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REFERENCE: C.N.252.1988.TREATIES-1 (Depositary Notification)

PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY
AIR POLLUTION CONCERNING THE CONTROL OF EMISSIONS OF
NITROGEN OXIDES OR THEIR TRANSBOUNDARY FLUXES
CONCLUDED AT SOFIA ON 31 OCTOBER 1988

OPENING FOR SIGNATURE

FINAL CLAUSES

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

I

The above-mentioned Protocol was adopted on 31 October 1988 at Sofia. In accordance with its article 13 (1), the Protocol is open for signature at the United Nations Headquarters, New York, until and including 5 May 1989, by the Member States of the Economic Commission for Europe as well as States having consultative status with the Commission, pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations, constituted by sovereign States members of the Commission, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the Protocol, provided that the States and organizations concerned are Parties to the Convention.

II

Certified true copies of the Protocol are being prepared and will be communicated as soon as possible to States and organizations concerned.

In the meantime, and for ease of reference the text of the final clauses of the Protocol (article 5, articles 11 to 17 and the testimonium) is reproduced separately as an annex hereto.

6 December 1988

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Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

Article 5

Review process

1. The Parties shall regularly review the present Protocol, taking into account the best available scientific substantiation and technological development.
2. The first review shall take place no later than one year after the date of entry into force of the present Protocol.

Article 11

Amendments to the Protocol

1. Any Party may propose amendments to the present Protocol.
2. Proposed amendments shall be submitted in writing to the Executive Secretary of the Commission who shall communicate them to all Parties. The Executive Body shall discuss the proposed amendments at its next annual meeting provided that these proposals have been circulated by the Executive Secretary to the Parties at least ninety days in advance.
3. Amendments to the Protocol, other than amendments to its Technical Annex, shall be adopted by consensus of the Parties present at a meeting of the Executive Body, and shall enter into force for the Parties which have accepted them on the ninetieth day after the date on which two-thirds of the Parties have deposited their instruments of acceptance thereof. Amendments shall enter into force for any Party which has accepted them after two-thirds of the Parties have deposited their instruments of acceptance of the amendment, on the ninetieth day after the date on which that Party deposited its instrument of acceptance of the amendments.
4. Amendments to the Technical Annex shall be adopted by consensus of the Parties present at a meeting of the Executive Body and shall become effective thirty days after the date on which they have been communicated in accordance with paragraph 5 below.
5. Amendments under paragraphs 3 and 4 above shall, as soon as possible after their adoption, be communicated by the Executive Secretary to all Parties.

Article 12

Settlement of disputes

If a dispute arises between two or more Parties as to the interpretation or application of the present Protocol, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

Article 13

Signature

1. The present Protocol shall be open for signature at Sofia from 1 November 1988 until 4 November 1988 inclusive, then at the Headquarters of the United Nations in New York until 5 May 1989, by the member States of the Commission as well as States having consultative status with the Commission, pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations, constituted by sovereign States members of the Commission, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the Protocol, provided that the States and organizations concerned are Parties to the Convention.

2. In matters within their competence, such regional economic integration organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which the present Protocol attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Article 14

Ratification, acceptance, approval and accession

1. The present Protocol shall be subject to ratification, acceptance or approval by Signatories.

2. The present Protocol shall be open for accession as from 6 May 1989 by the States and organizations referred to in article 13, paragraph 1.

3. A State or organization which accedes to the present Protocol after 31 December 1993 may implement articles 2 and 4 no later than 31 December 1995.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who will perform the functions of depositary.

Article 15

Entry into force

1. The present Protocol shall enter into force on the ninetieth day following the date on which the sixteenth instrument of ratification, acceptance, approval or accession has been deposited.
2. For each State and organization referred to in article 13, paragraph 1, which ratifies, accepts or approves the present Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval, or accession, the Protocol shall enter into force on the ninetieth day following the date of deposit by such Party of its instrument of ratification, acceptance, approval, or accession.

Article 16

Withdrawal

At any time after five years from the date on which the present Protocol has come into force with respect to a Party, that Party may withdraw from it by giving written notification to the depositary. Any such withdrawal shall take effect on the ninetieth day following the date of its receipt by the depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 17

Authentic texts

The original of the present Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Protocol.

DONE at Sofia this thirty-first day of October one thousand nine hundred and eighty-eight.

CORRESPONDENCE UNIT

JANUARY 1987

120 MEMBER STATES plus 6 NON-MEMBERS

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