

FINAL ACT
of the
CONFERENCE OF PLENIPOTENTIARIES
ON THE PROTECTION OF THE OZONE LAYER



UNITED NATIONS
1985

Final Act of the Conference of Plenipotentiaries
on the Protection of the Ozone Layer

1. The Conference of Plenipotentiaries on the Protection of the Ozone Layer was convened by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to decision 12/14, section 1, paragraph 4, adopted by the Governing Council of UNEP on 28 May 1984.

2. The Conference met at the Vienna International Centre, Vienna, with the kind support of the Government of the Republic of Austria, from 18 to 22 March 1985.

3. All States were invited to participate in the Conference. The following States accepted the invitation and participated in the Conference:

Algeria, Argentina, Australia, Austria, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Denmark, Egypt, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Senegal, Spain, Sweden, Switzerland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

4. Observers from the following States attended the proceedings of the Conference:

Bulgaria, China, Ecuador, Indonesia, Tunisia, Uruguay, Yugoslavia.

5. Observers from the following United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations also attended the Conference:

United Nations Industrial Development Organization, World Meteorological Organization, European Economic Community, Organization for Economic Co-operation and Development, European Council of Chemical Manufacturers' Federations, International Chamber of Commerce, Federation of European Aerosol Associations.

6. In the course of the inaugural ceremony, the Conference heard a welcoming address by Dr. Kurt Steyrer, Federal Minister for Health and Environmental Protection on behalf of the Government of the Republic of Austria. The Conference was formally opened by

Dr. Mostafa K. Tolba, the Executive Director of UNEP, who served as Secretary-General of the Conference and appointed Mr. Jerry O'Dell as Executive Secretary.

7. The Conference unanimously elected Dr. Winfried Lang (Austria) as its President.

8. The Conference also elected the following officers:

Vice-Presidents: Mr. Geraldo Eulalio do Nascimento e Silva (Brazil)
Mr. Mohamed El-Taher Shash (Egypt)
Mr. Rune Lönngren (Sweden)
Mr. Yuri Sedunov (Union of Soviet Socialist Republics)

Rapporteur: Mr. Willem Kakebeke (Netherlands)

9. The Conference adopted the following agenda:

1. Opening of the Conference.

2. Organizational matters:

- (a) Adoption of the rules of procedure;
- (b) Election of the President;
- (c) Election of Vice-Presidents and Rapporteur;
- (d) Adoption of the agenda;
- (e) Appointment of the Credentials Committee;
- (f) Appointment of the Drafting Committee;
- (g) Organization of the work of the Conference.

3. Consideration of the draft Convention for the Protection of the Ozone Layer, and its technical annexes.

4. Consideration of the report of the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer, concerning a draft Protocol on Chlorofluorocarbons.

5. Consideration of the report of the Credentials Committee.

6. Adoption of the Convention and other instruments, as appropriate.
7. Adoption of the Final Act of the Conference.
8. Signature of final instruments.
9. Closing of the Conference.
10. The Conference adopted as its rules of procedure document UNEP/IG.53/2 proposed by the secretariat, as amended (UNEP/IG.53/2/Corr.1).
11. In conformity with the rules of procedure, the Conference established the following Committees:

Committee of the Whole

Chairman: The President of the Conference

General Committee

Chairman: The President of the Conference

Members: The Vice-Presidents of the Conference, the Rapporteur and the Chairman of the Drafting Committee

Drafting Committee

Chairman: Mr. Alberto L. Davèrède (Argentina)

Members: Mr. Waguïh Saïd Hanafi (Egypt)
Ms. Satu Nurmi (Finland)
Mr. Philippe Seigneurin (France)
Mr. Vadim Bakoumov (USSR)
Mr. Patrick Széll (United Kingdom)
Mr. Scott A. Hajost (USA)

12. The main documents which served as the basis for the deliberations of the Conference were:

- Fifth Revised Draft Convention for the Protection of the Ozone Layer (UNEP/IG.53/3)

- Final Report of the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer (UNEP/IG.53/4).

13. In addition, the Conference had before it a number of other documents that were made available to it by the Secretariat of UNEP. 1/

14. The Conference approved the recommendation of its Credentials Committee that the credentials of the representatives of the participating States as listed in paragraph 3 should be recognized as being in order.

15. On the basis of the deliberations of the Committee of the Whole, the Conference, on 22 March 1985, adopted the Vienna Convention for the Protection of the Ozone Layer. The Convention, which is appended to this Final Act, will be open for signature at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at the United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

16. The Conference also adopted the following resolutions which are appended to this Final Act:

1. Resolution on institutional and financial arrangements;

2. Resolution on a protocol concerning chlorofluorocarbons;

3. Tribute to the Government of the Republic of Austria.

17. At the time of the adoption of this Final Act, several States made declarations which are recorded in document UNEP/IG.53/5 appended hereto.

1/ Financial implications of the implementation of the Convention for the Protection of the Ozone Layer: Revised estimates, and comments by WMO (documents UNEP/WG.94/13, UNEP/WG.94/13/Add.1 and UNEP/WG.94/13/Add.2/Rev.1).

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Vienna this twenty second day of March one thousand nine hundred and eighty five in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

1. Resolution on Institutional and Financial Arrangements

The Conference,

Having adopted the Vienna Convention for the Protection of the Ozone Layer,

Recalling that under the Convention the United Nations Environment Programme (UNEP) is responsible for carrying out the secretariat functions until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6 of the Convention,

Recognizing that it is for the Parties to the Convention to finance the costs of the secretariat of the Convention and other administrative costs,

1. Notes the cost estimates for the first two years of the Convention secretariat, as presented by the secretariats of UNEP and the World Meteorological Organization (WMO);

2. Also notes the willingness of the Executive Director of UNEP to contribute towards the costs of the interim secretariat during its initial two to three years of operation, subject to the availability of resources in the Environment Fund;

3. Requests the Executive Director of UNEP, in consultation with the signatories to the Convention and in close co-operation with WMO and other relevant United Nations bodies, to make arrangements required for the interim secretariat in order to achieve the objectives of the Convention;

4. Further notes with appreciation the statements of the Executive Director of UNEP and the WMO Executive Council, offering to serve as the permanent secretariat for the Convention.

2. Resolution on a Protocol Concerning Chlorofluorocarbons

The Conference,

Noting with appreciation that the Convention for the Protection of the Ozone Layer was opened for signature in Vienna on 22 March 1985,

Bearing in mind decision 8/7B adopted on 29 April 1980 by the Governing Council of the United Nations Environment Programme (UNEP),

Considering that the Convention is an important step to protect the ozone layer from modifications due to human activities,

Noting that article 2 of the Convention establishes an obligation 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 and use of fully-halogenated chlorofluorocarbons (CFCs) and other chlorine-containing substances can significantly deplete and otherwise modify the ozone layer, leading to potentially adverse effects on human health, crops, marine life, materials and climate, and recognizing at the same time the need to further assess possible modifications and their potentially adverse effects,

Mindful of the precautionary measures for controlling emissions and use of CFCs that have already been taken at national and regional levels, but recognizing that such measures might not be sufficient for protecting the ozone layer,

Determined therefore to continue negotiations on the development of a protocol to control equitably global production, emissions and use of CFCs,

Mindful that special consideration should be given to the particular situation of developing countries,

Mindful also of the relationship between the level of industrialization of a State and its responsibilities for the protection of the ozone layer,

Noting the considerable progress made by the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer to develop a protocol concerning CFCs, but further noting that the Working Group was not in a position to complete its work on the protocol,

1. Pending the entry into force of the Convention, requests the Executive Director of UNEP, on the basis of the work of the Ad Hoc Working Group, to convene a working group to continue work on a protocol that addresses both short and long term strategies to control equitably global production, emissions and use of CFCs, taking into account the particular situation of developing countries as well as updated scientific and economic research;

2. Urges all interested parties, in order to facilitate work on a protocol, to co-operate in studies leading to a more common understanding of possible scenarios for global production, emissions and use of CFCs and other substances affecting the ozone layer and the costs and effects of various control measures and, to this end, requests such parties to sponsor, under the patronage of UNEP, a workshop on this subject;

3. Requests the working group, in further developing a protocol, to take into account, inter alia, the report of the Co-ordinating Committee on the Ozone Layer on its eighth session as well as the 1985 World Meteorological Organization assessment of the current understanding of the physical and chemical processes which control atmospheric ozone;

4. Authorizes the Executive Director, in consultation with the signatories and pending the entry into force of the Convention, to convene a Diplomatic Conference, if possible in 1987, for the purpose of adopting such a protocol;

5. Appeals to signatories to the Convention and to other interested parties participating in the preparation of a protocol to make available financial means to support activities envisaged under the above paragraphs;

6. Urges all States and regional economic integration organizations, pending entry into force of a protocol, to control their emissions of CFCs, inter alia in aerosols, by any means at their disposal, including controls on production or use, to the maximum extent practicable.

3. Tribute to the Government of the
Republic of Austria

The Conference,

Having met in Vienna from 18 to 22 March 1985 at the gracious invitation of the Government of the Republic of Austria,

Convinced that the efforts made by the Government of the Republic of Austria and by the civic authorities of Vienna in providing facilities, premises and other resources contributed significantly to the smooth conduct of its proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of the Republic of Austria and the City of Vienna to the members of the delegations, observers and the secretariat attending the Conference,

Expresses its sincere gratitude to the Government of the Republic of Austria, to the authorities of Vienna and, through them, to the Austrian people and in particular to the population of Vienna for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.