MEETING OF THE AD HOC
WORKING GROUP OF LEGAL EXPERTS ON NON-COMPLIANCE
WITH THE MONTREAL PROTOCOL (continued)

III. SUBSTANTIVE MATTERS (continued)

- (a) Further elaboration of the procedure on non-compliance, including the terms of reference for the Implementation Committee (continued)

27. The Chairman invited the Working Group to consider original paragraph 7 of the Non-Compliance Procedure (UNEP/OzL.Pro./2/3, Annex 3), together with the amendments to that paragraph contained in paragraph 9 of the European Community's proposal (UNEP/OzL.Pro/WG/3/2/3, Annex 1).

28. In the discussion that followed, one representative stressed, in connection with the possible content of the Implementation Committee's report to the Meeting of the Parties, that, in addition to recommendations, the Committee should be encouraged to report on other matters that it considered appropriate, such as general observations on the efficacy of the non-compliance procedures and any obstacles to performing its functions.

29. After several oral amendments had been proposed and subsequently withdrawn, the Working Group approved the first amendment proposed by the European Community. It also approved a new, second, sentence to read: "The report shall be made available to the Parties not later than six weeks before their Meeting." The second sentence of the original paragraph 7 was then approved unchanged. The second amendment proposed by the European Community was withdrawn.

30. Two oral proposals concerning that transparency of the Implementation Committee's work were, at the suggestion of the Chairman, deferred for consideration in connection with paragraph 11 of the original Non-Compliance Procedure.

31. After a short discussion, paragraph 8 and 9 of the original Non-Compliance Procedure were approved unchanged.

32. Paragraph 10 of the original Non-Compliance Procedure was approved, with the substitution of the word "matters" for the word "cases" in the second line.

33. After a lengthy discussion concerning the two transparency proposals that had been deferred and their relationship to the existing sentence in paragraph 11 of the original Non-Compliance Procedure, the Working Group entrusted the formulation of the paragraph to a drafting group, which added two further sentences. Since no consensus could be reached on those additional sentences, the Working Group decided to retain the original sentence of paragraph 11 unchanged and to place the two additional sentences between square brackets in a new paragraph 12.

34. The Working Group then decided to retain the paragraphs in the order in which they had been provisionally placed, renumbering them accordingly. The new Non-Compliance Procedure, as approved, is attached to the report as Annex --.