



PERMANENT MISSION OF ITALY

boundary effects of polluting and degrading substances to the detriment of present and future generations.

FOIA b 7 - Exemption from disclosure of information that would be withheld from the public under the provisions of the Freedom of Information Act.

We take note of the reference to the “common but differentiated responsibilities” principle, which is recurrent in international environmental instruments.

Last, **my Delegation stresses the distinction** between “enforcement procedure” under Draft guideline 11, paragraph 2, letter *b*), and the invocation of international responsibility. To that effect, Italy can accept paragraph (5) of the Commentary to Draft guideline 11.

provisions in treaty regime at the beginning of paragraph 1 of Draft guideline 12 on “Dispute settlement”. My Delegation supports paragraph 2 of this Draft guideline, and deems that the role of technical and scientific expertise should be duly considered in settling atmosphere-related disputes.

wishes to thank the Special rapporteur, Ms. Conception Escobar Hernandez, for the Sixth report on this topic, in which she summarized the debates in the Commission and in the Sixth Committee on Article 7 of the Draft Articles (dealing with exceptions to immunity *ratione materiae*), and initiated the consideration of the procedural aspects of immunity, due to be completed next year with the submission of the Seventh report. We look forward to such completion and to the relevant

proposals for draft articles. Meanwhile, the content of the sixth report appears to be in general terms **quite balanced** with respect to the questions addressed so far, namely: (a) the timing of the consideration of immunity; (b) the acts of the authorities of the forum State that may be affected by immunity; and (c) the identification of the organ competent to decide whether immunity applies.