



Item 3

Amendment to the Convention: Article 29 (Application of Amendments to new Parties)

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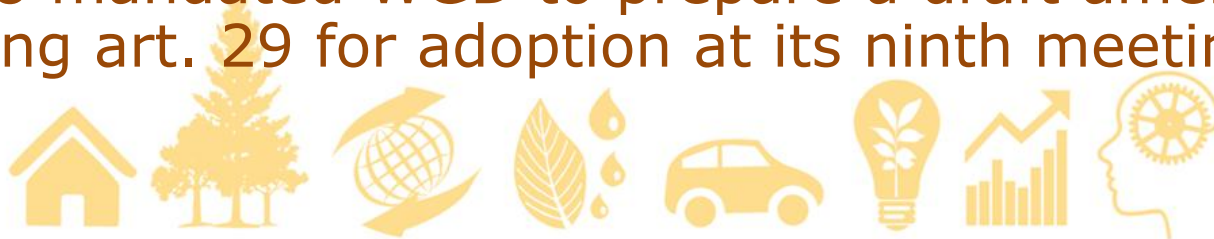
5th meeting of the
Working Group on Development
11-13 May 2015
Geneva





Background

- COP-7 (Nov 2012) requested the Working Group on Development (WGD), among others, to evaluate the need for amending the Convention text regarding the application of amendments to new Parties
- WGD discussed the issue at its third (Sep 2013) and fourth (Apr 2014) meetings, recommending to COP-8 (Dec 2014) that there was a need to amend art. 29 (application of amendments to new Parties)
- COP-8 mandated WGD to prepare a draft amendment revising art. 29 for adoption at its ninth meeting





Rationale for amending art. 29

- Would provide clarity and legal certainty of entry into force of amendments to new Parties





Proposed draft text for art. 29

- Insert at the end of article 29 a new paragraph reading:

5. Any State or organization referred to in article 27 that ratifies, accepts or approves this Convention, failing an expression of a different intention by that State or organization, shall be considered:

(a) A Party to the Convention as amended by any amendment that has entered into force; and

(b) To have ratified, accepted or approved any amendment to the Convention that has been adopted but has not yet entered into force.

⇒ Proposed draft text reflects Parties interest of making reservations, expressed at WGD-4





Draft text on opening the Convention (art. 29)

- COP-8 also requested the WGD to prepare draft text to open the Convention to accession by UN Member States beyond the ECE region
- After paragraph 2, insert a new paragraph reading:
2 bis. Any other State not referred to in paragraph 2 above that is a Member of the United Nations may accede to the Convention.
- Proposed text is based on the experience from other ECE MEAs and thus avoids introducing the following:
 - ⇒ Approval by Parties as a condition for accession by non-ECE countries
 - ⇒ Ratification of the amendment by all Parties that adopted it to become effective





Thank you for your attention

