



PERMANENT MISSION OF FINLAND
TO THE UNITED NATIONS
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The Permanent Mission of Finland to the United Nations presents its compliments to the Codification Division of the Office of Legal Affairs and, referring to Chapter III of the Report of the International Law Commission (A/69/10) detailing specific issues on which comments would be of particular interest to the Commission, has the honour to communicate the attached information provided by Finland and to request that the relevant parts of such information be forwarded to the Special Rapporteurs concerned.

The Permanent Mission of Finland to the United Nations avails itself of this opportunity to renew to the Codification Division of the Office of Legal Affairs the assurance of its highest consideration.

New York, 30 January 2015



Encl.

To
the Codification Division
of the Office of Legal Affairs
United Nations
New York
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Information provided by the Ministry for Foreign Affairs of Finland in response to Chapter III of the Report of the International Law Commission (A/69/10) detailing specific issues on which comments would be of particular interest to the Commission, 30 January 2015

A. Subsequent agreements and subsequent practice in relation to treaty interpretation

The EU-regulation (especially directives) could be seen as practice affecting the interpretation of international agreements.

The interpretation of conventions can for example be affected when organs supervising the implementation of human rights treaties give conclusions and recommendations concerning conventions and the governments in their turn engage in discussions with these organs. Finland has, together with international supervision organs, discussed among other things the term "due diligence" and the responsibility of states in relation to violence against women. These discussions have partly formed the national interpretation and even affected the legislation and political programs. Likewise discussions regarding minorities have had effect on national interpretation.

B. Protection of the atmosphere

Finland is bound by two major international agreements that aim to protect the ozone layer, the Vienna Convention and the Montreal Protocol. In the European Union, the provisions of the Montreal Protocol have been implemented through Regulation (EC) N:o 1005/2009 on substances that deplete the ozone layer. The EU regulation also includes some stricter controls than those set out in the Protocol.

Finland's national legislation sets out detailed controls over the maintenance and safe disposal of equipment containing ozone-depleting substances, including requirements related to the competence of maintenance and waste disposal staff.

The manufacturing, import, placing on the market, use and export of ozone-depleting substances and products that contain them is generally prohibited in Finland. Ozone-depleting substances may still occur in older equipment which is still in use (manufactured before the bans), particularly in refrigerants and insulation foams. When no longer in use, ozone-depleting substances and any equipment or materials containing them are classified as hazardous waste. Equipment containing HCFC-refrigerants (e.g. R-22) can be serviced using recycled or regenerated HCFC-refrigerants until 31.12.2014, after that servicing with HCFC's is forbidden. The use of virgin HCFC-refrigerants has been banned since 1.1.2010.

Ozone depleting substances have often been replaced with fluorinated greenhouse gases (e.g. HFC's). Fluorinated greenhouse gases do not deplete the ozone layer, but they are strong greenhouse gases and their use is regulated by EU Regulation No 842/2006 on certain fluorinated greenhouse gases, which is currently under review. For most uses there are alternatives which are safe for the ozone layer and do not contribute to climate change.

C. Immunity of State officials from foreign criminal jurisdiction

There are some exemptions to the immunity of State officials from Finnish criminal jurisdiction that are based on international agreements. For example the article XIV paragraph 4 of the