## Summary of Contents

| Table of Contents | IX |
| Contributors and Editors | XXIX |
| Abbreviations | XXXI |
| Journals | XXXIII |
| List of Treaties | XXXVII |
| List and Websites of Non-Compliance Mechanisms | XLI |
| Selected General Bibliography | XLV |

**Introduction**

*Tullio Treves*

### SECTION I

**NON-COMPLIANCE PROCEDURES AND MECHANISMS IN ENVIRONMENTAL AGREEMENTS**

#### Universal Treaties

**Chapter 1 – The Non-Compliance Procedure of the 1987 Montreal Protocol to the 1985 Vienna Convention on Substances that Deplete the Ozone Layer**

*Francesca Romanin Jacur*  
11

**Chapter 2 – Mechanism for Promoting Implementation and Compliance with the 1989 Basel Convention on the Transboundary Movements of Hazardous Wastes and Their Disposal**

*Alessandro Fodella*  
33


*Seline Trevisanui*  
49

**Chapter 4 – Procedures and Mechanisms Relating to Compliance under the 1997 Kyoto Protocol to the 1992 United Nations Framework Convention on Climate Change**

*Sabrina Urbinati*  
63

**Chapter 5 – Draft Procedures and Mechanisms on Compliance with the 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**

*Stefano Brugnatelli*  
85
# SUMMARY OF CONTENTS

**Regional Treaties**

**Chapter 6** – Procedures and Mechanisms on Compliance under the 2000 Cartagena Protocol on Biosafety to the 1992 Convention on Biological Diversity  
*Chiara Ragni*  
Page 101

**Chapter 7** – Draft Non-Compliance Procedure under the 2001 Stockholm Convention on Persistent Organic Pollutants  
*Giulia Bigi*  
Page 121

**Chapter 8** – Draft Procedures and Operational Mechanisms to Promote Compliance and to Address Issues of Non-Compliance under the 2001 International Treaty on Plant and Genetic Resources for Food and Agriculture  
*Luigi Crema*  
Page 137

*Irini Papanicopolopolu*  
Page 155

**Chapter 10** – Procedures and Mechanisms for Review of Compliance under the 1979 Long-Range Transboundary Air Pollution Convention and its Protocols  
*Enrico Milano*  
Page 169

*Elena Fasoli*  
Page 181

*Laura Pineschi*  
Page 205

**Chapter 13** – Procedures and Mechanisms for Review of Compliance under the 1998 Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters  
*Cesare Pitea*  
Page 221

**Chapter 14** – Procedures and Mechanisms for Review of Compliance under the 1999 Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes  
*Cesare Pitea*  
Page 251
Cesare Pitea

SECTION II
SELECTED STUDIES ON PRACTICE

Chapter 16 – The Compliance Mechanisms of the Aarhus Convention and the Cartagena Protocol on Biosafety: A Comparative Analysis of the Negotiation Histories and their Outcomes
Veit Koester

René Lefeber

Chapter 18 – Practice and Relevant Cases that Emerged in the Context of the Espoo Convention Implementation Committee
Jerzy Jendrośka

Chapter 19 – In Search of New Ways to Ensure Effective Compliance with Environmental Procedures and Policies: The Experience of the European Bank for Reconstruction and Development with its Internal Recourse Mechanism
Francesco Seatzu

SECTION III
INSTITUTIONAL AND PROCEDURAL ASPECTS

Chapter 20 – Structural and Institutional Aspects of Non-Compliance Mechanisms
Alessandro Fodella

Chapter 21 – Triggering Non-Compliance Procedures
Francesca Romanin Jacur

Chapter 22 – Procedural Guarantees in Non-Compliance Mechanisms
Massimiliano Montini

Chapter 23 – The Outcomes of the Procedure and their Legal Effects
Enrico Milano

Chapter 24 – Controlling and Assisting Compliance: Financial Aspects
Francesca Romanin Jacur
Chapter 25 – Multiplication and Overlap of Non-Compliance Procedures and Mechanisms: Towards Better Coordination?  
Cesare Pitea  

Section IV  
Non-Compliance Mechanisms and International Law  

Chapter 26 – Non-Compliance Procedures and the Law of Treaties  
Malgosia Fitzmaurice  

Chapter 27 – Non-Compliance Procedures and the Law of State Responsibility  
Laura Pineschi  

Chapter 28 – The Settlement of Disputes and Non-Compliance Procedures  
Tullio Treves  

Section V  
Non-Compliance Mechanisms and European Union Law  

Chapter 29 – Non-Compliance Procedures in Multilateral Environmental Agreements: The Interaction between International Law and European Union Law  
Antonino Ali  

Chapter 30 – The Policy and Practice of the European Union on Compliance Mechanisms under Multilateral Environmental Agreements  
Nicola Notaro  

Chapter 31 – Obligations of the European Community and its Member States under the Kyoto Protocol  
Leonardo Massai  

Section VI  
Conclusions  

Chapter 32 – Non-Compliance Mechanisms: Lessons Learned and the Way Forward  
Attila Tanzi and Cesare Pitea  

Index  

439  
453  
483  
499  
521  
535  
545  
569  
581