

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC (89) 1161 final

Brussels, 7 July 1989

Communication from the Commission to the Council
concerning the revision of the Montreal Protocol on substances that deplete
the ozone layer

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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 signed and ratified the Vienna Convention and the Montreal Protocol.² As a result, the latter 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. The Community has long since taken³ its part in the responsibility for the safeguard of the ozone layer.
4. The current situation shows, however, that it is necessary for the protection, promotion and improvement of the environment to rapidly increase the efforts for the safeguard of the ozone layer, in accordance with the newest available scientific, environmental, technical and economic information.

Articles 9 and 10 of the Vienna Convention lay down that the Contracting Parties may propose amendments to the Convention or any of its protocols.

An inter governmental panel of the Parties to the Protocol will formulate from August to October 1989 the appropriate proposals for the revision of the Protocol. The Community has formally taken the lead for one of the four reviews.

As the Council noted at its meeting on March 2nd 1989, in the context of the Montreal Protocol, there will be several meetings during the coming months with the aim of drawing up guidelines for a rapid revision of that Protocol. It is important that the Community should be able to make its contribution to these negotiating aims at an early date.

The Council therefore concluded:

"This situation shows the need, both within the Community and at global level, for a reduction of at least 85% as soon as possible in the current level of production and use of the CFCs covered by the Montreal Protocol with a view to their being eliminated towards the end of the century, and for the said Protocol to be strengthened accordingly.

The Council notes that the Member States undertake to take all measures necessary for a rapid spread of substitute products, equipment or processes which do not involve dangers for man and the environment.

Lastly, the Council calls on the Commission to submit urgently a proposal for negotiations for the revision of the Montreal Protocol."

² Decision 88/540/EEC of 14.10.1988, OJ NOL 297, 31.10.1988 p. 8

³ Decision 80/372/EEC of 26.3.1980, OJ NOL 90, 3.4.1980 p. 45

5. Another area of major concern is the inclusion of developing countries in the Montreal Protocol.

6. Negotiations by the Commission in the above sense is the logical continuation of Community policy in this field.

7. The Council is therefore requested to decide:

the Community participates in the Conference, on the revision of the Montreal Protocol on substances that Deplete the Ozone Layer within the framework of the Vienna Convention for the Protection of the Ozone Layer,

the Commission will express the position of the Community in consultation with the Member States and in conformity with the Directives attached hereto.

Negotiating Directives

The Commission shall ensure that the provisions of the amendment of the Protocol are compatible with the Community objectives on the environment and on the internal market and that the text of the Protocol makes appropriate provision for Community participation.

The Commission shall conduct the negotiations on the basis of the conclusions of the Council of 2nd March 1989 and in particular on the basis of the conclusion that it is necessary to reduce the present production and consumption of CFCs covered by the Montreal Protocol by at least 85% as soon as possible, with a view to their phase out towards the end of the Century. In addition, the phasing out of halons and the control and reduction of other ozone depleting substances which contribute significantly to ozone depletion as soon as feasible will be sought. The Commission shall endeavour to secure the necessary provisions for the acceptance by developing countries of the Montreal Protocol.