

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 222 final

Brussels, 25 April 1989

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Montreal Protocol on substances that deplete the ozone layer

Communication from the Commission to the Council

1. The Community is a party to the Vienna Convention for the Protection of the Ozone Layer, 1985. It is also party to a Protocol to the Vienna Convention, the Montreal Protocol on substances that deplete the ozone layer.

2. The Community and its Member States have ratified the Vienna Convention and the Montreal Protocol (1). As a result, the Montreal Protocol entered into force on 1st January 1989.

3. Both the Convention and the Protocol are international agreements established within the framework of the United Nations Environmental Programme aiming at common action by all countries of the world for the protection of the ozone layer.

4. In Article 8 of the Montreal Protocol it is provided that :

"The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance". In the context of this article suggestions concerning these procedures and mechanisms have been submitted informally by the Finnish and the United States Government.

To be able to participate fully in the discussions and findings concerning Article 8 of the Montreal Protocol, it seems appropriate that the Commission should receive an authorisation from the Council.

The Council is, therefore, requested to authorise the Commission to take part in the deliberations at the first meeting of the parties concerning article 8. The Commission will express the position of the Community in close cooperation with the Member States and in accordance with the guidelines attached in annex.

(1) Council decision (88/540/EEC) 14 Oct 1988
OJ L 297 31.10.1988
Council regulation (3322/88/EEC) 14 Oct 1988
OJ L 297 31.10.1988.

ANNEX

Guidelines

The Commission will support any initiative which could lead to a control procedure and which would create the appropriate sanctions compatible with Council Regulation n. 3322/88, whose objective would be to fully fulfill the obligations set out in the Montreal Protocol.

Any obligatory and direct recourse to the International Court of Justice is excluded.

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