



Council of the  
European Union

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**NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Decision on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer – Declaration of competence in conformity with Article 13(3) of the Vienna Convention

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Delegations will find in the Annex the Declaration by the European Union in conformity with Article 13(3) of the Vienna Convention. The Declaration is to be deposited together with the instrument of approval of the Kigali amendment.

**Declaration by the European Union in conformity with Article 13 (3) of the  
Vienna Convention for the protection of the ozone layer  
concerning the extent of its competence with respect to the matters covered by the Convention  
and by the Montreal Protocol on substances that deplete the ozone layer**

The following States are at present Members of the European Union: the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

In accordance with the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof, the Union has competence for entering into international agreements, and for implementing the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

The Union has exercised its competence in the area covered by the Vienna Convention and the Montreal Protocol by adopting legal instruments, in particular Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (recast)<sup>1</sup>, replacing earlier legislation for the protection of the ozone layer, and of Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006<sup>2</sup>. The Union is competent for the performance of those obligations from the Vienna Convention and the Montreal Protocol regarding which the provisions of Union legal instruments, in particular those mentioned above, establish common rules and if and insofar as such common rules are affected or altered in scope by provisions of the Vienna Convention or the Montreal Protocol or an act adopted in implementation thereof; otherwise the Union's competence continues to be shared between the Union and its Member States.

The exercise of competences by the European Union pursuant to the Treaties is, by its nature, subject to continuous development. The Union therefore reserves the right to adjust this Declaration.

In the field of research, as referred to by the Convention, the Union has competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence does not result in Member States being prevented from exercising theirs.

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<sup>1</sup> OJ L 286, 31.10.2009, p. 1  
<sup>2</sup> OJ L 150, 20.5.2014, p. 195