

mise en œuvre à l'étape suivante du processus d'observance, il faudra s'assurer qu'un moyen existe permettant de rejeter rapidement les questions sans fondement. Il s'agit de faire en sorte d'éviter que l'on abuse du système d'observance et, encore une fois, de préserver la crédibilité du processus d'examen.

- Bien sûr, une Partie, y compris les Parties qui ne sont pas visées à l'annexe I, doit pouvoir être en mesure de présenter directement une demande d'aide technique à l'organe ou aux organes d'observance.

6. "Structure and Rules of Procedure (of a compliance body or bodies)"

A. The Charts

- While it is crucial that we do not undermine the objectivity of the expert review teams, according to Article 8.3 of the Protocol, the report that results from the review process must assess the implementation of the commitments of a Party and identify any potential problems in, and factors influencing, the fulfilment of these commitments.
- For Canada, if questions of implementation are listed in an expert review team report, Parties should have the opportunity to cure the problem before the matter moves to the next stage of the compliance assessment process. That next stage could be carried out by a Body that would first perform a screening function. The screening function would first assess whether the question of implementation was resolved and, if not, whether it could be addressed through facilitation, advice or assistance.
- As in the Australian chart, if the problem was not resolved beforehand or could not be solved through facilitation, advice or assistance, it should move to the compliance stage for a determination of compliance.
- If a Party is found to be in non-compliance, we believe that the possibility of an appeal to an independent appellate body composed of experts is also an option worth considering. An appeal to the CoP/moP would more than likely politicise a process which was precisely meant to be "depoliticised" through the creation of a compliance body.
- Two additional points. Firstly, the period following the end of the commitment period must be considered to be a true-up period during which a Party would have the opportunity to voluntarily address any compliance problem.
- Secondly, Canada believes that whether an issue moves from the Article 8 review to compliance assessment should not depend on Parties. Compliance assessment is not dispute settlement. We do not want to set up a confrontational system and frankly do not understand on what basis a Party or a group of Parties would decide to act or not to act in any given case. This could lead to a situation where an expert review team found that a Party did not meet its Article 3.1 commitment and no Party proceeded to move this issue further.
- With respect to the provision of information and in order to enable Parties and, possibly, non-Parties to have an input in the process, we might wish to further consider whether they could be allowed to submit information during the expert review stage.

B. Issues listed on the Annex

- L'examen des questions qui sont soulevées au titre de ce point est peut-être encore prématuré à stade. Toutefois, pour les fins de cette discussion, nous souhaitons nous souhaitons que le rapport tienne compte des points de vue suivants.
- Nous envisageons un organe d'observance permanent et constitué d'un nombre limité