

Convention for the Protection of the Ozone Layer, Vienna Convention Layer on the Protection of the Ozone Layer 1985

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1 **Convention for the Protection of the Ozone Layer,
Vienna Convention Layer on the Protection of the
Ozone Layer 1985**

2 Reproduced in 26 ILM 1529 (1985)

3 **Preamble**

4 The Parties to this Convention

5 Aware of the potentially harmful impact on human health and the
environment through modification of the ozone layer,

6 Recalling the pertinent provisions of the Declaration of the United
Nations Conference on the Human Environment, and in particular
principle 21, which provides that “States have, in accordance with
the Charter of the United Nations and the principles of international
law, the sovereign right to exploit their own resources pursuant to
their own environmental policies, and the responsibility to ensure
that activities within their jurisdiction or control do not cause damage
to the environment of other States or of areas beyond the limits
of national jurisdiction”,

7 Taking into account the circumstances and particular requirements
of developing countries,

8 Mindful of the work and studies proceeding within both international
and national organizations and, in particular, of the World Plan of
Action on the Ozone Layer of the United Nations Environment Programme,

9 Mindful also of the precautionary measures for the protection of
the ozone layer which have already been taken at the national and
international levels,

10 Aware that measures to protect the ozone layer from modifications

due to human activities require international co-operation and action,
and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations
to further develop scientific knowledge of the ozone layer and possible
adverse effects resulting from its modification,

Determined to protect human health and the environment against
adverse effects resulting from modifications of the ozone layer,

Have agreed as follows:

Article 1 - Definitions

For the purposes of this Convention:

1. “The ozone layer” means the layer of atmospheric ozone above
the planetary boundary layer.

2. “Adverse effects” means changes in the physical environment or
biota, including changes in climate, which have significant deleterious
effects on human health or on the composition, resilience and
productivity of natural and managed ecosystems, or on materials
useful to mankind.

3. “Alternative technologies or equipment” means technologies or
equipment the use of which makes it possible to reduce or effectively
eliminate emissions of substances which have or are likely to
have adverse effects on the ozone layer.

4. “Alternative substances” means substances which reduce, eliminate
or avoid adverse effects on the ozone layer.

5. “Parties” means, unless the text otherwise indicates, Parties to
this Convention.

6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. "Protocols" means protocols to this Convention.

Article 2 - General obligations

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party 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.

2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:

(a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;

(b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;

(c) Co-operate in the formulation of agreed measures procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and Annexes;

(d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.

4. The application of this Article shall be based on relevant scientific and technical considerations.

Article 3 - Research and Systematic Observations

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:

(a) The physical and chemical processes that may affect the ozone layer;

(b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra- violet solar radiation having biological effects (UV-B);

(c) Climatic effects deriving from any modifications of the ozone layer;

(d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation on natural and synthetic materials useful to mankind;

(e) Substances practices, processes and activities that may affect the ozone layer, and their cumulative effects;

- 39 (f) Alternative substances and technologies;
 40 (g) Related socio-economic matters; and as further elaborated in
 Annexes I and II.

41 2. The Parties undertake to promote or establish, as appropriate,
 directly or through competent international bodies and taking
 fully into account national legislation and relevant ongoing activities
 at both the national and international levels, joint or complementary
 programmes for systematic observation of the state of the ozone layer
 and other relevant parameters, as elaborated in Annex 1.

42 3. The Parties undertake to co-operate, directly or through competent
 international bodies, in ensuring the collection, validation and
 transmission of research and observational data through appropriate
 world data centres in a regular and timely fashion.

43 **Article 4 - Co-operation in the Legal, Scientific and Technical
 Fields**

44 1. The Parties shall facilitate and encourage the exchange of scientific,
 technical, socio-economic, commercial and legal information relevant
 to this Convention as further elaborated in Annex II. Such information
 shall be supplied to bodies agreed upon by the Parties.

45 Any such body receiving information regarded as confidential by the
 supplying Party shall ensure that such information is not disclosed
 and shall aggregate it to protect its confidentiality before it is made
 available to all Parties.

46 2. The Parties shall co-operate, consistent with their national laws,
 regulations and practices and taking into account in particular the
 needs of the developing countries in promoting, directly or through
 competent international bodies, the development and transfer of

technology and knowledge. Such co-operation shall be carried out
 particularly through:

- (a) Facilitation of the acquisition of alternative technologies by other Parties; 47
- (b) Provision of information on alternative technologies and equipment,
 and supply of special manuals or guides to them: 48
- (c) The supply of necessary equipment and facilities for research and
 systematic observations; 49
- (d) Appropriate training of scientific and technical personnel. 50

Article 5 - Transmission of Information 51

52 The Parties shall transmit, through the Secretariat, to the Conference
 of the Parties established under Article 6 information on the measures
 adopted by them in implementation of this Convention and of protocols
 to which they are party in such form and at such intervals as the
 meetings of the parties to the relevant instruments may determine.

Article 6 - Conference of the Parties 53

54 1. A Conference of the Parties is hereby established. The first
 meeting of the Conference of the Parties shall be convened by the
 Secretariat designated on an interim basis under Article 7 not later
 than one year after entry into force of this Convention. Thereafter,
 ordinary meetings of the Conference of the Parties shall be held
 at regular intervals to be determined by the Conference at its first
 meeting.

55 2. Extraordinary meetings of the Conference of the Parties shall be
 held at such other times as may be deemed necessary by the
 Conference, or at the written request of any Party, provided that, within

six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the Secretariat.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification;

(c) Promote, in accordance with Article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

(d) Adopt, in accordance with Articles 3 and 4, programmes for research, systematic observations, scientific and technological cooperation, the exchange of information and the transfer of technology and knowledge;

(e) Consider and adopt, as required in accordance with Articles 9 and 10, amendments to this Convention and its Annexes;

(f) Consider amendments to any protocol, as well as to any Annexes thereto, and if so decided, recommend their adoption to the parties to the protocol concerned;

(g) Consider and adopt, as required, in accordance with Article 10, additional Annexes to this Convention;

(h) Consider and adopt, as required, protocols in accordance with Article 8;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

5. The United Nations, its specialized agencies and the international Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 7 - Secretariat

1. The functions of the Secretariat shall be:

72 (a) To arrange for and service meetings provided for in Articles 6,
8, 9 and 10;

73 (b) To prepare and transmit reports based upon information re-
ceived in accordance with Articles 4 and 5, as well as upon in-
formation derived from meetings of subsidiary bodies established
under Article 6;

74 (c) To perform the functions assigned to it by any protocol;

75 (d) To prepare reports on its activities carried out in implementa-
tion of its functions under this Convention and present them to the
Conference of the Parties;

76 (e) To ensure the necessary co-ordination with other relevant inter-
national bodies, and in particular to enter into such administrative
and contractual arrangements as may be required for the effective
discharge of its functions;

77 (f) To perform such other functions as may be determined by the
Conference of the Parties.

78 2. The Secretariat functions will be carried out on an interim basis
by the United Nations Environment Programme until the comple-
tion of the first ordinary meeting of the Conference of the Parties
held pursuant to Article 6. At its first ordinary meeting, the Confer-
ence of the Parties shall designate the Secretariat from amongst
those existing competent international organizations which have
signified their willingness to carry out the Secretariat functions un-
der this Convention.

79 **Article 8 - Adoption of Protocols**

80 1. The Conference of the Parties may at a meeting adopt protocols
pursuant to Article 2.

81 2. The text of any proposed protocol shall be communicated to the

Parties by the

Secretariat at least six months before such a meeting. 82

Article 9 - Amendment of the Convention or Protocols 83

84 1. Any Party may propose amendments to this Convention or to
any protocol. Such amendments shall take due account, inter alia,
of relevant scientific and technical considerations.

85 2. Amendments to this Convention shall be adopted at a meeting of
the Conference of the Parties. Amendments to any protocol shall
be adopted at a meeting of the Parties to the protocol in question.
The text of any proposed amendment to this Convention or to any
protocol, except as may otherwise be provided in such protocol,
shall be communicated to the Parties by the Secretariat at least
six months before the meeting at which it is proposed for adoption.
The Secretariat shall also communicate proposed amendments to
the signatories to this Convention for information.

86 3. The Parties shall make every effort to reach agreement on
any proposed amendment to this Convention by consensus. If
all efforts at consensus have been exhausted, and no agreement
reached, the amendment shall as a last resort be adopted by a
three-fourths majority vote of the Parties present and voting at the
meeting, and shall be submitted by the Depositary to all Parties for
ratification, approval or acceptance.

87 4. The procedure mentioned in paragraph 3 above shall apply to
amendments to any protocol, except that a two-thirds majority of
the parties to that protocol present and voting at the meeting shall
suffice for their adoption.

88 5. Ratification, approval or acceptance of amendments shall be no-
tified to the Depositary in writing. Amendments adopted in accor-
dance with paragraphs 3 or 4 above shall enter into force between

parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. There-after the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

89 6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative role.

90 **Article 10 - Adoption and Amendment of Annexes**

91 1. The Annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any Annexes thereto. Such Annexes shall be restricted to scientific, technical and administrative matters.

92 2. Except as may be otherwise provided in any protocol with respect to its Annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional Annexes to this Convention or of Annexes to a protocol:

93 (a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in Article 9, paragraph 2 and 3, while Annexes to any protocol shall be proposed and adopted according to the procedure laid down in Article 9, paragraphs 2 and 4;

94 (b) Any party that is unable to approve an additional Annex to this Convention or an Annex to any protocol to which it is party shall

so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the Annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the Annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of sub-paragraph (b) above. 95

3. The proposal, adoption and entry into force of amendments to Annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of Annexes to the Convention or Annexes to a protocol. 96

Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical consideration. 97

4. If an additional Annex or an amendment to an Annex involves an amendment to this Convention or to any protocol, the additional Annex or amended Annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force. 98

99 **Article 11 - Settlement of Disputes**

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation. 100

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party. 101

102 3. When ratifying, accepting, approving or acceding to this Con-
vention, or at any time thereafter, a State or regional economic
integration organization may declare in writing to the Depositary
that for a dispute not resolved in accordance with paragraph 1 or
paragraph 2 above, it accepts one or both of the following means
of dispute settlement as compulsory:

103 (a) Arbitration in accordance with procedures to be adopted by the
Conference of the Parties at its first ordinary meeting;

104 (b) Submission of the dispute to the International Court of Jus-
tice.

105 4. If the parties have not, in accordance with paragraph 3 above,
accepted the same or any procedure, the dispute shall be submit-
ted to conciliation in accordance with paragraph 5 below unless the
parties otherwise agree.

106 5. A conciliation commission shall be created upon the request of
one of the parties to the dispute. The commission shall be com-
posed of an equal number of members appointed by each party
concerned and a chairman chosen jointly by the members ap-
pointed by each party. The commission shall render a final and
recommendatory award, which the parties shall consider in good
faith.

107 6. The provisions of this Article shall apply with respect to
any protocol except as otherwise provided in the protocol con-
cerned.

108 **Article 12 - Signature**

109 This Convention shall be open for signature by States and by
regional economic integration organizations at the Federal Min-
istry for Foreign Affairs of the Republic of Austria in Vienna from
22 March 1985 to 21 September 1985, and at United Nations

Headquarters in New York from 22 September 1985 to 21 March
1986.

Article 13 - Ratification Acceptance or Approval

110 1. This Convention and any protocol shall be subject to ratifica-
111 tion, acceptance or approval by States and by regional economic
integration organizations. Instruments of ratification, acceptance
or approval shall be deposited with the Depositary.

112 2. Any organization referred to in paragraph 1 above which be-
comes a Party to this Convention or any protocol without any of
its Member States being a Party shall be bound by all the obliga-
tions under the Convention or the protocol, as the case may be.
In the case of such organizations, one or more of whose Mem-
ber States is a Party to the Convention or relevant protocol, the
organization and its Member States shall decide on their respec-
tive responsibilities for the performance of their obligation under
the Convention or protocol, as the case may be. In such cases,
the organization and the Member States shall not be entitled to
exercise rights under the Convention or relevant protocol concu-
rently.

113 3. In their instruments of ratification, acceptance or approval, the
organizations referred to in paragraph 1 above shall declare the
extent of their competence with respect to the matters governed
by the Convention or the relevant protocol. These organizations
shall also inform the Depositary of any substantial modification in
the extent of their competence.

Article 14 - Accession

114 1. This Convention and any protocol shall be open for accession by
115 States and by regional economic integration organizations from the

date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

116 2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the

117 Convention of the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

118 3. The provisions of Article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

119 **Article 15 - Right to vote**

120 1. Each Party to this Convention or to any protocol shall have one vote.

121 2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

122 **Article 16 - Relationship between the Convention and its Protocols**

123 1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned. 124

Article 17 - Entry into Force 125

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession. 126

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto. 127

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession. 128

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, which ever shall be the later. 129

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of such organization. 130

Article 18 - Reservations

132 No reservations may be made to this Convention.

Article 19 - Withdrawal

134 1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

135 2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

136 3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

137 4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 20 - Depositary

139 1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

140 2. The Depositary shall inform the Parties, in particular, of:

141 (a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with Articles 13 and 14;

142 (b) The date on which the Convention and any protocol will come

131 into force in accordance with Article 17;

(c) Notifications of withdrawal made in accordance with Article 143 19;

(d) Amendments adopted with respect to the Convention and any 144 protocol, their acceptance by the parties and their date or entry into force in accordance with Article 9;

(e) All communications relating to the adoption and approval of Annexes and to the amendment of Annexes in accordance with Article 145 10;

(f) Notifications by regional economic integration organizations of 146 the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof;

(g) Declarations made in accordance with Article 11, paragraph 147 3.

Article 21 - Authentic Texts 148

The original of this Convention, of which the Arabic, Chinese, English, 149 French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness whereof the undersigned, being duly authorized to that 150 effect, have signed this Convention.

Done at Vienna on the 22nd day of March 1985. 151

Annex I - Research And Systematic Observations 152

1. The Parties to the Convention recognize that the major scientific 153 issues are:

154	(a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;	(ii) Carbon dioxide (CO ₂)	165
155	(b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.	(iii) Methane (CH ₄)	166
156	2. The Parties to the Convention, in accordance with Article 3, shall co-operate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:	(iv) Non-methane hydrocarbon species	167
157	(a) Research into the physics and chemistry of the atmosphere ...;	(b) Nitrogen substances	168
158	(b) Research into health, biological and photodegradation effects ...;	(i) Nitrous oxide (N ₂ O)	169
159	(c) Research on effects on climate ...;	(ii) Nitrogen oxides (NO _x)	170
160	(d) Systematic observations	(c) Chlorine substances	171
161	3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this Annex. [.....]	(i) Fully halogenated alkanes	172
162	4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer:	(ii) Partially halogenated alkanes	173
163	(a) Carbon substances	(d) Bromine substances	174
164	(i) Carbon monoxide (CO)	Fully halogenated alkanes	175
		(e) Hydrogen substances	176
		(i) Hydrogen (H ₂)	177
		(ii) Water (H ₂ O)	178
		Annex II - Information Exchange	179
		1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be taken are appropriate and equitable. Therefore,	180
		Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.	181
		2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this Annex has to be	182

consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

183 3. Scientific information [...]

184 4. Technical information [...]

185 5. Socio-economic and commercial information on the substances referred to in Annex I. [...]

186 6. Legal information [...]

187 This includes information on:

188 (a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;

189 (b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;

190 (c) Method and terms of licensing and availability of patents relevant to the protection of the ozone layer

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