

No. 26164

MULTILATERAL

**Vienna Convention for the Protection of the Ozone Layer
(with annexes and Final Act). Concluded at Vienna on
22 March 1985**

*Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered ex officio on 22 September 1988.*

MULTILATÉRAL

**Convention de Vienne pour la protection de la couche d'ozone
(avec annexes et Acte final). Conclue à Vienne le 22 mars
1985**

*Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistrée d'office le 22 septembre 1988.*

VIENNA CONVENTION¹ FOR THE PROTECTION OF THE OZONE LAYER

PREAMBLE

The Parties to this Convention,

Aware of the potentially harmful impact on human health and the environment through modification of the ozone layer,

¹ Came into force on 22 September 1988, i.e., the ninetieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification, acceptance, approval or accession, in accordance with article 17 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>
Australia	16 September 1987 <i>a</i>	United Kingdom of Great Britain and Northern Ireland	15 May 1987
Austria	19 August 1987	(In respect of the United Kingdom of Great Britain and Northern Ireland and the following territories: Bailiwick of Jersey, Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, South Georgia and South Sandwich Islands, Turks and Caicos Islands, and United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.)	
Byelorussian Soviet Socialist Republic	20 June 1986 <i>A</i>	United States of America	27 August 1986
Canada	4 June 1986		
Egypt	9 May 1988		
Finland*	26 September 1986		
France	4 December 1987 <i>AA</i>		
Guatemala	11 September 1987 <i>a</i>		
Hungary	4 May 1988 <i>a</i>		
Maldives	26 April 1988 <i>a</i>		
Mexico	14 September 1987		
New Zealand	2 June 1987		
(With a declaration of application to the Cook Islands and Niue.)			
Norway*	23 September 1986		
Sweden*	26 November 1986		
Switzerland	17 December 1987		
Uganda	24 June 1988 <i>a</i>		
Ukrainian Soviet Socialist Republic	18 June 1986 <i>A</i>		
Union of Soviet Socialist Republics	18 June 1986 <i>A</i>		

* See p. 422 of this volume for the texts of the declarations made upon ratification.

Subsequently, the Convention came into force in respect of each of the States listed below the ninetieth day following the date of deposit with the Secretary-General of the United Nations of its instrument of ratification, acceptance, approval or accession, in accordance with article 17 (3):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Spain	25 July 1988 (<i>a</i>)
(With effect from 23 October 1988.)	
Equatorial Guinea	17 August 1988 (<i>a</i>)
(With effect from 15 November 1988.)	
Venezuela	1 September 1988 (<i>a</i>)
(With effect from 30 November 1988.)	
Ireland	15 September 1988 (<i>a</i>)
(With effect from 14 December 1988.)	
Malta	15 September 1988 (<i>a</i>)
(With effect from 14 December 1988.)	
Italy	19 September 1988
(With effect from 18 December 1988.)	

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which provides that “States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction”,

Taking into account the circumstances and particular requirements of developing countries,

Mindful of the work and studies proceeding within both international and national organizations and, in particular, of the World Plan of Action on the Ozone Layer of the United Nations Environment Programme,

Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels,

Aware that measures to protect the ozone layer from modifications due to human activities require international co-operation and action, and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations to further develop scientific knowledge of the ozone layer and possible adverse effects resulting from its modification,

Determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Convention:

1. “The ozone layer” means the layer of atmospheric ozone above the planetary boundary layer.
2. “Adverse effects” means changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.
3. “Alternative technologies or equipment” means technologies or equipment the use of which makes it possible to reduce or effectively eliminate emissions of substances which have or are likely to have adverse effects on the ozone layer.
4. “Alternative substances” means substances which reduce, eliminate or avoid adverse effects on the ozone layer.
5. “Parties” means, unless the text otherwise indicates, Parties to this Convention.
6. “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. “Protocols” means protocols to this Convention.

Article 2. GENERAL OBLIGATIONS

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:

(a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;

(b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;

(c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;

(d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.

4. The application of this article shall be based on relevant scientific and technical considerations.

Article 3. RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:

(a) The physical and chemical processes that may affect the ozone layer;

(b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra-violet solar radiation having biological effects (UV-B);

(c) Climatic effects deriving from any modifications of the ozone layer;

(d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation or natural and synthetic materials useful to mankind;

(e) Substances, practices, processes and activities that may affect the ozone layer, and their cumulative effects;

(f) Alternative substances and technologies;

(g) Related socio-economic matters;

and as further elaborated in annexes I and II.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I.

3. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centres in a regular and timely fashion.

Article 4. CO-OPERATION IN THE LEGAL, SCIENTIFIC AND TECHNICAL FIELDS

1. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed and shall aggregate it to protect its confidentiality before it is made available to all Parties.

2. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:

- (a) Facilitation of the acquisition of alternative technologies by other Parties;
- (b) Provision of information on alternative technologies and equipment, and supply of special manuals or guides to them;
- (c) The supply of necessary equipment and facilities for research and systematic observations;
- (d) Appropriate training of scientific and technical personnel.

Article 5. TRANSMISSION OF INFORMATION

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine.

Article 6. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification;

(c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

(d) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

(e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;

(f) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(h) Consider and adopt, as required, protocols in accordance with article 8;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 7. SECRETARIAT

1. The functions of the secretariat shall be:
 - (a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;
 - (b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;
 - (c) To perform the functions assigned to it by any protocol;
 - (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
 - (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (f) To perform such other functions as may be determined by the Conference of the Parties.
2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 8. ADOPTION OF PROTOCOLS

1. The Conference of the Parties may at a meeting adopt protocols pursuant to article 2.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting.

Article 9. AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after the Party deposits its instrument of ratification, approval or acceptance of the amendments.

6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 10. ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;

(b) Any party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex

shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

Article 11. SETTLEMENT OF DISPUTES

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

(b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith.

6. The provisions of this article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

Article 12. SIGNATURE

This Convention shall be open for signature by States and by regional economic integration organizations at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985 and at United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

Article 13. RATIFICATION, ACCEPTANCE OR APPROVAL

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

Article 14. ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Article 15. RIGHT TO VOTE

1. Each Party to this Convention or to any protocol shall have one vote.

2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 16. RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

Article 17. ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 18. RESERVATIONS

No reservations may be made to this Convention.

Article 19. WITHDRAWAL

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 20. DEPOSITARY

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

2. The Depositary shall inform the Parties, in particular, of:

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;

(b) The date on which the Convention and any protocol will come into force in accordance with article 17;

(c) Notifications of withdrawal made in accordance with article 19;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;

(e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereto.

(g) Declarations made in accordance with article 11, paragraph 3.

Article 21. AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Vienna on the 22nd day of March 1985.

ANNEX I

RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties to the Convention recognize that the major scientific issues are:

(a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;

(b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.

2. The Parties to the Convention, in accordance with article 3, shall co-operate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:

(a) *Research into the physics and chemistry of the atmosphere*

(i) Comprehensive theoretical models: further development of models which consider the interaction between radiative, dynamic and chemical processes; studies of the simultaneous effects of various man-made and naturally occurring species upon atmospheric ozone; interpretation of satellite and non-satellite measurement data sets; evaluation of trends in atmospheric and geophysical parameters, and the development of methods for attributing changes in these parameters to specific causes;

(ii) Laboratory studies of: rate coefficients, absorption cross-sections and mechanisms of tropospheric and stratospheric chemical and photochemical processes; spectroscopic data to support field measurements in all relevant spectral regions;

(iii) Field measurements: the concentration and fluxes of key source gases of both natural and anthropogenic origin; atmospheric dynamics studies; simultaneous measurements of photochemically-related species down to the planetary boundary layer, using *in situ* and remote sensing instruments; intercomparison of different sensors, including co-ordinated correlative measurements for satellite instrumentation; three-dimensional fields of key atmospheric trace constituents, solar spectral flux and meteorological parameters;

(iv) Instrument development, including satellite and non-satellite sensors for atmospheric trace constituents, solar flux and meteorological parameters;

(b) *Research into health, biological and photodegradation effects*

(i) The relationship between human exposure to visible and ultra-violet solar radiation and (a) the development of both non-melanoma and melanoma skin cancer and (b) the effects on the immunological system;

(ii) Effects of UV-B radiation, including the wavelength dependence, upon (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton;

(iii) The mechanisms by which UV-B radiation acts on biological materials, species and ecosystems, including: the relationship between dose, dose rate, and response; photorepair, adaptation, and protection;

(iv) Studies of biological action spectra and the spectral response using polychromatic radiation in order to include possible interactions of the various wavelength regions;

(v) The influence of UV-B radiation on: the sensitivities and activities of biological species important to the biospheric balance; primary processes such as photosynthesis and biosynthesis;

(vi) The influence of UV-B radiation on the photodegradation of pollutants, agricultural chemicals and other materials;

(c) *Research on effects on climate*

(i) Theoretical and observational studies of the radiative effects of ozone and other trace species and the impact on climate parameters, such as land and ocean surface temperatures, precipitation patterns, the exchange between the troposphere and stratosphere;

(ii) The investigation of the effects of such climate impacts on various aspects of human activity;

(d) *Systematic observations on:*

(i) The status of the ozone layer (i.e. the spatial and temporal variability of the total column content and vertical distribution) by making the Global Ozone Observing System, based on the integration of satellite and ground-based systems, fully operational;

(ii) The tropospheric and stratospheric concentrations of source gases for the HO_x, NO_x, ClO_x and carbon families;

(iii) The temperature from the ground to the mesosphere, utilizing both ground-based and satellite systems;

(iv) Wavelength-resolved solar flux reaching, and thermal radiation leaving, the Earth's atmosphere, utilizing satellite measurements;

(v) Wavelength-resolved solar flux reaching the Earth's surface in the ultra-violet range having biological effects (UV-B);

(vi) Aerosol properties and distribution from the ground to the mesosphere, utilizing ground-based, airborne and satellite systems;

(vii) Climatically important variables by the maintenance of programmes of high-quality meteorological surface measurements;

(viii) Trace species, temperatures, solar flux and aerosols utilizing improved methods for analysing global data.

3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this annex. Particular emphasis should be given to the intercalibration of observational instrumentation and methods with a view to generating comparable or standardized scientific data sets.

4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer.

(a) *Carbon substances*

(i) *Carbon monoxide (CO)*. Carbon monoxide has significant natural and anthropogenic sources, and is thought to play a major direct role in tropospheric photochemistry, and an indirect role in stratospheric photochemistry.

(ii) *Carbon dioxide (CO₂)*. Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.

(iii) *Methane (CH₄)*. Methane has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.

(iv) *Non-methane hydrocarbon species*. Non-methane hydrocarbon species, which consist of a large number of chemical substances, have both natural and anthropogenic sources, and play a direct role in tropospheric photochemistry and an indirect role in stratospheric photochemistry.

(b) *Nitrogen substances*

(i) *Nitrous oxide (N₂O)*. The dominant sources of N₂O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NO_x, which plays a vital role in controlling the abundance of stratospheric ozone.

(ii) *Nitrogen oxides (NO_x)*. Ground-level sources of NO_x play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO_x close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.

(c) *Chlorine substances*

(i) *Fully halogenated alkanes, e.g. CCl₄, CFCI₃ (CFC-11), CF₂Cl₂ (CFC-12), C₂F₃Cl₃ (CFC-113), C₂F₄Cl₂ (CFC-114)*. Fully halogenated alkanes are anthropogenic and act as a source of ClO_x, which plays a vital role in ozone photochemistry, especially in the 30-50 km altitude region.

(ii) *Partially halogenated alkanes, e.g. CH₃Cl, CHF₂Cl (CFC-22), CH₃CCl₃ (CHFCI₂ (CFC-21))*. The sources of CH₃Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO_x.

(d) *Bromine substances*

Fully halogenated alkanes, e.g. CF₃Br. These gases are anthropogenic and act as a source of BRO_x, which behaves in a manner similar to ClO_x.

(e) *Hydrogen substances*

(i) *Hydrogen (H₂)*. Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.

(ii) *Water (H₂O)*. Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapour in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

ANNEX II

INFORMATION EXCHANGE

1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be taken are appropriate and equitable. Therefore, Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.

2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

3. *Scientific information*

This includes information on:

(a) Planned and ongoing research, both governmental and private, to facilitate the co-ordination of research programmes so as to make the most effective use of available national and international resources;

(b) The emission data needed for research;

(c) Scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere and of its susceptibility to change, in particular on the state of the ozone layer and effects on human health, environment and climate which would result from changes on all time-scales in either the total column content or the vertical distribution of ozone;

(d) The assessment of research results and the recommendations for future research.

4. *Technical information*

This includes information on:

(a) The availability and cost of chemical substitutes and of alternative technologies to reduce the emissions of ozone-modifying substances and related planned and ongoing research;

(b) The limitations and any risks involved in using chemical or other substitutes and alternative technologies.

5. *Socio-economic and commercial information on the substances referred to in annex I*

This includes information on:

(a) Production and production capacity;

(b) Use and use patterns;

(c) Imports/exports;

(d) The costs, risks and benefits of human activities which may indirectly modify the ozone layer and of the impacts of regulatory actions taken or being considered to control these activities.

6. *Legal information*

This includes information on:

(a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;

(b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;

(c) Methods and terms of licensing and availability of patents relevant to the protection of the ozone layer.

[For the signatures, see p. 386 of this volume.]

DECLARATIONS MADE UPON
RATIFICATION

FINLAND

“With respect to Article 11 paragraph 3 of the Convention Finland declares that it accepts both of the said means of dispute settlement as compulsory.”

NORWAY

“Norway accepts the means of dispute settlement as described in art. 11, para. 3 (a) and (b) of the Convention as compulsory; that is a) arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting, or b) submission of the dispute to the International Court of Justice.”

SWEDEN

“Sweden accepts the following means of dispute settlement as compulsory:

“Submission of the dispute to the International Court of Justice (Article 11, paragraph 3 (b)).

“It is, however, the intention of the Swedish Government to accept also the following means of dispute settlement as compulsory;

“Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting (Article 11, paragraph 3 (a)).

“A declaration in this latter respect will, however, not be given until the procedures for arbitration have been adopted by the Conference of the Parties at its first ordinary meeting.”

DÉCLARATIONS FAÏTES LORS
DE LA RATIFICATION

FINLANDE

[TRADUCTION — TRANSLATION]

En référence au paragraphe 3 de l'article 11 de la Convention, la Finlande déclare qu'elle accepte comme obligatoires les deux modes de règlement des différends qui ont été prévus.

NORVÈGE

[TRADUCTION — TRANSLATION]

La Norvège accepte de considérer comme obligatoires les modes de règlement des différends décrits dans les alinéas a et b du paragraphe 3 de l'article 11 de la Convention; a) l'arbitrage conformément à la procédure qui sera adoptée par la Conférence des Parties à sa première session ordinaire ou b) soumission du différend à la Cour internationale de Justice.

SUÈDE

[TRADUCTION — TRANSLATION]

La Suède accepte de considérer comme obligatoire le mode de règlement ci-après :

Soumission du différend à la Cour internationale de Justice (alinéa b du paragraphe 3 de l'article 11).

Le Gouvernement suédois a toutefois l'intention de considérer également comme obligatoire le mode de règlement ci-après :

Arbitrage, conformément à la procédure qui sera adoptée par la Conférence des Parties, à sa première session ordinaire (alinéa a du paragraphe 3 de l'article 11).

La Suède attendra toutefois pour faire une déclaration sur ce dernier point que la procédure d'arbitrage ait été adoptée par la Conférence des Parties, à sa première session ordinaire.

FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE PROTECTION OF THE OZONE LAYER

1. The Conference of Plenipotentiaries on the Protection of the Ozone Layer was convened by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to decision 12/14, section 1, paragraph 4, adopted by the Governing Council of UNEP on 28 May 1984.

2. The Conference met at the Vienna International Centre, Vienna, with the kind support of the Government of the Republic of Austria, from 18 to 22 March 1985.

3. All States were invited to participate in the Conference. The following States accepted the invitation and participated in the Conference: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Denmark, Egypt, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Senegal, Spain, Sweden, Switzerland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

4. Observers from the following States attended the proceedings of the Conference: Bulgaria, China, Ecuador, Indonesia, Tunisia, Uruguay, Yugoslavia.

5. Observers from the following United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations also attended the Conference: United Nations Industrial Development Organization, World Meteorological Organization, European Economic Community, Organization for Economic Co-operation and Development, European Council of Chemical Manufacturers' Federations, International Chamber of Commerce, Federation of European Aerosol Associations.

6. In the course of the inaugural ceremony, the Conference heard a welcoming address by Dr. Kurt Stöyrer, Federal Minister for Health and Environmental Protection on behalf of the Government of the Republic of Austria. The Conference was formally opened by Dr. Mostafa K. Tolba, the Executive Director of UNEP, who served as Secretary-General of the Conference and appointed Mr. Jerry O'Dell as Executive Secretary.

7. The Conference unanimously elected Dr. Winfried Lang (Austria) as its President.

8. The Conference also elected the following officers:

Vice-Presidents:

Mr. Geraldo Eulalio do Nascimento e Silva (Brazil)

Mr. Mohamed El-Taher Shash (Egypt)

Mr. Rune Lönngren (Sweden)

Mr. Yuri Sedunov (Union of Soviet Socialist Republics)

Rapporteur:

Mr. Willem Kakebeeke (Netherlands)

9. The Conference adopted the following agenda:

1. Opening of the Conference.
2. Organizational matters:
 - (a) Adoption of the rules of procedure;
 - (b) Election of the President;
 - (c) Election of Vice-Presidents and Rapporteur;
 - (d) Adoption of the agenda;
 - (e) Appointment of the Credentials Committee;
 - (f) Appointment of the Drafting Committee;
 - (g) Organization of the work of the Conference.
3. Consideration of the draft Convention for the Protection of the Ozone Layer, and its technical annexes.
4. Consideration of the report of the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework for the Protection of the Ozone Layer, concerning a draft Protocol on Chlorofluorocarbons.
5. Consideration of the report of the Credentials Committee.
6. Adoption of the Convention and other instruments, as appropriate.
7. Adoption of the Final Act of the Conference.
8. Signature of final instruments.
9. Closing of the Conference.

10. The Conference adopted as its rules of procedure document UNEP/IG.53/2 proposed by the secretariat, as amended (UNEP/IG.53/2/Corr.1).

11. In conformity with the rules of procedure, the Conference established the following Committees:

Committee of the Whole

Chairman: The President of the Conference

General Committee

Chairman: The President of the Conference

Members: The Vice-Presidents of the Conference, the Rapporteur and the Chairman of the Drafting Committee

Drafting Committee

Chairman:

Mr. Alberto L. Davèrède (Argentina)

Members:

Mr. Waguïh Saïd Hanafi (Egypt)

Ms. Satu Nurmi (Finland)

Mr. Philippe Seigneurin (France)

Mr. Vadim Bakoumov (USSR)

Mr. Patrick Széll (United Kingdom)

Mr. Scott A. Hajost (USA)

12. The main documents which served as the basis for the deliberations of the Conference were:

- Fifth Revised Draft Convention for the Protection of the Ozone Layer (UNEP/IG.53/3)
- Final Report of the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer (UNEP/IG.53/4).

13. In addition, the Conference had before it a number of other documents that were made available to it by the Secretariat of UNEP.^(*)

14. The Conference approved the recommendation of its Credentials Committee that the credentials of the representatives of the participating States as listed in paragraph 3 should be recognized as being in order.

15. On the basis of the deliberations of the Committee of the Whole, the Conference, on 22 March 1985, adopted the Vienna Convention for the Protection of the Ozone Layer. The Convention, which is appended to this Final Act, will be open for signature at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at the United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

16. The Conference also adopted the following resolutions which are appended to this Final Act:

1. Resolution on institutional and financial arrangements;
2. Resolution on a protocol concerning chlorofluorocarbons;
3. Tribute to the Government of the Republic of Austria.

17. At the time of the adoption of this Final Act, several States made declarations which are recorded in document UNEP/IG.53/5 appended hereto.¹

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Vienna this twenty-second day of March one thousand nine hundred and eighty-five in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

^(*) Financial implications of the implementation of the Convention for the Protection of the Ozone Layer: Revised estimates, and comments by WMO (documents UNEP/WG.94/13, UNEP/WG.94/13/Add.1 and UNEP/WG.94/13/Add.2/Rev.1).

¹ See page 446.

1. *Resolution on Institutional and Financial Arrangements*

The Conference,

Having adopted the Vienna Convention for the Protection of the Ozone Layer,

Recalling that under the Convention the United Nations Environment Programme (UNEP) is responsible for carrying out the secretariat functions until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6 of the Convention,

Recognizing that it is for the Parties to the Convention to finance the costs of the secretariat of the Convention and other administrative costs,

1. Notes the cost estimates for the first two years of the Convention secretariat, as presented by the secretariats of UNEP and the World Meteorological Organization (WMO);

2. Also notes the willingness of the Executive Director of UNEP to contribute towards the costs of the interim secretariat during its initial two to three years of operation, subject to the availability of resources in the Environment Fund;

3. Requests the Executive Director of UNEP, in consultation with the signatories to the Convention and in close co-operation with WMO and other relevant United Nations bodies, to make arrangements required for the interim secretariat in order to achieve the objectives of the Convention;

4. Further notes with appreciation the statements of the Executive Director of UNEP and the WMO Executive Council, offering to serve as the permanent secretariat for the Convention.

2. Resolution on a Protocol Concerning Chlorofluorocarbons

The Conference,

Noting with appreciation that the Convention for the Protection of the Ozone Layer was opened for signature in Vienna on 22 March 1985,

Bearing in mind decision 8/7B adopted on 29 April 1980 by the Governing Council of the United Nations Environment Programme (UNEP),

Considering that the Convention is an important step to protect the ozone layer from modifications due to human activities,

Noting that article 2 of the Convention establishes an obligation to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing the possibility that world-wide emissions and use of fully-halogenated chlorofluorocarbons (CFCs) and other chlorine-containing substances can significantly deplete and otherwise modify the ozone layer, leading to potentially adverse effects on human health, crops, marine life, materials and climate, and recognizing at the same time the need to further assess possible modifications and their potentially adverse effects,

Mindful of the precautionary measures for controlling emissions and use of CFCs that have already been taken at national and regional levels, but recognizing that such measures might not be sufficient for protecting the ozone layer,

Determined therefore to continue negotiations on the development of a protocol to control equitably global production, emissions and use of CFCs,

Mindful that special consideration should be given to the particular situation of developing countries,

Mindful also of the relationship between the level of industrialization of a State and its responsibilities for the protection of the ozone layer,

Noting the considerable progress made by the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer to develop a protocol concerning CFCs, but further noting that the Working Group was not in a position to complete its work on the protocol,

1. Pending the entry into force of the Convention, requests the Executive Director of UNEP, on the basis of the work of the *Ad Hoc* Working Group, to convene a working group to continue work on a protocol that addresses both short and long term strategies to control equitably global production, emissions and use of CFCs, taking into account the particular situation of developing countries as well as updated scientific and economic research;

2. Urges all interested parties, in order to facilitate work on a protocol, to co-operate in studies leading to a more common understanding of possible scenarios for global production, emissions and use of CFCs and other substances affecting the ozone layer and the costs and effects of various control measures and, to this end, requests such parties to sponsor, under the patronage of UNEP, a workshop on this subject;

3. Requests the working group, in further developing a protocol, to take into account, *inter alia*, the report of the Co-ordinating Committee on the Ozone Layer on its eighth session as well as the 1985 World Meteorological Organization assessment of the current understanding of the physical and chemical processes which control atmospheric ozone;

4. Authorizes the Executive Director, in consultation with the signatories and pending the entry into force of the Convention, to convene a Diplomatic Conference, if possible in 1987, for the purpose of adopting such a protocol;

5. Appeals to signatories to the Convention and to other interested parties participating in the preparation of a protocol to make available financial means to support activities envisaged under the above paragraphs;

6. Urges all States and regional economic integration organizations, pending entry into force of a protocol, to control their emissions of CFCs, *inter alia* in aerosols, by any means at their disposal, including controls on production or use, to the maximum extent practicable.

3. *Tribute to the Government of the Republic of Austria*

The Conference,

Having met in Vienna from 18 to 22 March 1985 at the gracious invitation of the Government of the Republic of Austria,

Convinced that the efforts made by the Government of the Republic of Austria and by the civic authorities of Vienna in providing facilities, premises and other resources contributed significantly to the smooth conduct of its proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of the Republic of Austria and the City of Vienna to the members of the delegations, observers and the secretariat attending the Conference,

Expresses its sincere gratitude to the Government of the Republic of Austria, to the authorities of Vienna and, through them, to the Austrian people and in particular to the population of Vienna for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.

DOCUMENT UNEP/IG.53/5

DECLARATIONS MADE AT THE TIME OF ADOPTION OF THE FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE PROTECTION OF THE OZONE LAYER

1. The delegations of Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Italy, Netherlands, New Zealand, Norway, Sweden, Switzerland, and United Kingdom of Great Britain and Northern Ireland express their regret at the absence from the Vienna Convention for the Protection of the Ozone Layer of any provision for the compulsory settlement of disputes by third parties, at the request of one party. Consistently with their traditional support for such a procedure, these delegations appeal to all Parties to the Convention to make use of the possibility of a declaration under article 11, paragraph 3, of the Convention.

2. The delegation of Egypt reiterates the importance attached by its Government to the international and national efforts to protect the environment, including the protection of the ozone layer. For that reason, it has participated from the outset in the preparatory work for the Conference of Plenipotentiaries on the Protection of the Ozone Layer, and in the adoption of the Convention and resolutions. While concurring with the consensus on article 1 of the Convention, the delegation of Egypt understands paragraph 6 of that article as being applicable to all regional organizations, including the Organization of African Unity and the League of Arab States, provided they fulfil the conditions laid down in that article, namely, that they have competence in respect of matters governed by the Convention and have been duly authorized by their member States in accordance with their internal rules of procedure. While concurring with the consensus on article 2 of the Convention, the delegation of Egypt states that the first sentence of paragraph 2 of that article should be read in the light of the third preambular paragraph. While concurring with the consensus on Resolution No. 1 on Institutional and Financial Arrangements, the delegation of Egypt states that its approval of the third preambular paragraph of that resolution is without prejudice to its position on the method of apportioning contributions among the member States, with particular reference to option 2, which it had supported during the discussions on preparatory document UNEP/WG.94/13, whereby 80 per cent of the costs would be covered by the industrialized countries and the remaining 20 per cent apportioned among the member States on the basis of the United Nations scale of assessment.

3. With regard to Resolution No. 2 on a Protocol Concerning Chlorofluorocarbons, the delegation of Japan is of the opinion that a decision whether or not to continue work on a protocol should await the results of the work of the Co-ordinating Committee on the Ozone Layer. Secondly, with regard to paragraph 6 of the above-mentioned resolution, the delegation of Japan is of the opinion that each country should itself decide how to control emissions of chlorofluorocarbons.

4. The delegation of Spain declares that, in accordance with the interpretation by the President of the Conference in his statement of 2 March 1985, its Government understands paragraph 6 of the Resolution on a Protocol Concerning Chlorofluorocarbons as being addressed exclusively to the individual countries themselves, which are urged to control their limits of production or use, and not to third countries or to regional organizations with respect to such countries.

5. The delegation of the United States of America declares that it understands article 15 of the Convention to mean that regional economic integration organizations, none of whose member States are parties to the Convention or relevant protocol, shall have one vote each. It further understands that article 15 does not allow any double voting by regional economic integration organizations and their member States; that is, regional economic integration organizations may never vote in addition to their member States which are party to the Convention or relevant protocol, and vice versa.

[For the signatures, see p. 475 of this volume.]

No. 26369

MULTILATERAL

Montreal Protocol on Substances that Deplete the Ozone Layer (with annex). Concluded at Montreal on 16 September 1987

*Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered ex officio on 1 January 1989.*

MULTILATÉRAL

Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone (avec annexe). Conclu à Montréal le 16 septembre 1987

*Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistré d'office le 1^{er} janvier 1989.*

MONTREAL PROTOCOL¹ ON SUBSTANCES THAT DEplete THE OZONE LAYER

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,²

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

¹ Came into force on 1 January 1989, the date provided for by the Agreement, since by that date at least 11 instruments of ratification, acceptance, approval or accession had been deposited by States or regional economic integration organizations representing at least two thirds of 1986 estimated global consumption of the controlled substances, and the provisions of article 17 (1) of the Vienna Convention for the Protection of the Ozone Layer had been fulfilled, in accordance with article 16 (1):

<i>State or organization</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or approval (AA)</i>	<i>State or organization</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or approval (AA)</i>
Byelorussian Soviet Socialist Republic	31 October 1988 A	Spain	16 December 1988
Canada	30 June 1988	Sweden	29 June 1988
Denmark	16 December 1988	Switzerland	28 December 1988
(With declaration of non-application to the Faroe Islands and Greenland.)		Uganda	15 September 1988
Egypt	2 August 1988	Ukrainian Soviet Socialist Republic	20 September 1988 A
Finland	23 December 1988 A	Union of Soviet Socialist Republics	10 November 1988 A
France	28 December 1988 AA	United Kingdom of Great Britain and Northern Ireland... ..	16 December 1988
Germany, Federal Republic of	16 December 1988	(In respect of the United Kingdom of Great Britain and Northern Ireland and the following territories: Bailiwick of Jersey, Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena and Dependencies, South Georgia and South Sandwich Islands and Turks and Caicos Islands.)	
Ireland	16 December 1988	United States of America	21 April 1988
Italy	16 December 1988		
Japan	30 September 1988 A		
Malta	29 December 1988		
Mexico	31 March 1988 A		
Netherlands	16 December 1988 A		
(For the Kingdom in Europe, the Netherlands Antilles and Aruba.)			
New Zealand	21 July 1988		
(With a declaration of non-application to the Cook Islands and Niue.)			
Norway	24 June 1988		

In accordance with article 16 (1) of the Vienna Convention for the Protection of the Ozone Layer concluded at Vienna on 22 March 1985,² the above-mentioned States had become Parties to the said Convention on the date of deposit of their instrument of ratification, acceptance, approval of the Protocol or accession thereto.

(Continued on page 30)

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations,

Acknowledging that special provision is required to meet the needs of developing countries for these substances,

Noting the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

Considering the importance of promoting international co-operation in the research and development of science and technology relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.
2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.
3. "Secretariat" means the secretariat of the Convention.
4. "Controlled substance" means a substance listed in Annex A to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of the substance listed.
5. "Production" means the amount of controlled substances produced minus the amount destroyed by technologies to be approved by the Parties.

(Continued from page 29)

Subsequently, for the following States and Regional Economic Integration Organization which had not become Parties to the Vienna Convention on the date of deposit of their instrument of ratification, acceptance, approval of the Protocol or accession thereto, the latter entered into force on the ninetieth day after the date on which the State or organization had deposited the said instrument, or on the date on which the Convention entered into force for that Party, whichever was the latter, in accordance with article 17 (4) of the Vienna Convention:

State or organization	Date of deposit of the instrument of ratification, approval (AA) or accession (a)	State or organization	Date of deposit of the instrument of ratification, approval (AA) or accession (a)
Luxembourg..... (With effect from 15 January 1989.)	17 October 1988	European Economic Commu- nity..... (With effect from 16 March 1989.)	16 December 1988 AA
Portugal..... (With effect from 15 January 1989.)	17 October 1988	Greece..... (With effect from 29 March 1989.)	29 December 1988
Nigeria..... (With effect from 29 January 1989.)	31 October 1988 ^a	Belgium..... (With effect from 30 March 1989.)	30 December 1988
Kenya..... (With effect from 7 February 1989.)	9 November 1988		

² United Nations, *Treaty Series*, vol. 1513, No. I-26164.

6. “Consumption” means production plus imports minus exports of controlled substances.

7. “Calculated levels” of production, imports, exports and consumption means levels determined in accordance with Article 3.

8. “Industrial rationalization” means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

Article 2. CONTROL MEASURES

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the twelve-month period commencing on the first day of the thirty-seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances listed in Group II of Annex A does not exceed its calculated level of consumption in 1986. Each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties. The mechanisms for implementing these measures shall be decided by the Parties at their first meeting following the first scientific review.

3. Each Party shall ensure that for the period 1 July 1993 to 30 June 1994 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, eighty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the period 1 July 1998 to 30 June 1999, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated

level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply unless the Parties decide otherwise at a meeting by a two-thirds majority of Parties present and voting, representing at least two thirds of the total calculated level of consumption of these substances of the Parties. This decision shall be considered and made in the light of the assessments referred to in Article 6.

5. Any Party whose calculated level of production in 1986 of the controlled substances in Group I of Annex A was less than twenty-five kilotonnes may, for the purposes of industrial rationalization, transfer to or receive from any other Party, production in excess of the limits set out in paragraphs 1, 3 and 4 provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article. Any transfer of such production shall be notified to the secretariat, no later than the time of the transfer.

6. Any Party not operating under Article 5, that has facilities for the production of controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article provided that their total combined calculated level of consumption does not exceed the levels required by this Article.

(b) The Parties to any such agreement shall inform the secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

(c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol and have notified the secretariat of their manner of implementation.

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

- (i) Adjustments to the ozone depleting potentials specified in Annex A should be made and, if so, what the adjustments should be; and
- (ii) Further adjustments and reductions of production or consumption of the controlled substances from 1986 levels should be undertaken and, if so, what

the scope, amount and timing of any such adjustments and reductions should be.

(b) Proposals for such adjustments shall be communicated to the Parties by the secretariat at least six months before the meeting of the Parties at which they are proposed for adoption.

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing at least fifty per cent of the total consumption of the controlled substances of the Parties.

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. (a) Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

- (i) Whether any substances, and if so which, should be added to or removed from any annex to this Protocol; and
- (ii) The mechanism, scope and timing of the control measures that should apply to those substances.

(b) Any such decision shall become effective, provided that it has been accepted by a two-thirds majority vote of the Parties present and voting.

11. Notwithstanding the provisions contained in this Article, Parties may take more stringent measures than those required by this Article.

Article 3. CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2 and 5, each Party shall, for each Group of substances in Annex A, determine its calculated levels of:

(a) Production by:

- (i) Multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A; and
- (ii) Adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

Article 4. CONTROL OF TRADE WITH NON-PARTIES

1. Within one year of the entry into force of this Protocol, each Party shall ban the import of controlled substances from any State not party to this Protocol.

2. Beginning on 1 January 1993, no Party operating under paragraph 1 of Article 5 may export any controlled substance to any State not party to this Protocol.

3. Within three years of the date of the entry into force of this Protocol, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. Within five years of the entry into force of this Protocol, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to it in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party shall discourage the export, to any State not party to this Protocol, of technology for producing and for utilizing controlled substances.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances.

8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 3 and 4 may be permitted from any State not party to this Protocol if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2 and this Article, and has submitted data to that effect as specified in Article 7.

Article 5. SPECIAL SITUATION OF DEVELOPING COUNTRIES

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita. Any such Party shall be entitled to use either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for its compliance with the control measures.

2. The Parties undertake to facilitate access to environmentally safe alternative substances and technology for Parties that are developing countries and assist them to make expeditious use of such alternatives.

3. The Parties undertake to facilitate bilaterally or multilaterally the provision of subsidies, aid, credits, guarantees or insurance programmes to Parties that are developing countries for the use of alternative technology and for substitute products.

Article 6. ASSESSMENT AND REVIEW OF CONTROL MEASURES

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.

Article 7. REPORTING OF DATA

1. Each Party shall provide to the secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide statistical data to the secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports, and exports to Parties and non-Parties, respectively, of such substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of the year to which the data relate.

Article 8. NON-COMPLIANCE

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

Article 9. RESEARCH, DEVELOPMENT, PUBLIC AWARENESS AND EXCHANGE OF INFORMATION

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

- (a) Best technologies for improving the containment, recovery, recycling or destruction of controlled substances or otherwise reducing their emissions;
- (b) Possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and
- (c) Costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental

effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the secretariat a summary of the activities it has conducted pursuant to this Article.

Article 10. TECHNICAL ASSISTANCE

1. The Parties shall, in the context of the provisions of Article 4 of the Convention, and taking into account in particular the needs of developing countries, co-operate in promoting technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party or Signatory to this Protocol may submit a request to the secretariat for technical assistance for the purposes of implementing or participating in the Protocol.

3. The Parties, at their first meeting, shall begin deliberations on the means of fulfilling the obligations set out in Article 9, and paragraphs 1 and 2 of this Article, including the preparation of workplans. Such workplans shall pay special attention to the needs and circumstances of the developing countries. States and regional economic integration organizations not party to the Protocol should be encouraged to participate in activities specified in such workplans.

Article 11. MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The secretariat shall convene the first meeting of the Parties not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the Parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of such a request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

- (a) Adopt by consensus rules of procedure for their meetings;
- (b) Adopt by consensus the financial rules referred to in paragraph 2 of Article 13;
- (c) Establish the panels and determine the terms of reference referred to in Article 6;
- (d) Consider and approve the procedures and institutional mechanisms specified in Article 8; and
- (e) Begin preparation of workplans pursuant to paragraph 3 of Article 10.

4. The functions of the meetings of the Parties shall be to:

- (a) Review the implementation of this Protocol;
- (b) Decide on any adjustments or reductions referred to in paragraph 9 of Article 2;

- (c) Decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;
- (d) Establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;
- (e) Review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;
- (f) Review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;
- (g) Assess, in accordance with Article 6, the control measures provided for in Article 2;
- (h) Consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;
- (i) Consider and adopt the budget for implementing this Protocol; and
- (j) Consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

Article 12. SECRETARIAT

For the purposes of this Protocol, the secretariat shall:

- (a) Arrange for and service meetings of the Parties as provided for in Article 11;
- (b) Receive and make available, upon request by a Party, data provided pursuant to Article 7;
- (c) Prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;
- (d) Notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;
- (e) Encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;
- (f) Provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-Party observers; and
- (g) Perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

Article 13. FINANCIAL PROVISIONS

1. The funds required for the operation of this Protocol, including those for the functioning of the secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

Article 14. RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

Article 15. SIGNATURE

This Protocol shall be open for signature by States and by regional economic integration organizations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

Article 16. ENTRY INTO FORCE

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 17. PARTIES JOINING AFTER ENTRY INTO FORCE

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

Article 18. RESERVATIONS

No reservations may be made to this Protocol.

Article 19. WITHDRAWAL

For the purposes of this Protocol, the provisions of Article 19 of the Convention relating to withdrawal shall apply, except with respect to Parties referred to in paragraph 1 of Article 5. Any such Party may withdraw from this Protocol by

giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraphs 1 to 4 of Article 2. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 20. AUTHENTIC TEXTS

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Protocol.

DONE at Montreal this sixteenth day of September, one thousand nine hundred and eighty-seven.

[For the signatures, see p. 76 of this volume.]

ANNEX A

CONTROLLED SUBSTANCES

<i>Group</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
Group I		
	CFCI ₃ (CFC-11)	1.0
	CF ₂ Cl ₂ (CFC-12)	1.0
	C ₂ F ₃ Cl ₃ (CFC-113)	0.8
	C ₃ F ₄ Cl ₂ (CFC-114)	1.0
	C ₂ F ₅ Cl (CFC-115)	0.6
Group II		
	CF ₂ BrCl (halon-1211)	3.0
	CF ₃ Br (halon-1301)	10.0
	C ₂ F ₄ Br ₂ (halon-2402)	(To be determined) ¹

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

¹ In accordance with the relevant provisions of article 11 of the Protocol, the Parties decided, at their first meeting held in Helsinki, on 5 May 1989, to set the value for the ozone depleting potential for halon-2402 to 6.0.

89/451

(XXVII.2(a))

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS— ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

REFERENCE. C.N.181.1989.TREATIES-9 (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete
THE OZONE LAYER
CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987
DECISION OF THE FIRST MEETING OF THE PARTIES
AS CONCERNS ANNEX A

The Secretary-General of the United Nations, acting in his capacity as depositary, recalls that the value for the Ozone depleting potential for halon-2402 was not determined at the time of the adoption of the Protocol, and that in Annex A to the Protocol the comment "to be determined" was inserted opposite the name of that product.

In that connection, the Secretary-General communicates:

In accordance with the relevant provisions of article 11 of the Protocol, the Parties decided, at their First Meeting held in Helsinki, on 5 May 1989, to set the value for the O2 depleting potential for halon-2402 to 6.0.

The figure "6.0" is therefore to replace the words "to be determined" in the said Annex A to the Protocol.

Relevant indications to the effect of the above will be inserted in the original. Moreover the corresponding corrections should be effected in the certified true copies of the Protocol circulated under cover of depositary notification C.N.239.1987.TREATIES-1 of 27 October 1987.

28 August 1989

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Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

No. 26369. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987¹

N° 26369. PROTOCOLE DE MONTRÉAL RELATIF À DES SUBSTANCES QUI APPAUVRISSENT LA COUCHE D'OZONE. CONCLU À MONTRÉAL LE 16 SEPTEMBRE 1987¹

ENTRY INTO FORCE of adjustments to the above-mentioned Protocol²

The adjustments were adopted on 29 June 1990 at the Second Meeting of the Parties, which was held in London from 27 to 29 June 1990. They came into force for all Parties on 7 March 1991, i.e., six months from the date (7 September 1990) on which they were circulated by the Secretary-General, in accordance with article 2 (9) (d) of the Protocol.

Authentic texts of the adjustments: Arabic, Chinese, English, French, Russian and Spanish.

Registered ex officio on 7 March 1991.

ENTRÉE EN VIGUEUR d'ajustements au Protocole susmentionné²

Les ajustements ont été adoptés le 29 juin 1990 à la deuxième réunion des Parties, qui s'est tenue à Londres du 27 au 29 juin 1990. Ils sont entrés en vigueur pour toutes les Parties le 7 mars 1991, soit six mois à compter de la date (7 septembre 1990) à laquelle ils ont été communiqués par le Secrétaire général, conformément à l'alinéa d du paragraphe 9 de l'article 2 du Protocole.

Textes authentiques des ajustements: arabe, chinois, anglais, français, russe et espagnol.

Enregistré d'office le 7 mars 1991.

¹ United Nations, *Treaty Series*, vol. 1522, p. 3, and annex A in volumes 1522, 1523, 1525, 1527, 1530, 1535, 1540, 1541, 1543, 1546, 1547, 1548, 1551, 1552, 1555, 1557, 1562, 1564, 1568, 1570, 1573, 1576, 1578, 1579, 1580, 1583, 1590 and 1596.

¹ Nations Unies, *Recueil des Traités*, vol. 1522, p. 3, et annexe A des volumes 1522, 1523, 1525, 1527, 1530, 1535, 1540, 1541, 1543, 1546, 1547, 1548, 1551, 1552, 1555, 1557, 1562, 1564, 1568, 1570, 1573, 1576, 1578, 1579, 1580, 1583, 1590 et 1596.

*Adjustments to the Montreal Protocol on Substances
that Deplete the Ozone Layer¹*

The Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex A to the Protocol, as follows, with the understanding that:

(a) References in Article 2 to “this Article” and throughout the Protocol to “Article 2” shall be interpreted as references to Articles 2, 2A and 2B;

(b) References throughout the Protocol to “paragraphs 1 to 4 of Article 2” shall be interpreted as references to Articles 2A and 2B; and

(c) The reference in paragraph 5 of Article 2 to “paragraphs 1, 3 and 4” shall be interpreted as a reference to Article 2A.

A. *Article 2A: CFCs*

Paragraph 1 of Article 2 of the Protocol shall become paragraph 1 of Article 2A, which shall be entitled “Article 2A: CFCs”. Paragraphs 3 and 4 of Article 2 shall be replaced by the following paragraphs, which shall be numbered paragraphs 2 to 6 of Article 2A:

“2. Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve-month control period for these controlled substances shall run from 1 January to 31 December each year.

“3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

“4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1997, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, fifteen per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifteen per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

“5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986.

¹ United Nations, *Treaty Series*, vol. 1522, p. 3.

“6. In 1992, the Parties will review the situation with the objective of accelerating the reduction schedule.”

B. *Article 2B: Halons*

Paragraph 2 of Article 2 of the Protocol shall be replaced by the following paragraphs, which shall be numbered paragraphs 1 to 4 of Article 2B:

“*Article 2B: Halons*

“1. Each Party shall ensure that for twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

“2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy essential uses for which no adequate alternatives are available.

“3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy essential uses for which no adequate alternatives are available.

“4. By 1 January 1993, the Parties shall adopt a decision identifying essential uses, if any, for the purposes of paragraphs 2 and 3 of this Article. Such decision shall be reviewed by the Parties at their subsequent meetings.”

No. 26369. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987¹

N° 26369. PROTOCOLE DE MONTREAL RELATIF À DES SUBSTANCES QUI APPAUVRISSENT LA COUCHE D'OZONE. CONCLU À MONTRÉAL LE 16 SEPTEMBRE 1987¹

ACCESSION

Instrument deposited on:

10 August 1992

SAINT KITTS AND NEVIS

(With effect from 8 November 1992.)

ADHÉSION

Instrument déposé le :

10 août 1992

SAINT-KITTS-ET-NEVIS

(Avec effet au 8 novembre 1992.)

ENTRY INTO FORCE of the amendment to the above-mentioned Protocol

ENTRÉ EN VIGUEUR de l'amendement au Protocole susmentionné

Authentic texts of the Amendment: Chinese, English, French, Russian and Spanish.

Textes authentiques de l'Amendement: arabe, chinois, anglais, français, russe et espagnol.

Registered ex officio on 10 August 1992.

Enregistré d'office le 10 août 1992.

¹ United Nations, *Treaty Series*, vol. 1522, No. I-26369, and annex A in volumes 1522, 1523, 1525, 1527, 1530, 1535, 1540, 1541, 1543, 1546, 1547, 1548, 1551, 1552, 1555, 1557, 1562, 1564, 1568, 1570, 1573, 1576, 1578, 1579, 1580, 1583, 1590, 1596, 1598, 1642, 1644, 1650, 1656, 1658, 1667, 1675, 1676, 1678, 1679 and 1681.

¹ Nations Unies, *Recueil des Traités*, vol. 1522, n° I-26369, et annexe A des volumes 1522, 1523, 1525, 1527, 1530, 1535, 1540, 1541, 1543, 1546, 1547, 1548, 1551, 1552, 1555, 1557, 1562, 1564, 1568, 1570, 1573, 1576, 1578, 1579, 1580, 1583, 1590, 1596, 1598, 1642, 1644, 1650, 1656, 1658, 1667, 1675, 1676, 1678, 1679 et 1681.

AMENDMENT¹ TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER²

ARTICLE 1: AMENDMENT

A. Preambular paragraphs

1. The 6th preambular paragraph of the Protocol shall be replaced by the following:

**Determined to protect the ozone layer by taking precautionary
measures to control equitably total global emissions of substances**

¹ The amendment was adopted at the Second Meeting of the Parties held at London on 29 June 1990. It came into force on 10 August 1992, i.e., the ninetieth day following the date on which the twentieth instrument of ratification, acceptance or approval had been deposited by States or regional economic integration organizations which are Parties to the above-mentioned Protocol, in accordance with article 2 (1) of the Amendment:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession(a)</i>	<i>Participant</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>
Canada.....	5 July 1990 A	Netherlands.....	20 December 1991 A
Chile.....	9 April 1992 A	(For the Kingdom in Europe.)	
China.....	14 June 1991 a	New Zealand.....	1 October 1990 A
Denmark.....	20 December 1991 A	Norway.....	18 November 1991
(Decision reserved as to the application to the Faeroe Islands.)		Russian Federation.....	13 January 1992 A
European Economic Community*.....	20 December 1991 AA	South Africa.....	12 May 1992 A
Finland.....	20 December 1991 A	Sweden.....	2 August 1991
France.....	12 February 1992 AA	United Kingdom of Great Britain and Northern Ireland.....	20 December 1991
Germany.....	27 December 1991	(In respect of the United Kingdom of Great Britain and Northern Ireland and Gibraltar.)	
Ireland.....	20 December 1991 A	United States of America..	18 December 1991
Italy.....	21 February 1992 AA		
Japan**.....	4 September 1991 A		
Maldives.....	31 July 1991		
Mexico.....	11 October 1991 A		

In addition, and prior to the entry into force of the amendment, the following States also deposited an instrument of ratification, acceptance (A) or accession (a):

Spain.....	19 May 1992 A	Guinea.....	25 June 1992 a
(With effect from 17 August 1992.)		(With effect from 23 September 1992.)	
Luxembourg.....	20 May 1992	Thailand.....	25 June 1992
(With effect from 18 August 1992.)		(With effect from 23 September 1992.)	
Cameroon.....	8 June 1992 a	Indonesia.....	26 June 1992
(With effect from 6 September 1992.)		(With effect from 24 September 1992.)	
India.....	19 June 1992 a	Israel.....	30 June 1992
(With effect from 17 September 1992.)		(With effect from 28 September 1992.)	

* In accordance with article 2 (2) of the amendment, the instrument deposited "... by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization."

** For the text of the declaration made upon acceptance, see p. 412 of this volume.

² See p. 315 of this volume.

that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries.

2. The 7th preambular paragraph of the Protocol shall be replaced by the following:

Acknowledging that special provision is required to meet the needs of developing countries, including the provision of additional financial resources and access to relevant technologies, bearing in mind that the magnitude of funds necessary is predictable, and the funds can be expected to make a substantial difference in the world's ability to address the scientifically established problem of ozone depletion and its harmful effects,

3. The 9th preambular paragraph of the Protocol shall be replaced by the following:

Considering the importance of promoting international co-operation in the research, development and transfer of alternative technologies relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

B. Article 1: Definitions

1. Paragraph 4 of Article 1 of the Protocol shall be replaced by the following paragraph:

4. "Controlled substance" means a substance in Annex A or in Annex B to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

2. Paragraph 5 of Article 1 of the Protocol shall be replaced by the following paragraph:

5. "Production" means the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".

3. The following paragraph shall be added to Article 1 of the Protocol:

9. "Transitional substance" means a substance in Annex C to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as may be specified in Annex C, but excludes any transitional substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

C. Article 2, paragraph 5

Paragraph 5 of Article 2 of the Protocol shall be replaced by the following paragraph:

5. Any Party may, for any one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2E, provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

D. Article 2, paragraph 6

The following words shall be inserted in paragraph 6 of Article 2 before the words "controlled substances" the first time they occur:

Annex A or Annex B

E. Article 2, paragraph 8 (a)

The following words shall be added after the words "this Article" wherever they appear in paragraph 8 (a) of Article 2 of the Protocol:

and Articles 2A to 2E

F. Article 2, paragraph 9 (a) (i)

The following words shall be added after "Annex A" in paragraph 9 (a) (i) of Article 2 of the Protocol:

and/or Annex B

G. Article 2, paragraph 9 (a) (ii)

The following words shall be deleted from paragraph 9 (a) (ii) of Article 2 of the Protocol:

from 1986 levels

H. Article 2, paragraph 9 (c)

The following words shall be deleted from paragraph 9 (c) of Article 2 of the Protocol:

representing at least fifty per cent of the total consumption of the controlled substances of the Parties

and replaced by:

representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting

I. Article 2, paragraph 10 (b)

Paragraph 10 (b) of Article 2 of the Protocol shall be deleted, and paragraph 10 (a) of Article 2 shall become paragraph 10.

J. Article 2, paragraph 11

The following words shall be added after the words "this Article" wherever they occur in paragraph 11 of Article 2 of the Protocol:

and Articles 2A to 2E

K. Article 2C: Other fully halogenated CFCs

The following paragraphs shall be added to the Protocol as Article 2C:

Article 2C: Other fully halogenated CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1997, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989.

L. Article 2D: Carbon tetrachloride

The following paragraphs shall be added to the Protocol as Article 2D:

Article 2D: Carbon tetrachloride

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989.

M. Article 2E: 1,1,1-trichloroethane (methyl chloroform)

The following paragraphs shall be added to the Protocol as Article 2E:

Article 2E: 1,1,1-trichloroethane (methyl chloroform)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, seventy per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy per cent of its calculated level of consumption in 1989. However, in order to satisfy the basic domestic needs of the

Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, thirty per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989.

5. The Parties shall review, in 1992, the feasibility of a more rapid schedule of reductions than that set out in this Article.

N. Article 3: Calculation of control levels

1. The following shall be added after "Articles 2" in Article 3 of the Protocol:

. 2A to 2E.

2. The following words shall be added after "Annex A" each time it appears in Article 3 of the Protocol:

or Annex B

O. Article 4: Control of trade with non-Parties

1. Paragraphs 1 to 5 of Article 4 shall be replaced by the following paragraphs:

1. As of 1 January 1990, each Party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol.

1 bis. Within one year of the date of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex B from any State not party to this Protocol.

2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol.

2 bis. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Annex B to any State not party to this Protocol.

3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 bis. Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 bis. Within five years of the date of the entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex B. If determined feasible, the Parties shall, following the procedure in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of these products from any State not party to this Protocol.

5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances.

2. Paragraph B of Article 4 of the Protocol shall be replaced by the following paragraph:

6. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 1 bis, 3, 3 bis, 4 and 4 bis, and exports referred to in paragraphs 2 and 2 bis, may be permitted from, or to, any State not party to this Protocol, if that State is determined by a meeting of the Parties to be in full compliance with Article 2, Articles 2A to 2E, and this Article and have submitted data to that effect as specified in Article 7.

3. The following paragraph shall be added to Article 4 of the Protocol as paragraph 9:

9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to a particular

controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.

P. Article 5: Special situation of developing countries

Article 5 of the Protocol shall be replaced by the following:

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E.
2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of the controlled substances of Annex B of 0.2 kilograms per capita.
3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:
 - (a) For controlled substances under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures;
 - (b) For controlled substances under Annex B, the average of its annual calculated level of consumption for the period 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.
4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2E become applicable to it, finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties, which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.
5. Developing the capacity to fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E and their implementation by those same Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and transfer of technology as provided by Article 10A.
6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties, which

shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.

7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article 8 shall not be invoked against the notifying Party.

8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

9. Decisions of the Parties referred to in paragraphs 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

Q. Article 6: Assessment and review of control measures

The following words shall be added after "Article 2" in Article 6 of the Protocol:

Articles 2A to 2E, and the situation regarding production, imports and exports of the transitional substances in Group I of Annex C

R. Article 7: Reporting of data

1. Article 7 of the Protocol shall be replaced by the following:

1. Each Party shall provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances in Annex B and each of the transitional substances in Group I of Annex C, for the year 1989, or the best possible estimates of such data where actual data are not available, not later than three months after the data when the provisions set out in the Protocol with regard to the substances in Annex B enter into force for that Party.

3. Each Party shall provide statistical data to the Secretariat on its annual production (as defined in paragraph 5 of Article 1), and, separately,

- amounts used for feedstocks,
- amounts destroyed by technologies approved by the Parties,
- imports and exports to Parties and non-Parties respectively.

of each of the controlled substances listed in Annexes A and B as well as of the transitional substances in Group I of Annex C, for the year during which provisions concerning the substances in Annex B entered into force for that Party and for each year thereafter. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

4. For Parties operating under the provisions of paragraph 8 (a) of Article 2, the requirements in paragraphs 1, 2 and 3 of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

S. Article 9: Research, development, public awareness and exchange of information

Paragraph 1 (e) of Article 9 of the Protocol shall be replaced by the following:

(a) Best technologies for improving the containment, recovery, recycling, or destruction of controlled and transitional substances or otherwise reducing their emissions;

T. Article 10: Financial mechanism

Article 10 of the Protocol shall be replaced by the following:

Article 10: Financial mechanism

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

(a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;

(b) Finance clearing-house functions to:

(i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;

- (ii) Facilitate technical co-operation to meet these identified needs;
 - (iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and
 - (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;
- (c) Finance the secretarial services of the Multilateral Fund and related support costs.
4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.
5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.
6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:
- (a) Strictly relates to compliance with the provisions of this Protocol;
 - (b) Provides additional resources; and
 - (c) Meets agreed incremental costs.
7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.
8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.

9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting.

10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

U. Article 10A: Transfer of technology

The following Article shall be added to the Protocol as Article 10A:

Article 10A: Transfer of technology

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

(a) That the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and

(b) That the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

V. Article 11: Meetings of the Parties

Paragraph 4 (g) of Article 11 of the Protocol shall be replaced by the following:

(g) Assess, in accordance with Article 6, the control measures and the situation regarding transitional substances;

W. Article 17: Parties joining after entry into force

The following words shall be added after "as well as under" in Article 17:

Articles 2A to 2E, and

X. Article 19: Withdrawal

Article 19 of the Protocol shall be replaced by the following paragraph:

Any Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraph 1 of Article 2A. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Y. Annexes

The following annexes shall be added to the Protocol:

Annex BControlled substances

<u>Group</u>	<u>Substance</u>	<u>Ozone-depleting potential</u>
<u>Group I</u>		
CF ₃ Cl	(CFC-113)	1.0
C ₂ FCl ₅	(CFC-111)	1.0
C ₂ F ₂ Cl ₄	(CFC-112)	1.0
C ₃ FCl ₇	(CFC-211)	1.0
C ₃ F ₂ Cl ₆	(CFC-212)	1.0
C ₃ F ₃ Cl ₅	(CFC-213)	1.0
C ₃ F ₄ Cl ₄	(CFC-214)	1.0
C ₃ F ₅ Cl ₃	(CFC-215)	1.0
C ₃ F ₆ Cl ₂	(CFC-216)	1.0
C ₃ F ₇ Cl	(CFC-217)	1.0
<u>Group II</u>		
CCl ₄	carbon tetrachloride	1.1
<u>Group III</u>		
C ₂ H ₃ Cl ₃ *	1,1,1-trichloroethane (methyl chloroform)	0.1

* This formula does not refer to 1,1,2-trichloroethane.

Annex CTransitional substances

<u>Group</u>	<u>Substance</u>
<u>Group I</u>	
CHFCl ₂	(HCFC-21)
CHF ₂ Cl	(HCFC-22)
CH ₂ FCl	(HCFC-31)
C ₂ HFC1 ₄	(HCFC-121)
C ₂ H ₂ FC1 ₃	(HCFC-122)
C ₂ H ₃ FC1 ₂	(HCFC-123)
C ₂ H ₄ FC1	(HCFC-124)
C ₂ H ₂ FC1 ₃	(HCFC-131)
C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)
C ₂ H ₂ F ₃ Cl	(HCFC-133)
C ₂ H ₃ FC1 ₂	(HCFC-141)
C ₂ H ₃ F ₂ Cl	(HCFC-142)
C ₂ H ₄ FC1	(HCFC-151)
C ₃ HFC1 ₆	(HCFC-221)
C ₃ H ₂ FC1 ₅	(HCFC-222)
C ₃ H ₃ FC1 ₄	(HCFC-223)
C ₃ H ₄ FC1 ₃	(HCFC-224)
C ₃ H ₅ FC1 ₂	(HCFC-225)
C ₃ H ₆ FC1	(HCFC-226)
C ₃ H ₂ FC1 ₅	(HCFC-231)
C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)
C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)
C ₃ H ₂ F ₅ Cl	(HCFC-235)
C ₃ H ₃ FC1 ₄	(HCFC-241)
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)
C ₃ H ₃ F ₄ Cl	(HCFC-244)
C ₃ H ₄ FC1 ₃	(HCFC-251)
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)
C ₃ H ₄ F ₃ Cl	(HCFC-253)
C ₃ H ₅ FC1 ₂	(HCFC-261)
C ₃ H ₅ F ₂ Cl	(HCFC-262)
C ₃ H ₆ FC1	(HCFC-271)

ARTICLE 2: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1992, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.
2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
3. After the entry into force of this Amendment as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

91/634
(XXVII.2(a))

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

REFERENCE. C.N.227.1991.TREATIES-7 (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987

ADOPTION OF ANNEX D

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 12 September 1991, the Executive Director of the United Nations Environment Programme notified the Secretary-General that at the Third Meeting of the Parties to the Montreal Protocol, held in Nairobi from 19 to 21 June 1991, the said Parties adopted an additional annex (i.e. Annex D), listing the products which contain controlled substances, in accordance with article 4 (3) of the Montreal Protocol.

..... The text of the said Annex D is transmitted herewith in the six languages of its conclusion.

Pursuant to article 10, paragraph 2, sub-paragraph (c), of the Vienna Convention for the Protection of the Ozone Layer, on the expiry of six months from the date of the present notification, Annex D shall become effective for all Parties to the Montreal Protocol which have not notified the depositary to the effect that they are unable to approve the additional annex, in accordance with the provision of article 10, paragraph 2, sub-paragraph (b), of the said Convention.

27 November 1991

sp.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

Annex V

New Annex to the Montreal Protocol

Annex D*

A list of Products** Containing Controlled
Substances Specified in Annex A

(Adopted in accordance with Article 4, paragraph 3)

1. Automobile and truck air conditioning units (whether incorporated in vehicles or not)
2. Domestic and commercial refrigeration and air conditioning/heat pump equipment***

e.g. Refrigerators
Freezers
Dehumidifiers
Water coolers
Ice machines
Air conditioning and heat
Pump units
3. Aerosol products, except medical aerosols
4. Portable fire extinguisher
5. Insulation boards, panels and pipe covers
6. Pre-polymers

* This Annex was adopted by the Third Meeting of the Parties in Nairobi 19 - 21 June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

*** When containing controlled substances in Annex A as a refrigerant and/or in insulating material of the product.

92/434

(XXVII.2(a))

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

REFERENCE: C.N.183.1992.TREATIES-3 (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987

NOTIFICATION BY SINGAPORE

ENTRY INTO FORCE OF ANNEX D

The Secretary-General of the United Nations, acting in his capacity as depositary and with reference to depositary notification C.N.227.1991.TREATIES-7 of 27 November 1991, transmitting the text of Annex D to the above-mentioned Protocol, communicates the following:

On 27 May 1992, that is within six months from the date of the above-mentioned notification, one Party to the Protocol, i.e. Singapore, had notified the Secretary-General under article 10, paragraph 2, sub-paragraph (b), of the Vienna Convention for the Protection of the Ozone Layer, concluded at Vienna on 22 March 1985, as follows:

(Original : English)

"Singapore is still in the process of evaluating the feasibility of imposing controls on all the products listed in Annex D. In the interim, Singapore can only approve the intention to ban import of the following:

(a) All products classified under item 2 of Annex D except domestic refrigerators and freezers; and

(b) All products classified under item 3 of Annex D."

Consequently, on the expiry of six months from the date of the above-mentioned depositary notification, i.e., on 27 May 1992, in accordance with the provisions of article 10, paragraph 2, sub-paragraph (c), of the above-mentioned Vienna Convention, Annex D became effective in its entirety for all Parties to the Montreal Protocol, with the exception of Singapore, for which the Annex became effective only with respect to the products described above.

3 September 1992

H.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

No. 26369. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987¹

N° 26369. PROTOCOLE DE MONTREAL RELATIF À DES SUBSTANCES QUI APPAUVRISSENT LA COUCHE D'OZONE. CONCLU À MONTRÉAL LE 16 SEPTEMBRE 1987¹

RATIFICATION of the amendment to the above-mentioned Protocol, adopted at the Second Meeting of the Parties at London on 29 June 1990²

Instrument deposited on:

10 June 1994

BURKINA FASO

(With effect from 8 September 1994.)

Registered ex officio on 10 June 1994.

RATIFICATION de l'amendement au Protocole susmentionné, adopté à la deuxième Réunion des Parties à Londres le 29 juin 1990²

Instrument déposé le :

10 juin 1994

BURKINA FASO

(Avec effet au 8 septembre 1994.)

Enregistré d'office le 10 juin 1994.

¹ United Nations, *Treaty Series*, vol. 1522, No. I-26369, and annex A in volumes 1522, 1523, 1525, 1527, 1530, 1535, 1540, 1541, 1543, 1546, 1547, 1548, 1551, 1552, 1555, 1557, 1562, 1564, 1568, 1570, 1573, 1576, 1578, 1579, 1580, 1583, 1590, 1596, 1598, 1642, 1644, 1650, 1656, 1658, 1667, 1675, 1676, 1678, 1679, 1681, 1684, 1685, 1689, 1691, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1702, 1705, 1709, 1712, 1714, 1717, 1719, 1720, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1730, 1732, 1733, 1734, 1736, 1737, 1745, 1748, 1752, 1762, 1763, 1764, 1771, 1772, 1774, 1776 and 1777.

² *Ibid.*, vol. 1684, No. A-26369, and annex A in volumes 1689, 1691, 1696, 1697, 1698, 1699, 1700, 1702, 1705, 1709, 1712, 1714, 1717, 1719, 1722, 1724, 1727, 1728, 1730, 1732, 1733, 1734, 1737, 1745, 1748, 1752, 1762, 1763, 1771, 1772, 1774, 1776 and 1777.

¹ Nations Unies, *Recueil des Traités*, vol. 1522, n° I-26369, et annexe A des volumes 1522, 1523, 1525, 1527, 1530, 1535, 1540, 1541, 1543, 1546, 1547, 1548, 1551, 1552, 1555, 1557, 1562, 1564, 1568, 1570, 1573, 1576, 1578, 1579, 1580, 1583, 1590, 1596, 1598, 1642, 1644, 1650, 1656, 1658, 1667, 1675, 1676, 1678, 1679, 1681, 1684, 1685, 1689, 1691, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1702, 1705, 1709, 1712, 1714, 1717, 1719, 1720, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1730, 1732, 1733, 1734, 1736, 1737, 1745, 1748, 1752, 1762, 1763, 1764, 1771, 1772, 1774, 1776 et 1777.

² *Ibid.*, vol. 1684, n° A-26369, et annexe A des volumes 1689, 1691, 1696, 1697, 1698, 1699, 1700, 1702, 1705, 1709, 1712, 1714, 1717, 1719, 1722, 1724, 1727, 1728, 1730, 1732, 1733, 1734, 1737, 1745, 1748, 1752, 1762, 1763, 1771, 1772, 1774, 1776 et 1777.

ENTRY INTO FORCE of the amendment to the Montreal Protocol of 16 September 1987 on Substances that Deplete the Ozone Layer¹

The Amendment was adopted at the Fourth Meeting of the Parties held at Copenhagen on 25 November 1992. It came into force on 14 June 1994, i.e., the ninetieth day following the date on which the twentieth instrument of ratification, acceptance, approval or accession had been deposited by States or regional economic integration organizations, which are Parties to the above-mentioned Protocol, in accordance with article 3 (1) of the Amendment:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or accession (a)</i>
Antigua and Barbuda..	19 July 1993 <i>a</i>
Bahamas	4 May 1993 <i>a</i>
Canada.....	16 March 1994
Chile.....	14 January 1994
Denmark.....	21 December 1993 <i>A</i>
Ecuador.....	24 November 1993 <i>A</i>
Finland.....	16 November 1993 <i>A</i>
Germany.....	28 December 1993
Iceland.....	15 March 1994
Malawi.....	28 February 1994 <i>A</i>
Malaysia.....	5 August 1993 <i>a</i>
Marshall Islands.....	24 May 1993 <i>a</i>
Mauritius.....	30 November 1993
New Zealand.....	4 June 1993
Norway.....	3 September 1993
Saudi Arabia.....	1 March 1993 <i>a</i>
Seychelles.....	27 May 1993
Sweden.....	9 August 1993
United States of America.....	2 March 1994
Viet Nam.....	26 January 1994 <i>a</i>

ENTRÉE EN VIGUEUR de l'amendement au Protocole de Montréal du 16 septembre 1987 relatif à des substances qui appauvrissent la couche d'ozone¹

L'Amendement a été adopté à la quatrième Réunion des Parties tenue à Copenhague le 25 novembre 1992. Il est entré en vigueur le 14 juin 1994, soit le quatre-vingt-dixième jour ayant suivi la date du dépôt du vingtième instrument de ratification, d'acceptation, d'approbation ou d'adhésion par des Etats ou des organisations régionales d'intégration économique qui sont Parties audit Protocole, conformément au paragraphe 1 de l'article 3 de l'Amendement :

<i>Participant</i>	<i>Date du dépôt de l'instrument de ratification, d'acceptation (A), ou d'adhésion (a)</i>
Allemagne.....	28 décembre 1993
Antigua-et-Barbuda....	19 juillet 1993 <i>a</i>
Arabie saoudite.....	1 ^{er} mars 1993 <i>a</i>
Bahamas.....	4 mai 1993 <i>a</i>
Canada.....	16 mars 1994
Chili.....	14 janvier 1994
Danemark.....	21 décembre 1993 <i>A</i>
Equateur.....	24 novembre 1993 <i>A</i>
Etats-Unis d'Amérique.....	2 mars 1994
Finlande.....	16 novembre 1993 <i>A</i>
Iles Marshall.....	24 mai 1993 <i>a</i>
Islande.....	15 mars 1994
Malaisie.....	5 août 1993 <i>a</i>
Malawi.....	28 février 1994 <i>A</i>
Maurice.....	30 novembre 1993
Norvège.....	3 septembre 1993
Nouvelle-Zélande.....	4 juin 1993
Seychelles.....	27 mai 1993
Suède.....	9 août 1993
Viet-Nam.....	26 janvier 1994 <i>a</i>

¹ See note 1 on page 516 of this volume.

¹ Voir note 1 à la page 516 du présent volume.

In addition, and prior to the entry into force of the Amendment, the following States also deposited an instrument of ratification, acceptance (A) or accession (a):

Netherlands	25 April 1994 A
(For the Kingdom in Europe. (With effect from 24 July 1994.)	
Luxembourg	9 May 1994
(With effect from 7 August 1994.)	
Hungary	17 May 1994 a
(With effect from 15 August 1994.)	
Saint Kitts and Nevis	19 May 1994 a
(With effect from 17 August 1994.)	
Zimbabwe	3 June 1994
(With effect from 1 September 1994.)	

Authentic texts: Arabic, Chinese, English, French, Russian, and Spanish.

Registered ex officio on 14 June 1994.

The amendment reads as follows:

Par la suite, et avant l'entrée en vigueur de l'Amendement, les Etats suivants ont également déposé un instrument de ratification, d'acceptation (A) ou d'adhésion (a) :

Pays-Bas	25 avril 1994 A
(Pour le Royaume en Europe. (Avec effet au 24 juillet 1994.)	
Luxembourg.....	9 mai 1994
(Avec effet au 7 août 1994.)	
Hongrie	17 mai 1994 a
(Avec effet au 15 août 1994.)	
Saint-Kitts-et-Nevis.....	19 mai 1994 a
(Avec effet au 17 août 1994.)	
Zimbabwe.....	3 juin 1994
(Avec effet au 1 ^{er} septembre 1994.)	

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.

Enregistré d'office le 14 juin 1994.

L'amendement se lit comme suit :

Annex I

ADJUSTMENTS TO ARTICLES 2A AND 2B OF THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

The Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex A to the Protocol as follows:

A. Article 2A: CFCs

Paragraphs 3 to 6 of Article 2A of the Protocol shall be replaced by the following paragraphs, which shall be numbered paragraphs 3 and 4 of Article 2A:

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

B. Article 2B: Halons

Paragraphs 2 to 4 of Article 2B of the Protocol shall be replaced by the following paragraph, which shall be numbered paragraph 2 of Article 2B:

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

*Annex II*ADJUSTMENTS TO ARTICLES 2C, 2D AND 2E OF THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE LAYER

The Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex B to the Protocol as follows:

A. Article 2C: Other Fully Halogenated CFCs

Article 2C of the Protocol shall be replaced by the following Article:

Article 2C: Other Fully Halogenated CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

B. Article 2D: Carbon Tetrachloride

Article 2D of the Protocol shall be replaced by the following Article:

Article 2D: Carbon Tetrachloride

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substances in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

C. Article 2E: 1, 1, 1- Trichloroethane (Methyl Chloroform)

Article 2E of the Protocol shall be replaced by the following Article:

Article 2E: 1, 1, 1- Trichloroethane (Methyl Chloroform)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production for 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Annex III

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER

ARTICLE 1: AMENDMENT

A. Article 1, paragraph 4

In paragraph 4 of Article 1 of the Protocol, for the words:

or in Annex B

there shall be substituted:

, Annex B, Annex C or Annex E

B. Article 1, paragraph 9

Paragraph 9 of Article 1 of the Protocol shall be deleted.

C. Article 2, paragraph 5

In paragraph 5 of Article 2 of the Protocol, after the words:

Articles 2A to 2E

there shall be added:

and Article 2H

D. Article 2, paragraph 5 bis

The following paragraph shall be inserted after paragraph 5 of Article 2 of the Protocol:

5 bis. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

E. Article 2, paragraphs 8 (a) and 11

In paragraphs 8 (a) and 11 of Article 2 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted each time they occur:

Articles 2A to 2H

F. Article 2, paragraph 9(a)(i)

In paragraph 9(a)(i) of Article 2 of the Protocol, for the words:

and/or Annex B

there shall be substituted:

, Annex B, Annex C and/or Annex E

G. Article 2F: Hydrochlorofluorocarbons

The following Article shall be inserted after Article 2E of the Protocol:

Article 2F: Hydrochlorofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the sum of:

(a) Three point one per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

(b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the sum referred to in paragraph 1 of this Article.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-five per cent of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, zero point five per cent of the sum referred to in paragraph 1 of this Article.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero.

7. As of 1 January 1996, each party shall endeavour to ensure that:

(a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;

(b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and

(c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

H. Article 2G: Hydrobromofluorocarbons

The following Article shall be inserted after Article 2F of the Protocol:

Article 2G: Hydrobromofluorocarbons

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of

production of the substances does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

I. Article 2H: Methyl Bromide

The following Article shall be inserted after Article 2G of the Protocol:

Article 2H: Methyl Bromide

Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.

J. Article 3

In Article 3 of the Protocol, for the words:

2A to 2E

there shall be substituted:

2A to 2H

and for the words

or Annex B

there shall be substituted each time they occur:

Annex B, Annex C or Annex E

K. Article 4, paragraph 1 ter

The following paragraph shall be inserted after paragraph 1 bis of Article 4 of the Protocol:

1 ter. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of any controlled substances in Group II of Annex C from any State not party to this Protocol.

L. Article 4, paragraph 2 ter

The following paragraph shall be inserted after paragraph 2 bis of Article 4 of the Protocol:

2 ter. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Group II of Annex C to any State not party to this Protocol.

M. Article 4, paragraph 3 ter

The following paragraph shall be inserted after paragraph 3 bis of Article 4 of the Protocol:

3 ter. Within three years of the date of entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Group II of Annex C. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

N. Article 4, paragraph 4 *ter*

The following paragraph shall be inserted after paragraph 4 *bis* of Article 4 of the Protocol:

4 *ter*. Within five years of the date of entry into force of this paragraph, the Parties shall determine feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of Annex C. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

O. Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

controlled substances

there shall be substituted:

controlled substances in Annexes A and B and Group II of Annex C

P. Article 4, paragraph 8

In paragraph 8 of Article 4 of the Protocol, for the words:

referred to in paragraphs 1, 1 *bis*, 3, 3 *bis*, 4 and 4 *bis* and exports referred to in paragraphs 2 and 2 *bis*

there shall be substituted:

and exports referred to in paragraphs 1 to 4 *ter* of this Article

and after the words:

Articles 2A to 2E

there shall be added:

, Article 2G

Q. Article 4, paragraph 10

The following paragraph shall be inserted after paragraph 9 of Article 4 of the Protocol:

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

R. Article 5, paragraph 1

The following words shall be added at the end of paragraph 1 of Article 5 of the Protocol:

, provided that any further amendments to the adjustments or Amendments adopted at the Second Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

S. Article 5, paragraph 1 *bis*

The following paragraph shall be added after paragraph 1 of Article 5 of the Protocol:

1 *bis*. The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6

and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

(a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;

(b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

(c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

T. Article 5, paragraph 4

In paragraph 4 of Article 5 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2H

U. Article 5, paragraph 5

In paragraph 5 of Article 5 of the Protocol, after the words:

set out in Articles 2A to 2E

there shall be added:

, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article,

V. Article 5, paragraph 6

In paragraph 6 of Article 5 of the Protocol, after the words:

obligations laid down in Articles 2A to 2E

there shall be added:

, or any or all obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article,

W. Article 6

The following words shall be deleted from Article 6 of the Protocol:

Articles 2A to 2E, and the situation regarding production, imports and exports of the transitional substances in Group I of Annex C

and replaced by

Articles 2A to 2H

X. Article 7, paragraphs 2 and 3

Paragraphs 2 and 3 of Article 7 of the Protocol shall be replaced by the following:

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances

- in Annexes B and C, for the year 1989;
- in Annex E, for the year 1991,

or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C and E respectively enter into force for that Party.

3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C and E and, separately, for each substance,

- Amounts used for feedstocks,
- Amounts destroyed by technologies approved by the Parties, and
- Imports from and exports to Parties and non-Parties respectively,

for the year during which provisions concerning the substances in Annexes A, B, C and E respectively entered into force for that Party and for each year thereafter. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

Y. Article 7, paragraph 3 bis

The following paragraph shall be inserted after paragraph 3 of Article 7 of the Protocol:

3 bis. Each Party shall provide to the Secretariat separate statistical data of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

Z. Article 7, paragraph 4

In paragraph 4 of Article 7 of the Protocol, for the words:

in paragraphs 1, 2 and 3

there shall be substituted:

in paragraphs 1, 2, 3 and 3 bis

AA. Article 9, paragraph 1 (a)

The following words shall be deleted from paragraph 1 (a) of Article 9 of the Protocol:

and transitional

BB. Article 10, paragraph 1

In paragraph 1 of Article 10 of the Protocol, after the words:

Articles 2A to 2E

there shall be added:

, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of Article 5.

CC. Article 11, paragraph 4 (g)

The following words shall be deleted from paragraph 4 (g) of Article 11 of the Protocol:

and the situation regarding transitional substances

DD. Article 17

In Article 17 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2H

EE. Annexes

1. Annex C

The following annex shall replace Annex C of the Protocol:

Annex C

Controlled substances

Group	Substance	Number of Isomers	Ozone Depleting Potential*	
<i>Group I</i>				
	CHFC1 ₂	(HCFC-21)**	1	0.04
	CHF ₂ Cl	(HCFC-22)**	1	0.055
	CH ₂ FC1	(HCFC-31)	1	0.02
	C ₂ HFC1 ₂	(HCFC-121)	2	0.01 - 0.04
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-122)	3	0.02 - 0.08
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-123)	3	0.02 - 0.06
	CHCl ₂ CF ₃	(HCFC-123)**	-	0.02
	C ₂ H ₂ FC1 ₂	(HCFC-124)	2	0.02 - 0.04
	CHFC1CF ₃	(HCFC-124)**	-	0.022
	C ₂ H ₂ FC1 ₂	(HCFC-131)	3	0.007 - 0.05
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)	4	0.008 - 0.05
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-133)	3	0.02 - 0.06
	C ₂ H ₂ FC1 ₂	(HCFC-141)	3	0.005 - 0.07
	CH ₂ CFCl ₂	(HCFC-141b)**	-	0.11
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-142)	3	0.008 - 0.07
	CH ₂ CF ₂ Cl	(HCFC-142b)**	-	0.065
	C ₂ H ₂ FC1 ₂	(HCFC-151)	2	0.003 - 0.005
	C ₂ HFC1 ₃	(HCFC-221)	5	0.015 - 0.07
	C ₂ H ₂ CF ₃	(HCFC-222)	9	0.01 - 0.09
	C ₂ H ₂ FC1 ₃	(HCFC-223)	12	0.01 - 0.08
	C ₂ H ₂ FC1 ₃	(HCFC-224)	12	0.01 - 0.09
	C ₂ H ₂ FC1 ₃	(HCFC-225)	9	0.02 - 0.07
	CF ₂ CF ₂ CHCl ₂	(HCFC-225ca)**	-	0.025
	CF ₂ CF ₂ CF ₂ CHClF	(HCFC-225cb)**	-	0.033
	C ₃ H ₂ FC1 ₂	(HCFC-226)	5	0.02 - 0.10
	C ₃ H ₂ FC1 ₂	(HCFC-231)	9	0.05 - 0.09
	C ₃ H ₂ F ₂ Cl ₂	(HCFC-232)	16	0.008 - 0.10
	C ₃ H ₂ F ₂ Cl ₂	(HCFC-233)	18	0.007 - 0.23
	C ₃ H ₂ F ₂ Cl ₂	(HCFC-234)	16	0.01 - 0.28
	C ₃ H ₂ F ₂ Cl ₂	(HCFC-235)	9	0.03 - 0.52
	C ₃ H ₂ FC1 ₂	(HCFC-241)	12	0.004 - 0.09
	C ₃ H ₂ F ₂ Cl ₂	(HCFC-242)	18	0.005 - 0.13

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

Group	Substance	Number of Isomers	Ozone Depleting Potential*	
	$C_3H_2F_3Cl_2$	(HCFC-243)	18	0.007 - 0.12
	$C_3H_2F_2Cl$	(HCFC-244)	12	0.009 - 0.14
	$C_3H_2FCl_3$	(HCFC-251)	12	0.001 - 0.01
	$C_3H_2F_2Cl_2$	(HCFC-252)	16	0.005 - 0.04
	$C_3H_2F_3Cl$	(HCFC-253)	12	0.003 - 0.03
	$C_3H_2FCl_2$	(HCFC-261)	9	0.002 - 0.02
	$C_3H_2F_2Cl$	(HCFC-262)	9	0.002 - 0.02
	C_3H_2FCl	(HCFC-271)	5	0.001 - 0.03
<i>Group II</i>				
	$CHFBr_2$		1	1.00
	CHF_2Br	(HBFC-22B1)	1	0.74
	CH_2FBr		1	0.73
	C_2HFBr_2		2	0.3 - 0.8
	C_2HF_2Br		3	0.5 - 1.8
	$C_2HF_2Br_2$		3	0.4 - 1.6
	C_2HF_3Br		2	0.7 - 1.2
	$C_2H_2FBr_3$		3	0.1 - 1.1
	$C_2H_2F_2Br_2$		4	0.2 - 1.5
	$C_2H_2F_3Br$		3	0.7 - 1.6
	$C_2H_2F_4Br_2$		3	0.1 - 1.7
	$C_2H_2F_5Br$		3	0.2 - 1.1
	$C_2H_4FBr_2$		2	0.07- 0.1
	C_3HFBr_4		5	0.3 - 1.5
	$C_3HF_2Br_3$		9	0.2 - 1.9
	$C_3HF_3Br_2$		12	0.3 - 1.8
	C_3HF_4Br		12	0.5 - 2.2
	$C_3HF_5Br_2$		9	0.9 - 2.0
	C_3HF_6Br		5	0.7 - 3.3
	$C_3H_2FBr_5$		9	0.1 - 1.9
	$C_3H_2F_2Br_4$		16	0.2 - 2.1
	$C_3H_2F_3Br_3$		18	0.2 - 5.6
	$C_3H_2F_4Br_2$		16	0.3 - 7.5
	$C_3H_2F_5Br$		8	0.9 - 14
	$C_3H_3FBr_4$		12	0.08- 1.9
	$C_3H_3F_2Br_3$		18	0.1 - 3.1
	$C_3H_3F_3Br_2$		18	0.1 - 2.5
	$C_3H_3F_4Br$		12	0.3 - 4.4
	$C_3H_4FBr_3$		12	0.03- 0.3
	$C_3H_4F_2Br_2$		16	0.1 - 1.0
	$C_3H_4F_3Br$		12	0.07- 0.8
	$C_3H_5FBr_2$		9	0.04- 0.4
	$C_3H_5F_2Br$		9	0.07- 0.8
	C_3H_6FBr		5	0.02- 0.7

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

2. Annex E

The following annex shall be added to the Protocol:

Annex E

Controlled substances

Group	Substance
Ozone-Depleting	Potential
Group I 0.7 CH ₃ Br	methyl bromide

ARTICLE 2: RELATIONSHIP TO THE 1990 AMENDMENT

No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990.

ARTICLE 3: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1994, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.
2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

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REFERENCE

C.N.200.1993.TREATIES-2 (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER, ADOPTED AT THE FOURTH
MEETING OF THE PARTIES AT COPENHAGEN ON 25 NOVEMBER 1992RECTIFICATION OF THE ORIGINAL OF THE AMENDMENT (ENGLISH VERSION)
AND OF THE CERTIFIED TRUE COPIES

The Secretary-General of the United Nations, acting in his capacity as depositary, and in reference to depositary notification C.N.428.1992.TREATIES-12 of 22 March 1993, transmitting, inter alia, the text of the above-mentioned Amendment, communicates the following:

It has come to the attention of the Secretary-General that Annex E of the English version of the authentic text of the Amendment as well as the certified true copies of the Amendment established on 7 July 1993, contains an error in format.

A copy of the corresponding procès-verbal of rectification is
..... attached.

17 September 1993
Attention: Treaty Services of Ministries of Foreign Affairs and of
international organizations concerned



AMENDMENT TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE
OZONE LAYER, ADOPTED AT THE FOURTH
MEETING OF THE PARTIES AT
COPENHAGEN ON 25 NOVEMBER 1992

AMENDEMENT AU PROTOCOLE DE MONTREAL
RELATIF A DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE,
ADOPTÉ PAR LA QUATRIÈME RÉUNION DES
PARTIES A COPENHAGUE
LE 25 NOVEMBRE 1992

PROCES-VERBAL OF RECTIFICATION
OF THE ORIGINAL (ENGLISH TEXT)
OF THE AMENDMENT

PROCES-VERBAL DE RECTIFICATION DE
L'ORIGINAL (TEXTE ANGLAIS)
DE L'AMENDEMENT

THE SECRETARY-GENERAL OF THE
UNITED NATIONS, acting in his
capacity as depositary of the
Amendment to the Montreal Protocol
on Substances that Deplete the Ozone
Layer, adopted at the Fourth Meeting
of the Parties at Copenhagen on
25 November 1992,

LE SECRETAIRE GENERAL DE
L'ORGANISATION DES NATIONS UNIES,
agissant en sa qualité de
dépositaire de l'Amendement au
Protocole de Montréal relatif à des
substances qui appauvrissent la
couche d'ozone, adopté par la
Quatrième Réunion des Parties à
Copenhague le 25 novembre 1992,

WHEREAS it appears that the
original of the Amendment (English
text of annex E) contains an error
in format,

CONSIDERANT que l'original de
l'Amendement (texte anglais de
l'annexe E), comporte une erreur de
présentation,

WHEREAS the certified true copies
of the original of the said
Amendment were transmitted to all
States concerned with depositary
notification C.N.428.1992.TREATIES-
12 of 22 March 1993,

CONSIDERANT que les exemplaires
certifiés conformes dudit Amendement
ont été communiqués à tous les Etats
intéressés par notification
dépositaire C.N.428.1992.TREATIES-12
du 22 mars 1993,

HAS CAUSED the correction
indicated in the annex to this
Procès-verbal to be effected in the
original of the said Amendment,
which correction also applies to the
certified true copies of the
Amendment established on
7 July 1993.

A FAIT PROCEDER dans l'original
dudit Amendement à la correction
indiquée en annexe au présent
procès-verbal, laquelle correction
s'applique également aux exemplaires
certifiés conformes de l'Amendement
établis le 7 juillet 1993.

IN WITNESS WHEREOF, I,
Carl-August Fleischhauer, Under-
Secretary-General, the Legal
Counsel, have signed this Procès-
verbal.

EN FOI DE QUOI, Nous,
Carl-August Fleischhauer,
Secrétaire général adjoint,
Conseiller juridique, avons signé le
présent procès-verbal.

Done at the Headquarters of the
United Nations, New York, on
19 August 1993.

Fait au Siège de l'Organisation
des Nations Unies, à New York, le
19 août 1993.


Carl-August Fleischhauer

Annex to the Procès-verbal of rectification dated 19 August 1993

Annexe au procès-verbal de rectification du 19 août 1993

For the existing text of Annex E, substitute

Annex E

Controlled substances

Group

Substance

Ozone-Depleting
Potential

Group 1

CH₃Br

methyl bromide

0.7

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REFERENCE: C.N.96.1994.TREATIES-3 (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER, ADOPTED AT THE FOURTH
MEETING OF THE PARTIES AT COPENHAGEN ON 25 NOVEMBER 1992RECTIFICATION OF THE AMENDMENT
AND TRANSMISSION OF THE RELEVANT PROCES-VERBAL

The Secretary-General of the United Nations, acting in his capacity as depositary, and with reference to depositary notification C.N.21.1994.TREATIES-1 of 10 January 1994 by which corrections were proposed to the original of the Agreement (Arabic, Chinese, English, French, Russian and Spanish), and of the certified true copies, communicates the following:

Within a period of ninety days from the date of the above-mentioned depositary notification, no objection to the proposed corrections was received from any of the Parties concerned. In this connection, the Secretary-General wishes to specify that due to a typographical error, the words "or accession", omitted from the text of Article 3 (1) which constituted the object of the above-mentioned proposed correction, were also omitted in paragraph 3 of the said article and should be added at the end of this paragraph, after the word "approval". Consequently, the Secretary-General has caused, on 10 April 1994 the appropriate corrections to be effected in the Arabic, Chinese, English, French, Russian and Spanish texts of the original of the Agreement. A copy of the corresponding Procès-verbal of rectification, to which is annexed the text of paragraphs 1 and 3 of Article 3 as it should now read, which also applies to the certified true copies of the Agreement, transmitted by depositary notification C.N.428.1992.TREATIES-12 of 22 March 1993 is enclosed.

16 August 1994

55

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

UNITED NATIONS



NATIONS UNIES

AMENDMENT TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE
OZONE LAYER, ADOPTED AT THE FOURTH
MEETING OF THE PARTIES AT
COPENHAGEN ON 25 NOVEMBER 1992

AMENDEMENT AU PROTOCOLE DE MONTREAL
RELATIF A DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE,
ADOPTÉ PAR LA QUATRIÈME RÉUNION DES
PARTIES A COPENHAGUE LE 25 NOVEMBRE 1992

PROCES-VERBAL OF RECTIFICATION OF THE
ORIGINAL OF THE AMENDMENT

PROCES-VERBAL DE RECTIFICATION DE
L'ORIGINAL DE L'AMENDEMENT

THE SECRETARY-GENERAL OF THE UNITED NATIONS,
acting in his capacity as depositary of the
Amendment to the Montreal Protocol on
Substances that Deplete the Ozone Layer,
adopted at the Fourth Meeting of the Parties
at Copenhagen on 25 November 1992,

LE SECRETAIRE GENERAL DE L'ORGANISATION DES
NATIONS UNIES, agissant en sa qualité de
dépositaire de l'Amendement au Protocole de
Montréal relatif à des substances qui
appauvrissent la couche d'ozone, adopté par
la Quatrième Réunion des Parties à Copenhague
le 25 novembre 1992,

WHEREAS it appears that the original of the
Amendment (Arabic, Chinese, English, French,
Russian and Spanish) contains an error,

CONSIDERANT que l'original de l'Amendement
(textes anglais, arabe, chinois, espagnol,
français et russe), comporte une erreur,

WHEREAS the certified true copies of the
original of the said Amendment were
transmitted to all States concerned with
depositary notification
C.N.428.1992.TREATIES-12 of 22 March 1993,

CONSIDERANT que les exemplaires certifiés
conformes dudit Amendement ont été
communiqués à tous les Etats intéressés par
notification dépositaire
C.N.428.1992.TREATIES-12 du 22 mars 1993,

WHEREAS at the end of a period of 90 days
from the date of that communication, no
objection had been notified,

CONSIDERANT que dans le délai de 90 jours à
compter de la date de cette communication,
aucune objection n'a été notifiée,

HAS CAUSED the correction indicated in the
annex to this Procès-verbal to be effected in
the original of the said Amendment, which
correction also applies to the certified true
copies of the Amendment established on
22 March 1993.

A FAIT PROCEDER dans l'original dudit
Amendement à la correction indiquée en annexe
au présent procès-verbal, laquelle correction
s'applique également aux exemplaires
certifiés conformes de l'Amendement établis
le 22 mars 1993.

IN WITNESS WHEREOF, I, Ralph Zacklin,
Director, and Deputy to the Under-Secretary-
General in charge of the Office of Legal
Affairs, have signed this Procès-verbal.

EN FOI DE QUOI, Nous, Ralph Zacklin, le
Directeur et Adjoint du Secrétaire général
adjoint chargé du Bureau des affaires
juridiques, avons signé le présent procès-
verbal.

Done at the Headquarters of the United
Nations, New York, on 10 April 1994.

Fait au Siège de l'Organisation des Nations
Unies, à New York, le 10 avril 1994.

Handwritten signature of Ralph Zacklin in black ink.
Ralph Zacklin

المادة ٣ - بدء النفاذ

١ - يبدأ نفاذ هذا التعديل في ١ كانون الثاني/يناير ١٩٩٤، على أن يكون عشرون صكا على الأقل من صكوك التصديق أو القبول أو الموافقة على التعديل أو الانضمام إليه قد أودعت من جانب الدول أو منظمات التكامل الاقتصادي الإقليمية التي هي أطراف في بروتوكول مونتريال بشأن المواد المستنفدة لطبقة الأوزون.

٢ - وبعد بدء نفاذ هذا التعديل كما نص على ذلك بموجب الفقرة ١، يبدأ نفاذه على أي طرف في البروتوكول في اليوم التسعين من تاريخ إيداعه صك التصديق أو القبول أو الموافقة أو الانضمام.

第3条：生效

1. 本修正书应于1994年1月1日生效，但届时必须已有成为《关于消耗臭氧层物质的蒙特利尔议定书》缔约国的国家或区域经济一体化组织交存至少二十份批准、接受、核准或加入本修正书的文书。

3. 在本修正书按第1款规定生效后，本修正书应于任何其他议定书缔约国交存其批准、接受、核准或加入文书之日以后第九十天对其生效。

ARTICLE 3: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1994, provided that at least twenty instruments of ratification, acceptance, approval of the Amendment or accession thereto have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval or accession.

ARTICLE 3 : ENTREE EN VIGUEUR

1. Le présent Amendement entre en vigueur le 1er janvier 1994, sous réserve du dépôt à cette date d'au moins vingt instruments de ratification, d'acceptation ou d'approbation du présent Amendement ou d'adhésion au présent Amendement par des Etats ou des organisations régionales d'intégration économique qui sont Parties au Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone.

3. Après l'entrée en vigueur du présent Amendement, comme il est prévu au paragraphe 1 du présent article, ledit Amendement entre en vigueur pour toute autre Partie au Protocole le quatre-vingt-dixième jour à compter de la date du dépôt de son instrument de ratification, d'acceptation, ou d'approbation ou d'adhésion.

СТАТЬЯ 3: ВСТУПЛЕНИЕ В СИЛУ

1. Настоящая поправка вступает в силу 1 января 1994 года при условии сдачи на хранение не менее двадцати документов о ратификации, принятии, одобрении поправки или о присоединении к ней государствами или региональными организациями по экономической интеграции, являющимися сторонами Монреальского протокола по веществам, разрушающим озоновый слой.

3. После вступления в силу настоящей поправки в соответствии с пунктом 1 Поправка вступает в силу в отношении любой другой Стороны Протокола на девятый день после даты сдачи на хранение документа о ратификации, принятии или одобрении или присоединении к ней.

ARTICULO 3: ENTRADA EN VIGOR

1. La presente Enmienda entrará en vigor el 1o. de enero de 1994, siempre que se hayan depositado al menos veinte instrumentos de ratificación, aceptación o aprobación de la Enmienda o de adhesión a ésta por Estados u organizaciones de integración económica regional que sean Partes en el Protocolo de Montreal relativo a las sustancias que agotan la capa de ozono.

3. Después de la entrada en vigor de la presente Enmienda conforme a lo dispuesto en el párrafo 1, ésta entrará en vigor para cualquier otra Parte en el Protocolo el nonagésimo día contado desde la fecha en que se haya depositado su instrumento de ratificación, aceptación o aprobación o adhesión.

96/091

(XXVII.2(a))

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REFERENCE C.N.484.1995.TREATIES-5 (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
CONCLUDED AT MONTREAL ON 16 SEPTEMBER 1987

ADOPTION OF ADJUSTMENTS

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 7 December 1995, at the Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held in Vienna from 5 to 7 December 1995, certain adjustments to the Protocol were adopted by the Parties.

..... The text of the adjustments adopted is transmitted herewith as an annex to this notification.

In accordance with article 2 (9) of the Protocol, the adjustments in Annexes A, B and C will enter into force for all Parties at the expiry of six months from the date of this notification, that is, on 5 August 1996.

The adjustment to Annex E shall enter into force, as provided in Decision VII/3 of the Seventh Meeting of the Parties, on 1 January 1997.

5 February 1996



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

Annex I

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete
THE OZONE LAYER RELATING TO CONTROLLED SUBSTANCES IN ANNEX A

The Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex A to the Protocol as follows:

Article 5: Special situation of developing countries

The following paragraph 8 bis shall be inserted after paragraph 8 of Article 5 of the Protocol:

8 bis. Based on the conclusions of the review referred to in paragraph 8 above:

(a) With respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;

Annex II.

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete
THE OZONE LAYER RELATING TO CONTROLLED SUBSTANCES IN ANNEX B

The Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex B to the Protocol as follows:

Article 5: Special situation of developing countries

The following subparagraph shall be inserted after subparagraph (a) of paragraph 8 bis of Article 5 of the Protocol:

(b) With respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by this Protocol to Articles 2C to 2E shall be read accordingly.

Annex III

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE
LAYER RELATING TO CONTROLLED SUBSTANCES IN ANNEXES C AND E

The Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annexes C and E to the Protocol as follows:

Article 2F, paragraph 1 (a): Hydrochlorofluorocarbons

In paragraph 1(a) of Article 2F, for the words:

Three point one

there shall be substituted:

Two point eight

Article 2F, paragraph 5: Hydrochlorofluorocarbons

The following sentence shall be added to the end of paragraph 5 of Article 2F of the Protocol:

Such consumption shall, however, be restricted to the servicing of refrigeration and air conditioning equipment existing at that date.

Article 2H: Methyl bromide

Article 2H of the Protocol shall read as follows:

Article 2H: Methyl bromide

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per

/...

cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1991. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical agricultural uses.

5. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.

Article 5, paragraph 8 ter: Special situation of developing countries

The following paragraph 8 ter shall be inserted after paragraph 8 bis of Article 5 of the Protocol:

8 ter. Pursuant to paragraph 1 bis above:

(a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2016, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, its calculated level of consumption in 2015;

(b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2040, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero;

(c) Each Party operating under paragraph 1 of this Article shall comply with Article 2G;

- (d) With regard to the controlled substance contained in Annex E:
- (i) As of 1 January 2002 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 inclusive;
 - (ii) The calculated levels of consumption and production under this subparagraph shall not include the amounts used by the Party for quarantine and pre-shipment applications.

Annex E: Methyl bromide

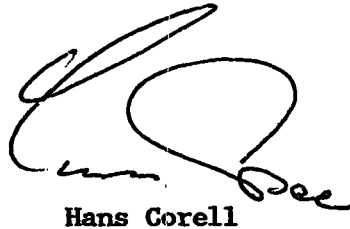
For "0.7" in the third column of Annex E substitute "0.6".

I hereby certify that the foregoing text is a true copy of the Adjustments, adopted on 7 December 1995 at the Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, which was held in Vienna, from 5 to 7 December 1995.

Je certifie que le texte qui précède est une copie conforme des Amendements adoptés le 7 décembre 1995 à la Septième Réunion des Parties au Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone, tenue à Vienne, du 5 au 7 décembre 1995.

For the Secretary-General
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général
Le Conseiller juridique
(Secrétaire général adjoint
aux affaires juridiques)



Hans Corell

United Nations, New York
2 February 1996

Organisation des Nations Unies
New York, le 2 février 1996

No. 26369. Multilateral

MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete THE
OZONE LAYER. MONTREAL,
16 SEPTEMBER 1987 [*United Nations,
Treaty Series, vol. 1522, I-26369.*]

AMENDMENT TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE
LAYER. MONTREAL, 17 SEPTEMBER 1997*

Entry into force: 10 November 1999, in
accordance with article 3(1)

Authentic texts: Arabic, Chinese, English,
French, Russian and Spanish

**Registration with the Secretariat of the
United Nations:** ex officio, 10 November
1999

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N° 26369. Multilatéral

PROTOCOLE DE MONTRÉAL RELATIF À
DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE
D'OZONE. MONTRÉAL, 16 SEPTEMBRE
1987 [*Nations Unies, Recueil des Traités, vol.
1522, I-26369.*]

AMENDEMENT AU PROTOCOLE DE MONTRÉAL
RELATIF À DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE.
MONTRÉAL, 17 SEPTEMBRE 1997*

Entrée en vigueur : 10 novembre 1999,
conformément au paragraphe 1 de l'article 3

Textes authentiques : arabe, chinois, anglais,
français, russe et espagnol

**Enregistrement auprès du Secrétariat des
Nations Unies :** d'office, 10 novembre 1999

*

[ENGLISH TEXT – TEXTE ANGLAIS]

Decision IX/1. Further adjustments with regard to Annex A substances

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Ninth Meeting of the Parties;

Decision IX/2. Further adjustments with regard to Annex B substances

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Ninth Meeting of the Parties;

Decision IX/3. Further adjustments and reductions with regard to the Annex E substance

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments and reductions of production and consumption of the controlled substance listed in Annex E to the Protocol, as set out in annex III to the report of the Ninth Meeting of the Parties;

Decision IX/4. Further Amendment of the Protocol

- To adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex IV to the report of the Ninth Meeting of the Parties;

Annex I

ADJUSTMENTS AGREED AT THE NINTH MEETING OF THE PARTIES RELATING
TO CONTROLLED SUBSTANCES IN ANNEX A

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (a) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

(c) For controlled substances under Annex A, either the average of its annual calculated level of production for the period 1995 to 1997 inclusive or a calculated level of production of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

Annex II

ADJUSTMENTS AGREED AT THE NINTH MEETING OF THE PARTIES RELATING
TO CONTROLLED SUBSTANCES IN ANNEX B

Article 5, Paragraph 3

The following words shall be added at the end of paragraph 3 (b) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

(d) For controlled substances under Annex B, either the average of its annual calculated level of production for the period 1998 to 2000 inclusive or a calculated level of production of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

Annex III

ADJUSTMENTS AGREED AT THE NINTH MEETING OF THE PARTIES RELATING
TO THE CONTROLLED SUBSTANCE IN ANNEX E

A. Article 2H: Methyl bromide

1. Paragraphs 2 to 4 of Article 2H of the Protocol shall be replaced by the following paragraphs:

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1999, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order

to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1991. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.

2. Paragraph 5 of Article 2H of the Protocol shall become paragraph 6.

B. Article 5, paragraph 8 ter (d)

1. The following shall be inserted after paragraph 8 ter (d) (i) of Article 5 of the Protocol:

- (ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

- (iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses;

2. Paragraph's ter (d) (ii) of Article 5 of the Protocol shall become paragraph 8 ter (d) (iv).

Annex IV

AMENDMENT TO THE MONTREAL PROTOCOL ADOPTED BY THE NINTH MEETING
OF THE PARTIES

ARTICLE 1: AMENDMENT

A. Article 4, paragraph 1 qua.

The following paragraph shall be inserted after paragraph 1 ter of Article 4 of the Protocol:

1 qua. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Annex E from any State not party to this Protocol.

B. Article 4, paragraph 2 qua.

The following paragraph shall be inserted after paragraph 2 ter of Article 4 of the Protocol:

2 qua. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.

C. Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

and Group II of Annex C

there shall be substituted:

, Group II of Annex C and Annex E

D. Article 4, paragraph 8

In paragraph 8 of Article 4 of the Protocol, for the words:

Article 2G

there shall be substituted:

Articles 2G and 2H

E. Article 4A: Control of trade with Parties

The following Article shall be added to the Protocol as Article 4A:

1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.

2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.

F. Article 4B: Licensing

The following Article shall be added to the Protocol as Article 4B:

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.

2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.

3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.

4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

ARTICLE 2: RELATIONSHIP TO THE 1992 AMENDMENT

No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Fourth Meeting of the Parties in Copenhagen, 25 November 1992.

ARTICLE 3: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1999, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

No. 26369. Multilateral

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. MONTREAL, 16 SEPTEMBER 1987¹

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. BEIJING, 3 DECEMBER 1999

Entry into force : 25 February 2002, in accordance with article 3 (1) of the amendment (see following page)

Authentic texts : Arabic, Chinese, English, French, Russian and Spanish

Registration with the Secretariat of the United Nations : ex officio, 25 February 2002

No. 26369. Multilatéral

PROTOCOLE DE MONTRÉAL RELATIF À DES SUBSTANCES QUI APPAUVRISSENT LA COUCHE D'OZONE. MONTRÉAL, 16 SEPTEMBRE 1987¹

AMENDEMENT AU PROTOCOLE DE MONTRÉAL RELATIF À DES SUBSTANCES QUI APPAUVRISSENT LA COUCHE D'OZONE. BEIJING, 3 DÉCEMBRE 1999

Entrée en vigueur : 25 février 2002, conformément au paragraphe I de l'article 3 de l'amendement (voir la page suivante)

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 25 février 2002

I. United Nations, Treaty Series Vol. 1522, I-26369 — Nations Unies, Recueil des Traités Vol. 1522, I-26369

[ENGLISH TEXT — TEXTE ANGLAIS]

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

Article 1: Amendment

A. Article 2, paragraph 5

In paragraph 5 of Article 2 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2F

B. Article 2, paragraphs 8(a) and 11

In paragraphs 8(a) and 11 of Article 2 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

C. Article 2F, paragraph 8

The following paragraph shall be added after paragraph 7 of Article 2F of the Protocol:

8. Each Party producing one or more of these substances shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of:

(a) The sum of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

(b) The sum of its calculated level of production in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of production in 1989 of the controlled substances in Group I of Annex A.

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production of the controlled substances in Group I of Annex C as defined above.

D. Article 2I

The following Article shall be inserted after Article 2H of the Protocol:

Article 2I: Bromochloromethane

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelvemonth period thereafter, its calculated level of consumption and

production of the controlled substance in Group III of Annex C does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

E. Article 3

In Article 3 of the Protocol, for the words:

Articles 2, 2A to 2H

there shall be substituted:

Articles 2, 2A to 2I

F. Article 4, paragraphs 1 quin. and 1 sex.

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 1 qua:

1 quin. As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of Annex C from any State not party to this Protocol.

1 sex. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Group III of Annex C from any State not party to this Protocol.

G. Article 4, paragraphs 2 quin. and 2 sex.

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 2 qua:

2 quin. As of 1 January 2004, each Party shall ban the export of the controlled substances in Group I of Annex C to any State not party to this Protocol.

2 sex. Within one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Group III of Annex C to any State not party to this Protocol.

H. Article 4, paragraphs 5 to 7

In paragraphs 5 to 7 of Article 4 of the Protocol, for the words:

Annexes A and B, Group II of Annex C and Annex E

there shall be substituted:

Annexes A, B, C and E

I. Article 4, paragraph 8

In paragraph 8 of Article 4 of the Protocol, for the words:

Articles 2A to 2E, Articles 2G and 2H

there shall be substituted:

Articles 2A to 2I

J. Article 5, paragraph 4

In paragraph 4 of Article 5 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

K. Article 5, paragraphs 5 and 6

In paragraphs 5 and 6 of Article 5 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

L. Article 5, paragraph 8 ter (a)

The following sentence shall be added at the end of subparagraph 8 ter (a) of Article 5 of the Protocol:

As of 1 January 2016 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 8 of Article 2F and, as the basis for its compliance with these control measures, it shall use the average of its calculated levels of production and consumption in 2015;

M. Article 6

In Article 6 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

N. Article 7, paragraph 2

In paragraph 2 of Article 7 of the Protocol, for the words:

Annexes B and C

there shall be substituted:

Annex B and Groups I and II of Annex C

O. Article 7, paragraph 3

The following sentence shall be added after the first sentence of paragraph 3 of Article 7 of the Protocol:

Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications.

P. Article 10

In paragraph 1 of Article 10 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

Q. Article 17

In Article 17 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

R. Annex C

The following group shall be added to Annex C to the Protocol:

Group	Substance	Number of Isomers	Ozone-Depleting Potential
Group III CH ₂ BrCl	bromochloromethane	1	0.12

Article 2: Relationship to the 1997 Amendment

No State or regional economic integration organization may deposit an instrument of ratification, acceptance or approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Ninth Meeting of the Parties in Montreal, 17 September 1997.

Article 3: Entry into force

1. This Amendment shall enter into force on 1 January 2001, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into-force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

No. 26369. Multilateral

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. MONTREAL, 16 SEPTEMBER 1987¹

ADJUSTMENTS TO THE ABOVE PROTOCOL. BEIJING, 3 DECEMBER 1999

Entry into force : 28 July 2000

Authentic texts : Arabic, Chinese, English, French, Russian and Spanish

Registration with the Secretariat of the United Nations : ex officio, 28 July 2000

No. 26369. Multilatéral

PROTOCOLE DE MONTRÉAL RELATIF À DES SUBSTANCES QUI APPAUVRISSENT LA COUCHE D'OZONE. MONTRÉAL, 16 SEPTEMBRE 1987¹

AJUSTEMENTS AU PROTOCOLE SUSMENTIONNÉ. BEIJING, 3 DÉCEMBRE 1999

Entrée en vigueur : 28 juillet 2000

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 28 juillet 2000

1. United Nations, *Treaty Series*, Vol. 1522, No. 1-26369 — Nations Unies, *Recueil des Traités*, Vol. 1522, no 1-26369.

[ENGLISH TEXT — TEXTE ANGLAIS]

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER RELATING TO CONTROLLED
SUBSTANCES IN ANNEX A

A. Article 2A: CFCs

1. The third sentence of paragraph 4 of Article 2A of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group I of Annex A for basic domestic needs for the period 1995 to 1997 inclusive.

2. The following paragraphs shall be added after paragraph 4 of Article 2A of the Protocol:

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

7. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

8. Each Party, shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating, under paragraph 1 of Article 5 does not exceed zero.

9. For the purposes of calculating basic domestic needs under paragraphs 4 to 8 of this Article, the calculation of the annual average of production by a Party includes any production entitlements that it has transferred in accordance with paragraph 5 of Article 2, and excludes any production entitlements that it has acquired in accordance with paragraph 5 of Article 2.

B. Article 2B: Halons

1. The third sentence of paragraph 2 of Article 2B of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1986; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group II of Annex A for basic domestic needs for the period 1995 to 1997 inclusive.

2. The following paragraphs shall be added after paragraph 2 of Article 2B of the Protocol:

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive,

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed zero.

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DE-
plete the, Ozone Layer Relating to Controlled Substances in
Annex B

Article 2C: Other fully halogenated CFCs

1. The third sentence of paragraph 3 of Article 2C of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2003 exceed that limit by up to fifteen per cent of its calculated level of production in 1989; thereafter, it may exceed that limit by a quantity equal to eighty per cent of the annual average of its production of the controlled substances in Group I of Annex B for basic domestic needs for the period 1998 to 2000 inclusive.

2. The following paragraphs shall be added after paragraph 3 of Article 2C of the Protocol:

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1998 to 2000 inclusive.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DE-
plete the ozone layer relating to the controlled substance in
ANNEX E

Article 2H: Methyl bromide

The third sentence of paragraph 5 of Article 2H of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1991; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substance in Annex E for basic domestic needs for the period 1995 to 1998 inclusive.

2. The following paragraphs shall be added after paragraph 5 of Article 2H of the Protocol:

5 bis. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed eighty per cent of the annual average of its production of the substance for basic domestic needs for the period 1995 to 1998 inclusive.

5 ter. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed zero.

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POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Reference: C.N.13.2004.TREATIES-2 (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER
BEIJING, 3 DECEMBER 1999

RECTIFICATION OF THE ORIGINAL OF THE AMENDMENT (FRENCH VERSION) AND OF THE
CERTIFIED TRUE COPIES

The Secretary-General of the United Nations, acting in his capacity as depositary, and with reference to depositary notification C.N.1231.1999.TREATIES-1 of 28 January 2000, transmitting the text of the above-mentioned Amendment, communicates the following:

It has come to the attention of the Secretary-General that the French version of the authentic text of the Amendment as well as the certified true copies of the Amendment established on 3 December 1999, contains an error.

..... A copy of the corresponding procès-verbal of rectification is attached.

8 January 2004



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned.
Depositary notifications are made available to the Permanent Missions to the United Nations at the following e-mail address: missions@un.int. Note that annexes to the depositary notifications are distributed in hard copy format only. The hard copy versions of the depositary notifications are available for pick-up by the Permanent Missions in Room NL-300. Such notifications are also available in the United Nations Treaty Collection on the Internet at <http://untreaty.un.org>.



AMENDMENT TO THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete THE OZONE LAYER
ADOPTED AT BEIJING ON 3 DECEMBER 1999

AMENDEMENT AU PROTOCOLE DE MONTRÉAL
RELATIF À DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE
ADOPTÉ À BEIJING LE 3 DÉCEMBRE 1999

PROCÈS-VERBAL OF RECTIFICATION
OF THE ORIGINAL OF THE AMENDMENT

PROCÈS-VERBAL DE RECTIFICATION
DE L'ORIGINAL DE L'AMENDEMENT

THE SECRETARY-GENERAL OF THE UNITED NATIONS, acting in his capacity as depositary of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at Beijing on 3 December 1999 (Amendment),

LE SECRÉTAIRE GÉNÉRAL DE L'ORGANISATION DES NATIONS UNIES, agissant en sa qualité de dépositaire de l'Amendement au Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone, adopté à Beijing le 3 décembre 1999 (Amendement),

WHEREAS it appears that article 3, paragraph 3 of the original of the Amendment (authentic French text) contains an error,

CONSIDÉRANT que paragraphe 3 de l'article 3 de l'original de l'Amendement (texte authentique français), comporte une erreur,

WHEREAS the certified true copies of the original of the said Amendment were transmitted to all States concerned by depositary notification C.N.1231.1999.TREATIES-1 of 28 January 2000,

CONSIDÉRANT que les exemplaires certifiés conformes dudit Amendement ont été communiqués à tous les États intéressés par notification dépositaire C.N.1231.1999.TREATIES-1 du 28 janvier 2000,

HAS CAUSED the correction indicated in the annex to this Procès-verbal to be effected in the original of the said Amendment, which correction also applies to the certified true copies of the Amendment established on 3 December 1999.

A FAIT PROCÉDER dans l'original dudit Amendement à la correction indiquée en annexe au présent procès-verbal, laquelle correction s'applique également aux exemplaires certifiés conformes de l'Amendement établis le 3 décembre 1999.

IN WITNESS WHEREOF, I,
Hans Corell, Under-Secretary-General,
the Legal Counsel, have signed this
Procès-verbal.

EN FOI DE QUOI, Nous,
Hans Corell, Secrétaire général adjoint,
Conseiller juridique, avons signé le
présent procès-verbal.

Done at the Headquarters of the United Nations, New York, on 9 January 2004.

Fait au Siège de l'Organisation des Nations Unies, à New York, le 9 janvier 2004.

Hans Corell

C.N.13.2004.TREATIES-2 (Annex - Annexe)

Rectification of the authentic French text of the Amendment - Rectification du texte authentique français de l'Amendement

[AUTHENTIC FRENCH TEXT – TEXTE AUTHENTIQUE FRANÇAIS]

Article 3, paragraph 3 should read as follows : – Paragraphe 3 de l'article 3 devrait se lire comme suit :

“3. Postérieurement à son entrée en vigueur, tel que prévu au paragraphe 1, le présent instrument entre en vigueur pour toute autre Partie au Protocole le **quatre-vingt-dixième** jour suivant la date de son instrument de ratification, d'acceptation ou d'approbation.”

ADJUSTMENTS TO THE MONTREAL PRO-
TOCOL ON SUBSTANCES THAT DEplete
THE OZONE LAYER. MONTREAL,
21 SEPTEMBER 2007

ADJUSTEMENTS AU PROTOCOLE DE
MONTRÉAL RELATIF À DES SUBSTAN-
CES QUI APPAUVRISSENT LA COUCHE
D'OZONE. MONTRÉAL, 21 SEPTEMBRE
2007

Entry into force: 14 May 2008, in accor-
dance with Article 2(9)

Entrée en vigueur : 14 mai 2008,
conformément au paragraphe 9 de l'arti-
cle 2

Authentic texts: Arabic, Chinese, Eng-
lish, French, Russian and Spanish

Textes authentiques : arabe, chinois, an-
glais, français, russe et espagnol

**Registration with the Secretariat of the
United Nations:** ex officio, 14 May
2008

**Enregistrement auprès du Secrétariat
des Nations Unies :** d'office, 14 mai
2008

'١' يجوز لأي طرف، في أي فترة اثني عشر شهراً، أن يتجاوز حدّ الاستهلاك
ذلك ما دام مجموع مستويات استهلاكه المحسوبة خلال فترة السنوات العشر من ١ كانون
الثاني/يناير ٢٠٣٠ إلى ١ كانون الثاني/يناير ٢٠٤٠، مقسوماً على عشرة، لا يتجاوز ٢,٥ في
المائة من متوسط مستوياته المحسوبة للاستهلاك في عامي ٢٠٠٩ و ٢٠١٠، وشريطة أن يقتصر
مثل هذا الاستهلاك على خدمة معدات التبريد وتكييف الهواء الموجودة في ١ كانون
الثاني/يناير ٢٠٣٠؛

'٢' يجوز لأي طرف، في أي فترة اثني عشر شهراً، أن يتجاوز حدّ الاستهلاك
ذلك ما دام مجموع مستويات استهلاكه المحسوبة خلال فترة السنوات العشر من ١ كانون
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المائة من متوسط مستوياته المحسوبة للاستهلاك في عامي ٢٠٠٩ و ٢٠١٠، وشريطة أن يقتصر
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الثاني/يناير ٢٠٣٠.

٤ - الفقرتان الفرعيتان الحاليتان (ج) و(د) من الفقرة ٨ ثالثاً من المادة ٥ تصبحان الفقرتين
الفرعيتين (واو) و(زاي).

Decision XIX/6: Adjustments to the Montreal Protocol with regard to Annex C, Group I, substances (hydrochlorofluorocarbons)

The Parties agree to accelerate the phase-out of production and consumption of hydrochlorofluorocarbons (HCFCs), by way of an adjustment in accordance with paragraph 9 of Article 2 of the Montreal Protocol and as contained in annex III to the report of the Nineteenth Meeting of the Parties, on the basis of the following:

1. For Parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 Parties), to choose as the baseline the average of the 2009 and 2010 levels of, respectively, consumption and production; and
2. To freeze, at that baseline level, consumption and production in 2013;
3. For Parties operating under Article 2 of the Protocol (Article 2 Parties) to have completed the accelerated phase-out of production and consumption in 2020, on the basis of the following reduction steps:
 - (a) By 2010 of 75 per cent;
 - (b) By 2015 of 90 per cent;
 - (c) While allowing 0.5 per cent for servicing the period 2020-2030;
4. For Article 5 Parties to have completed the accelerated phase-out of production and consumption in 2030, on the basis of the following reduction steps:
 - (a) By 2015 of 10 per cent;
 - (b) By 2020 of 35 per cent;
 - (c) By 2025 of 67.5 per cent;
 - (d) While allowing for servicing an annual average of 2.5 per cent during the period 2030-2040;
5. To agree that the funding available through the Multilateral Fund for the Implementation of the Montreal Protocol in the upcoming replenishments shall be stable and sufficient to meet all agreed incremental costs to enable Article 5 Parties to comply with the accelerated phase-out schedule both for production and consumption sectors as set out above, and based on that understanding, to also direct the Executive Committee of the Multilateral Fund to make the necessary changes to the eligibility criteria related to the post-1995 facilities and second conversions;
6. To direct the Executive Committee, in providing technical and financial assistance, to pay particular attention to Article 5 Parties with low volume and very low volume consumption of HCFCs;
7. To direct the Executive Committee to assist Parties in preparing their phase-out management plans for an accelerated HCFC phase-out;
8. To direct the Executive Committee, as a matter of priority, to assist Article 5 Parties in conducting surveys to improve reliability in establishing their baseline data on HCFCs;
9. To encourage Parties to promote the selection of alternatives to HCFCs that minimize environmental impacts, in particular impacts on climate, as well as meeting other health, safety and economic considerations;
10. To request Parties to report regularly on their implementation of paragraph 7 of Article 2F of the Protocol;

11. To agree that the Executive Committee, when developing and applying funding criteria for projects and programmes, and taking into account paragraph 6, give priority to cost-effective projects and programmes which focus on, inter alia:

(a) Phasing-out first those HCFCs with higher ozone-depleting potential, taking into account national circumstances;

(b) Substitutes and alternatives that minimize other impacts on the environment, including on the climate, taking into account global-warming potential, energy use and other relevant factors;

(c) Small and medium-size enterprises;

12. To agree to address the possibilities or need for essential use exemptions, no later than 2015 where this relates to Article 2 Parties, and no later than 2020 where this relates to Article 5 Parties;

13. To agree to review in 2015 the need for the 0.5 per cent for servicing provided for in paragraph 3, and to review in 2025 the need for the annual average of 2.5 per cent for servicing provided for in paragraph 4 (d);

14. In order to satisfy basic domestic needs, to agree to allow for up to 10% of baseline levels until 2020, and, for the period after that, to consider no later than 2015 further reductions of production for basic domestic needs;

15. In accelerating the HCFC phase-out, to agree that Parties are to take every practicable step consistent with Multilateral Fund programmes, to ensure that the best available and environmentally-safe substitutes and related technologies are transferred from Article 2 Parties to Article 5 Parties under fair and most favourable conditions;

Annex III

Adjustments agreed by the Nineteenth Meeting of the Parties relating to the controlled substances in group I of Annex C of the Montreal Protocol (hydrochlorofluorocarbons)

The Nineteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, and on the basis of assessments made pursuant to Article 6 of the Protocol, adjustments and reductions of production and consumption of the controlled substances in Group I of Annex C to the Protocol, as follows:

Article 2F: Hydrochlorofluorocarbons

1. The current paragraph 8 of Article 2F of the Protocol shall become paragraph 2, and the current paragraph 2 shall become paragraph 3.

2. The current paragraphs 3 to 6 shall be replaced by the following paragraphs, which shall be numbered paragraphs 4 to 6:

"4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not *exceed*, annually, twenty-five per cent of the sum referred to in paragraph 1 of this Article. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, twenty-five per cent of the calculated level referred to in paragraph 2 of this Article. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production of the controlled substances in Group I of Annex C as referred to in paragraph 2.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the calculated level referred to in paragraph 2 of this Article. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production of the controlled substances in Group I of Annex C as referred to in paragraph 2.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed zero. However:

(a) Each Party may exceed that limit on consumption by up to zero point five per cent of the sum referred to in paragraph 1 of this Article in any such twelve-month period ending before 1 January 2030, provided that such consumption shall

be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020;

(b) Each Party may exceed that limit on production by up to zero point five per cent of the average referred to in paragraph 2 of this Article in any such twelve-month period ending before 1 January 2030, provided that such production shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020."

Article 5: Special situation of developing countries

3. The current sub-paragraphs (a) and (b) of paragraph 8 *ter* of Article 5 shall be replaced by the following sub-paragraphs, which shall become sub-paragraphs (a) to (e):

"(a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2013, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the average of its calculated levels of consumption in 2009 and 2010. Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2013 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of its calculated levels of production in 2009 and 2010;

(b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ninety per cent of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, ninety per cent of the average of its calculated levels of production in 2009 and 2010;

(c) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the average of its calculated levels of production in 2009 and 2010;

(d) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2025, and in each twelve month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-two point five per cent of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, thirty-two point five per cent of the average of its calculated levels of production in 2009 and 2010;

(e) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve month period thereafter, its calculated level of consumption of the controlled

substances in Group I of Annex C does not exceed zero. Each such Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed zero. However:

(i) Each such Party may exceed that limit on consumption in any such twelve-month period so long as the sum of its calculated levels of consumption over the ten-year period from 1 January 2030 to 1 January 2040, divided by ten, does not exceed two point five per cent of the average of its calculated levels of consumption in 2009 and 2010, and provided that such consumption shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2030;

(ii) Each such Party may exceed that limit on production in any such twelve-month period so long as the sum of its calculated levels of production over the ten-year period from 1 January 2030 to 1 January 2040, divided by ten, does not exceed two point five per cent of the average of its calculated levels of production in 2009 and 2010, and provided that such production shall be restricted to the servicing of refrigeration and air-conditioning equipment existing on 1 January 2030."

4. The current sub-paragraphs (c) and (d) of paragraph 8 *ter* of Article 5 shall become sub-paragraphs (f) and (g).

Reference: C.N.872.2016.TREATIES-XXVII.2.f (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE
LAYER. MONTREAL, 16 SEPTEMBER 1987

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

KIGALI, 15 OCTOBER 2016

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

At the Twenty-Eighth Meeting of the Parties to the above Protocol, held in Kigali
from 10 to 15 October 2016, the Parties adopted, in accordance with the procedure laid down in
paragraph 4 of article 9 of the 1985 Vienna Convention for the Protection of the Ozone Layer, a further
amendment to the Montreal Protocol as set out in Annex I to the report of the Twenty-Eighth Meeting
of the Parties (Decision XXVIII/1).

..... The text of the above Amendment, in the six authentic languages, is attached as an Annex to
this notification.

In accordance with its article IV, paragraph 1, the Amendment shall enter into force on
1 January 2019, provided that at least twenty instruments of ratification, acceptance or approval of the
Amendment have been deposited by States or regional economic integration organizations that are
Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this
condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day
following the date on which it has been fulfilled.

After its entry into force, the Amendment, in accordance with its article IV, paragraph 4, shall
enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of
its instrument of ratification, acceptance or approval.

23 November 2016



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations
concerned. Depositary notifications are issued in electronic format only. Depositary notifications are
made available to the Permanent Missions to the United Nations in the United Nations Treaty
Collection at <https://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent
Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-
mail through the Treaty Section's "Automated Subscription Services", which is also available at
https://treaties.un.org/Pages/Login.aspx?lang=_en.

C.N.872.2016.TREATIES-XXVII.2.f

Annex / Annexe

Decision XXVIII/1: Further Amendment of the Montreal Protocol

To adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol set out in annex I to the report of the Twenty-Eighth Meeting of the Parties;

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer

Article I: Amendment

Article 1, paragraph 4

In paragraph 4 of Article 1 of the Protocol, for the words:

“Annex C or Annex E”

there shall be substituted:

“Annex C, Annex E or Annex F”

Article 2, paragraph 5

In paragraph 5 of Article 2 of the Protocol, for the words:

“and Article 2H”

there shall be substituted:

“Articles 2H and 2J”

Article 2, paragraphs 8 (a), 9 (a) and 11

In paragraphs 8 (a) and 11 of Article 2 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

The following words shall be added at the end of subparagraph (a) of paragraph 8 of Article 2 of the Protocol:

“Any such agreement may be extended to include obligations respecting consumption or production under Article 2J provided that the total combined calculated level of consumption or production of the Parties concerned does not exceed the levels required by Article 2J.”

In subparagraph (a) (i) of paragraph 9 of Article 2 of the Protocol, after the second use of the words:

“should be;”

there shall be deleted:

“and”

Subparagraph (a) (ii) of paragraph 9 of Article 2 of the Protocol shall be renumbered as subparagraph (a) (iii).

The following shall be added as subparagraph (a) (ii) after subparagraph (a) (i) of paragraph 9 of Article 2 of the Protocol:

“Adjustments to the global warming potentials specified in Group I of Annex A, Annex C and Annex F should be made and, if so, what the adjustments should be; and”

Article 2J

The following Article shall be inserted after Article 2I of the Protocol:

“Article 2J: Hydrofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 2019, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent of its calculated level of

consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO₂ equivalents:

- (a) 2019 to 2023: 90 per cent
- (b) 2024 to 2028: 60 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

2. Notwithstanding paragraph 1 of this Article, the Parties may decide that a Party shall ensure that, for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent of its calculated level of consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO₂ equivalents:

- (a) 2020 to 2024: 95 per cent
- (b) 2025 to 2028: 65 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

3. Each Party producing the controlled substances in Annex F shall ensure that for the twelve-month period commencing on 1 January 2019, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO₂ equivalents:

- (a) 2019 to 2023: 90 per cent
- (b) 2024 to 2028: 60 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

4. Notwithstanding paragraph 3 of this Article, the Parties may decide that a Party producing the controlled substances in Annex F shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO₂ equivalents:

- (a) 2020 to 2024: 95 per cent
- (b) 2025 to 2028: 65 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

5. Paragraphs 1 to 4 of this Article will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by the Parties to be exempted uses.
6. Each Party manufacturing Annex C, Group I, or Annex F substances shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its emissions of Annex F, Group II, substances generated in each production facility that manufactures Annex C, Group I, or Annex F substances are destroyed to the extent practicable using technology approved by the Parties in the same twelve-month period.
7. Each Party shall ensure that any destruction of Annex F, Group II, substances generated by facilities that produce Annex C, Group I, or Annex F substances shall occur only by technologies approved by the Parties.

Article 3

The preamble to Article 3 of the Protocol should be replaced with the following:

“1. For the purposes of Articles 2, 2A to 2J and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C, Annex E or Annex F, determine its calculated levels of:”

For the final semi-colon of subparagraph (a) (i) of Article 3 of the Protocol there shall be substituted:

“, except as otherwise specified in paragraph 2;”

The following text shall be added to the end of Article 3 of the Protocol:

“; and

(d) Emissions of Annex F, Group II, substances generated in each facility that generates Annex C, Group I, or Annex F substances by including, among other things, amounts emitted from equipment leaks, process vents and destruction devices, but excluding amounts captured for use, destruction or storage.

2. When calculating levels, expressed in CO₂ equivalents, of production, consumption, imports, exports and emissions of Annex F and Annex C, Group I, substances for the purposes of Article 2J, paragraph 5 *bis* of Article 2 and paragraph 1 (d) of Article 3, each Party shall use the global warming potentials of those substances specified in Group I of Annex A, Annex C and Annex F.”

Article 4, paragraph 1 sept

The following paragraph shall be inserted after paragraph 1 *sex* of Article 4 of the Protocol:

“1 *sept*. Upon entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex F from any State not Party to this Protocol.”

Article 4, paragraph 2 sept

The following paragraph shall be inserted after paragraph 2 *sex* of Article 4 of the Protocol:

“2 *sept*. Upon entry into force of this paragraph, each Party shall ban the export of the controlled substances in Annex F to any State not Party to this Protocol.”

Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

“Annexes A, B, C and E”

there shall be substituted:

“Annexes A, B, C, E and F”

Article 4, paragraphs 8

In paragraph 8 of Article 4 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

Article 4B

The following paragraph shall be inserted after paragraph 2 of Article 4B of the Protocol:

“2 *bis*. Each Party shall, by 1 January 2019 or within three months of the date of entry into force of this paragraph for it, whichever is later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annex F. Any Party operating under paragraph 1 of Article 5 that decides it is not in a position to establish and implement such a system by 1 January 2019 may delay taking those actions until 1 January 2021.”

Article 5

In paragraph 4 of Article 5 of the Protocol, for the word:

“2I”

there shall be substituted:

“2J”

In paragraphs 5 and 6 of Article 5 of the Protocol, for the words:

“Article 2I”

there shall be substituted:

“Articles 2I and 2J”

In paragraph 5 of Article 5 of the Protocol, before the words:

“any control measures”

there shall be inserted:

“with”

The following paragraph shall be inserted after paragraph 8 *ter* of Article 5 of the Protocol:

“8 *qua*

(a) Each Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 9 of Article 2, shall be entitled to delay its compliance with the control measures set out in subparagraphs (a) to (e) of paragraph 1 of Article 2J and subparagraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

- (i) 2024 to 2028: 100 per cent
- (ii) 2029 to 2034: 90 per cent
- (iii) 2035 to 2039: 70 per cent
- (iv) 2040 to 2044: 50 per cent
- (v) 2045 and thereafter: 20 per cent

(b) Notwithstanding subparagraph (a) above, the Parties may decide that a Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 9 of Article 2, shall be entitled to delay its compliance with the control measures set out in subparagraphs (a) to (e) of paragraph 1 of Article 2J and subparagraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

- (i) 2028 to 2031: 100 per cent
- (ii) 2032 to 2036: 90 per cent
- (iii) 2037 to 2041: 80 per cent
- (iv) 2042 to 2046: 70 per cent
- (v) 2047 and thereafter: 15 per cent

(c) Each Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2020, 2021 and 2022,

plus sixty-five per cent of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(d) Notwithstanding subparagraph (c) above, the Parties may decide that a Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(e) Each Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(f) Notwithstanding subparagraph (e) above, the Parties may decide that a Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(g) Subparagraphs (a) to (f) of this paragraph will apply to calculated levels of production and consumption save to the extent that a high-ambient-temperature exemption applies based on criteria decided by the Parties.”

Article 6

In Article 6 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

Article 7, paragraphs 2, 3 and 3 ter

The following line shall be inserted after the line that reads “– in Annex E, for the year 1991,” in paragraph 2 of Article 7 of the Protocol:

“– in Annex F, for the years 2011 to 2013, except that Parties operating under paragraph 1 of Article 5 shall provide such data for the years 2020 to 2022, but those Parties operating under paragraph 1 of Article 5 to which subparagraphs (d) and (f) of paragraph 8 *qua* of Article 5 applies shall provide such data for the years 2024 to 2026;”

In paragraphs 2 and 3 of Article 7 of the Protocol, for the words:

“C and E”

there shall be substituted:

“C, E and F”

The following paragraph shall be added to Article 7 of the Protocol after paragraph 3 *bis*:

“3 *ter*. Each Party shall provide to the Secretariat statistical data on its annual emissions of Annex F, Group II, controlled substances per facility in accordance with paragraph 1 (d) of Article 3 of the Protocol.”

Article 7, paragraph 4

In paragraph 4 of Article 7, after the words:

“statistical data on” and “provides data on”

there shall be added:

“production,”

Article 10, paragraph 1

In paragraph 1 of Article 10 of the Protocol, for the words:

“and Article 2I”

There shall be substituted:

“, Article 2I and Article 2J”

The following shall be inserted at the end of paragraph 1 of Article 10 of the Protocol:

“Where a Party operating under paragraph 1 of Article 5 chooses to avail itself of funding from any other financial mechanism that could result in meeting any part of its agreed incremental costs, that part shall not be met by the financial mechanism under Article 10 of this Protocol.”

Article 17

In Article 17 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

Annex A

The following table shall replace the table for Group I in Annex A to the Protocol:

Group	Substance	Ozone-Depleting Potential*	100-Year Global Warming Potential
<i>Group I</i>			
CFCl ₃	(CFC-11)	1.0	4,750
CF ₂ Cl ₂	(CFC-12)	1.0	10,900
C ₂ F ₃ Cl ₃	(CFC-113)	0.8	6,130
C ₂ F ₄ Cl ₂	(CFC-114)	1.0	10,000
C ₂ F ₅ Cl	(CFC-115)	0.6	7,370

Annex C and Annex F

The following table shall replace the table for Group I in Annex C to the Protocol:

Group	Substance	Number of isomers	Ozone-Depleting Potential*	100-Year Global Warming Potential***
<i>Group I</i>				
CHFCl ₂	(HCFC-21)**	1	0.04	151
CHF ₂ Cl	(HCFC-22)**	1	0.055	1810
CH ₂ FCl	(HCFC-31)	1	0.02	
C ₂ HFCl ₄	(HCFC-121)	2	0.01–0.04	
C ₂ HF ₂ Cl ₃	(HCFC-122)	3	0.02–0.08	
C ₂ HF ₃ Cl ₂	(HCFC-123)	3	0.02–0.06	77
CHCl ₂ CF ₃	(HCFC-123)**	–	0.02	
C ₂ HF ₄ Cl	(HCFC-124)	2	0.02–0.04	609
CHFClCF ₃	(HCFC-124)**	–	0.022	
C ₂ H ₂ FCl ₃	(HCFC-131)	3	0.007–0.05	
C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)	4	0.008–0.05	
C ₂ H ₂ F ₃ Cl	(HCFC-133)	3	0.02–0.06	
C ₂ H ₃ FCl ₂	(HCFC-141)	3	0.005–0.07	
CH ₃ CFCl ₂	(HCFC-141b)**	–	0.11	725
C ₂ H ₃ F ₂ Cl	(HCFC-142)	3	0.008–0.07	
CH ₃ CF ₂ Cl	(HCFC-142b)**	–	0.065	2310
C ₂ H ₄ FCl	(HCFC-151)	2	0.003–0.005	

C ₃ HFCI ₆	(HCFC-221)	5	0.015–0.07	
C ₃ HF ₂ Cl ₅	(HCFC-222)	9	0.01–0.09	
C ₃ HF ₃ Cl ₄	(HCFC-223)	12	0.01–0.08	
C ₃ HF ₄ Cl ₃	(HCFC-224)	12	0.01–0.09	
C ₃ HF ₅ Cl ₂	(HCFC-225)	9	0.02–0.07	
CF ₃ CF ₂ CHCl ₂	(HCFC-225ca)**	–	0.025	122
CF ₂ CICF ₂ CHClF	(HCFC-225cb)**	–	0.033	595
C ₃ HF ₆ Cl	(HCFC-226)	5	0.02–0.10	
C ₃ H ₂ FCI ₅	(HCFC-231)	9	0.05–0.09	
C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)	16	0.008–0.10	
C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	18	0.007–0.23	
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	16	0.01–0.28	
C ₃ H ₂ F ₅ Cl	(HCFC-235)	9	0.03–0.52	
C ₃ H ₃ FCI ₄	(HCFC-241)	12	0.004–0.09	
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	18	0.005–0.13	
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	18	0.007–0.12	
C ₃ H ₃ F ₄ Cl	(HCFC-244)	12	0.009–0.14	
C ₃ H ₄ FCI ₃	(HCFC-251)	12	0.001–0.01	
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	16	0.005–0.04	
C ₃ H ₄ F ₃ Cl	(HCFC-253)	12	0.003–0.03	
C ₃ H ₅ FCI ₂	(HCFC-261)	9	0.002–0.02	
C ₃ H ₅ F ₂ Cl	(HCFC-262)	9	0.002–0.02	
C ₃ H ₆ FCI	(HCFC-271)	5	0.001–0.03	

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

*** For substances for which no GWP is indicated, the default value 0 applies until a GWP value is included by means of the procedure foreseen in paragraph 9 (a) (ii) of Article 2.

The following annex shall be added to the Protocol after Annex E:

“Annex F: Controlled substances

Group	Substance	100-Year Global Warming Potential
<i>Group I</i>		
CHF ₂ CHF ₂	HFC-134	1,100
CH ₂ FCF ₃	HFC-134a	1,430
CH ₂ FCHF ₂	HFC-143	353
CHF ₂ CH ₂ CF ₃	HFC-245fa	1,030
CF ₃ CH ₂ CF ₂ CH ₃	HFC-365mfc	794
CF ₃ CHF ₂ CF ₃	HFC-227ea	3,220
CH ₂ FCF ₂ CF ₃	HFC-236cb	1,340
CHF ₂ CH ₂ CF ₃	HFC-236ea	1,370
CF ₃ CH ₂ CF ₃	HFC-236fa	9,810
CH ₂ FCF ₂ CHF ₂	HFC-245ca	693
CF ₃ CHFCH ₂ CF ₂ CF ₃	HFC-43-10mee	1,640
CH ₂ F ₂	HFC-32	675
CHF ₂ CF ₃	HFC-125	3,500
CH ₃ CF ₃	HFC-143a	4,470
CH ₃ F	HFC-41	92

CH ₂ FCH ₂ F	HFC-152	53
CH ₃ CHF ₂	HFC-152a	124
<i>Group II</i>		
CHF ₃	HFC-23	14,800

Article II: Relationship to the 1999 Amendment

No State or regional economic integration organization may deposit an instrument of ratification, acceptance or approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Eleventh Meeting of the Parties in Beijing, 3 December 1999.

Article III: Relationship to the United Nations Framework Convention on Climate Change and its Kyoto Protocol

This Amendment is not intended to have the effect of excepting hydrofluorocarbons from the scope of the commitments contained in Articles 4 and 12 of the United Nations Framework Convention on Climate Change or in Articles 2, 5, 7 and 10 of its Kyoto Protocol.

Article IV: Entry into force

1. Except as noted in paragraph 2, below, this Amendment shall enter into force on 1 January 2019, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

2. The changes to Article 4 of the Protocol, Control of trade with non-Parties, set out in Article I of this Amendment shall enter into force on 1 January 2033, provided that at least seventy instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

3. For purposes of paragraphs 1 and 2, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

4. After the entry into force of this Amendment, as provided under paragraphs 1 and 2, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

Article V: Provisional application

Any Party may, at any time before this Amendment enters into force for it, declare that it will apply provisionally any of the control measures set out in Article 2J, and the corresponding reporting obligations in Article 7, pending such entry into force.

I hereby certify that the foregoing text is a true copy of the Amendment adopted on 15 October 2016 at the Twenty-Eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, which was held in Kigali, Rwanda, from 10 to 15 October 2016.

Je certifie que le texte qui précède est une copie conforme de l'Amendement adopté le 15 octobre 2016 à la vingt-huitième Réunion des Parties au Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone, tenue à Kigali, Rwanda, du 10 au 15 octobre 2016.

For the Secretary-General,
The Under-Secretary-General
for Legal Affairs and
United Nations Legal Counsel

Pour le Secrétaire général,
Le Secrétaire général adjoint
aux affaires juridiques et Conseiller
juridique des Nations Unies



Miguel de Serpa Soares

United Nations
New York, 18 November 2016

Organisation des Nations Unies
New York, le 18 novembre 2016

Reference: C.N.730.2017.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

KIGALI, 15 OCTOBER 2016

ENTRY INTO FORCE

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 17 November 2017, the conditions for the entry into force of the Amendment, with the exception of the changes to article 4 of the Protocol set out in article I of the Amendment, were met. Accordingly, the Amendment, except for the changes to article 4 of the Protocol set out in article I of the Amendment, will enter into force on 1 January 2019, in accordance with paragraphs 1 and 2 of its article IV, which read as follows:

“1. Except as noted in paragraph 2, below, this Amendment shall enter into force on 1 January 2019, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

2. The changes to Article 4 of the Protocol, Control of trade with non-Parties, set out in Article I of this Amendment shall enter into force on 1 January 2033, provided that at least seventy instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.”

20 November 2017



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection at <<https://treaties.un.org>>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <https://treaties.un.org/Pages/Login.aspx?lang=_en>.

Reference: C.N.72.2018.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

KIGALI, 15 OCTOBER 2016

PROPOSAL OF CORRECTIONS TO THE FRENCH AND SPANISH AUTHENTIC TEXTS OF THE
AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The attention of the Secretary-General has been drawn to certain errors in the French and Spanish authentic texts of the above-mentioned Amendment circulated by depositary notification C.N.872.2016.TREATIES-XXVII.2.f of 23 November 2016.

..... The annex to this notification contains the proposed corrections to the French and Spanish authentic texts of the Amendment.

In accordance with the established depositary practice, and unless there is an objection to effecting a particular correction from a signatory State or a Contracting State, the Secretary-General proposes to effect the proposed corrections in the French and Spanish authentic texts of the Amendment.

Any objection should be communicated to the Secretary-General within 90 days from the date of this notification, i.e., no later than 10 May 2018.

9 February 2018



C.N.72.2018.TREATIES-XXVII.2.f (Annex / Annexe)

Article of the Amendment / Article de l'Amendement	French authentic text / Texte authentique français	Proposed corrections to the French authentic text / Corrections proposées au texte authentique français
In the table heading in Annex A / Dans le titre de colonne de l'Annexe A	Potentiel de destruction de l'ozone	Potentiel d'appauvrissement de la couche d'ozone
In the table heading in Annex C / Dans le titre de colonne de l'Annexe C	Potentiel de destruction de l'ozone	Potentiel d'appauvrissement de la couche d'ozone

Article of the Amendment / Article de l'Amendement	Spanish authentic text / Texte authentique espagnol	Proposed correction to the Spanish authentic text / Correction proposée au texte authentique espagnol
Article 3 (2) / paragraphe 2 de l'article 3	Al calcular los niveles de producción, consumo, importación, exportación y emisión de las sustancias que figuran en el anexo F y en el grupo I del anexo C, expresados en equivalentes de CO ₂ , a los fines del artículo 2J, el párrafo 5 bis del artículo 2 y el párrafo 1 d) del artículo 3, cada Parte utilizará los potenciales de calentamiento atmosférico de esas sustancias especificados en el grupo I del anexo A y en los anexos C y F.	especificadas

Reference: C.N.245.2018.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER
KIGALI, 15 OCTOBER 2016

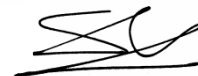
CORRECTIONS TO THE FRENCH AND SPANISH AUTHENTIC TEXTS OF THE AMENDMENT ¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

By 10 May 2018, the date on which the period specified for the notification of objection to the
proposed corrections expired, no objection had been notified to the Secretary-General.

.....
Consequently, the Secretary-General has effected the required corrections to the French and
Spanish authentic texts of the Amendment. The corresponding procès-verbal of rectification is
transmitted herewith.

17 May 2018



¹ Refer to depositary notification C.N.72.2018.TREATIES-XXVII.2.f of 9 February 2018
(Proposal of corrections to the French and Spanish authentic texts of the Amendment).



AMENDMENT TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE
LAYER, ADOPTED AT KIGALI ON 15
OCTOBER 2016

AMENDEMENT AU PROTOCOLE DE MONTRÉAL
RELATIF À DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE,
ADOPTÉ À KIGALI LE 15 OCTOBRE 2016

PROCÈS-VERBAL OF RECTIFICATION
TO THE AUTHENTIC FRENCH AND SPANISH
TEXTS OF THE AMENDMENT

PROCÈS-VERBAL DE RECTIFICATION
AUX TEXTES AUTHENTIQUES ESPAGNOL ET
FRANÇAIS DE L'AMENDEMENT

THE SECRETARY-GENERAL OF THE
UNITED NATIONS, acting in his
capacity as depositary of the
Amendment to the Montreal Protocol
on Substances that Deplete the Ozone
Layer, adopted at Kigali on
15 October 2016 (the Amendment),

LE SECRÉTAIRE GÉNÉRAL DE
L'ORGANISATION DES NATIONS UNIES,
agissant en sa qualité de
dépositaire de l'Amendement au
Protocole de Montréal relatif à des
substances qui appauvrissent la
couche d'ozone, adopté à Kigali le
15 octobre 2016 (l'Amendement),

WHEREAS it appears that the French
and Spanish authentic texts of the
Amendment contain certain errors,

CONSIDÉRANT que les textes
authentiques français et espagnol
de l'Amendement contiennent
certaines erreurs,

WHEREAS the corresponding proposal
of corrections has been communicated
to all interested States by
depositary notification
C.N.72.2018.TREATIES-XXVII.2.f of
9 February 2018,

CONSIDÉRANT que la proposition de
corrections correspondante a été
communiquée à tous les États
intéressés par la notification
dépositaire C.N.72.2018.TREATIES-
XXVII.2.f du 9 février 2018,

WHEREAS by 10 May 2018, the date
on which the period specified for
the notification of objection to the
proposal of corrections expired, no
objection had been notified,

CONSIDÉRANT qu'au 10 mai 2018,
date à laquelle le délai spécifié
pour la notification d'objection
aux corrections proposées a expiré,
aucune objection n'a été notifiée,

HAS CAUSED the corrections as
indicated in the above notification
to be effected in the French and
Spanish authentic texts of the
Amendment.

A FAIT PROCÉDER aux corrections
requis aux textes authentiques
espagnol et français de
l'Amendement tel qu'indiqué dans la
notification précitée.

IN WITNESS WHEREOF, I,
Miguel de Serpa Soares, Under-
Secretary-General for Legal Affairs
and United Nations Legal Counsel,
have signed this Procès-verbal.

EN FOI DE QUOI, Nous,
Miguel de Serpa Soares, le
Secrétaire général adjoint aux
affaires juridiques et Conseiller
juridique des Nations Unies, avons
signé le présent procès-verbal.

Done at the Headquarters of the
United Nations, New York, on 17 May
2018.

Fait au Siège de l'Organisation
des Nations Unies, à New York, le
17 mai 2018.

Miguel de Serpa Soares

Reference: C.N.118.2018.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

KIGALI, 15 OCTOBER 2016

PROPOSAL OF CORRECTION TO THE ARABIC, CHINESE, ENGLISH, FRENCH, RUSSIAN
AND SPANISH AUTHENTIC TEXTS OF THE AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The attention of the Secretary-General has been drawn to an error in article 3 (2) of the Arabic,
Chinese, English, French, Russian and Spanish authentic texts of the above-mentioned Amendment
circulated by depositary notification C.N.872.2016.TREATIES-XXVII.2.f of 23 November 2016.

..... The annex to this notification contains the proposed correction to the Arabic, Chinese, English,
French, Russian and Spanish authentic texts of the Amendment.

In accordance with the established depositary practice, and unless there is an objection to
effecting a particular correction from a signatory State or a contracting State, the Secretary-General
proposes to effect the proposed correction in the six authentic languages of the Amendment.

Any objection should be communicated to the Secretary-General within 90 days from the date
of this notification, i.e., no later than 31 May 2018.

2 March 2018



C.N.118.2018.TREATIES-XXVII.2.f (Annex/Annexe)

Arabic/Arabe

في المادة ٣ (٢)، ينبغي الاستعاضة عن الإشارة إلى "الفقرة ٥ مكررا من المادة ٢" بالإشارة إلى "الفقرة ٥ من المادة ٢".

Chinese/Chinois

第 3 条第 2 款中提到的第 2 条第 5 款之二，应为第 2 条第 5 款。

English/Anglais

In Article 3 (2), the reference to paragraph 5 *bis* of Article 2 should read **paragraph 5 of Article 2**.

French/Français

Au paragraphe 2 de l'article 3, la référence au paragraphe 5 *bis* de l'article 2 devrait se lire **paragraphe 5 de l'article 2**.

Russian/Russe

В пункте 2 статьи 3 ссылку на пункт 5-бис статьи 2 следует читать следующим образом: **пункт 5 статьи 2**.

Spanish/Español

En el párrafo 2 del artículo 3, la referencia al párrafo 5 *bis* del artículo 2 debe leerse **párrafo 5 del artículo 2**.

Reference: C.N.278.2018.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

KIGALI, 15 OCTOBER 2016

CORRECTION TO THE ARABIC, CHINESE, ENGLISH, FRENCH, RUSSIAN AND SPANISH
AUTHENTIC TEXTS OF THE AMENDMENT ¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

By 31 May 2018, the date on which the period specified for the notification of objection to the
proposed correction expired, no objection had been notified to the Secretary-General.

Consequently, the Secretary-General has effected the required correction in the six authentic
languages of the Amendment. The corresponding procès-verbal of rectification is transmitted herewith.

.....

4 June 2018



¹ Refer to depositary notification C.N.118.2018.TREATIES-XXVII.2.f of 2 March 2018
(Proposal of correction to the Arabic, Chinese, English, French, Russian and Spanish authentic texts of
the Amendment).



AMENDMENT TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE
LAYER, ADOPTED AT KIGALI ON
15 OCTOBER 2016

AMENDEMENT AU PROTOCOLE DE MONTRÉAL
RELATIF À DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE,
ADOPTÉ À KIGALI LE 15 OCTOBRE 2016

PROCÈS-VERBAL OF RECTIFICATION
OF THE AUTHENTIC TEXTS OF THE
AMENDMENT

PROCÈS-VERBAL DE RECTIFICATION
DES TEXTES AUTHENTIQUES DE
L'AMENDEMENT

THE SECRETARY-GENERAL OF THE
UNITED NATIONS, acting in his
capacity as depositary of the
Amendment to the Montreal Protocol
on Substances that Deplete the Ozone
Layer, adopted at Kigali on
15 October 2016 (the Amendment),

LE SECRÉTAIRE GÉNÉRAL DE
L'ORGANISATION DES NATIONS UNIES,
agissant en sa qualité de
dépositaire de l'Amendement au
Protocole de Montréal relatif à des
substances qui appauvrissent la
couche d'ozone, adopté à Kigali le
15 octobre 2016 (l'Amendement),

WHEREAS it appears that article
3(2) of the Amendment in the six
authentic languages contains an
error,

CONSIDÉRANT que le paragraphe 2
de l'article 3 de l'Amendement
contient une erreur dans les six
langues authentiques,

WHEREAS the corresponding proposal
of correction has been communicated
to all interested States by
depositary notification
C.N.118.2018.TREATIES-XXVII.2.f of
2 March 2018,

CONSIDÉRANT que la proposition de
correction correspondante a été
communiquée à tous les États
intéressés par la notification
dépositaire C.N.118.2018.TREATIES-
XXVII.2.f du 2 mars 2018,

WHEREAS by 31 May 2018, the date
on which the period specified for
the notification of objection to the
proposal of correction expired, no
objection had been notified,

CONSIDÉRANT qu'au 31 mai 2018,
date à laquelle le délai spécifié
pour la notification d'objection à
la correction proposée a expiré,
aucune objection n'a été notifiée,

HAS CAUSED the correction as
indicated in the above notification
to be effected in the six authentic
languages of the Amendment.

A FAIT PROCÉDER à la correction
requis dans les six langues
authentiques de l'Amendement tel
qu'indiqué dans la notification
précitée.

IN WITNESS WHEREOF, I,
Miguel de Serpa Soares, Under-
Secretary-General for Legal Affairs
and United Nations Legal Counsel,
have signed this Procès-verbal.

EN FOI DE QUOI, Nous,
Miguel de Serpa Soares, le
Secrétaire général adjoint aux
affaires juridiques et Conseiller
juridique des Nations Unies, avons
signé le présent procès-verbal.

Done at the Headquarters of the
United Nations, New York, on 4 June
2018.

Fait au Siège de l'Organisation
des Nations Unies, à New York,
le 4 juin 2018.


Miguel de Serpa Soares

Reference: C.N.232.2018.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

KIGALI, 15 OCTOBER 2016

PROPOSAL OF CORRECTIONS TO THE CHINESE AND FRENCH AUTHENTIC TEXTS OF THE
AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The attention of the Secretary-General has been drawn to certain errors in the Chinese and French authentic texts of the above-mentioned Amendment circulated by depositary notification C.N.872.2016.TREATIES-XXVII.2.f of 23 November 2016.

..... The annex to this notification contains the proposed corrections to the Chinese and French authentic texts of the Amendment.

In accordance with the established depositary practice, and unless there is an objection to effecting a particular correction from a signatory State or a Contracting State, the Secretary-General proposes to effect the proposed corrections in the Chinese and French authentic texts of the Amendment.

Any objection should be communicated to the Secretary-General within 90 days from the date of this notification, i.e., no later than 5 August 2018.

7 May 2018



Article of the Amendment / Article de l'Amendement	Chinese authentic text / Texte authentique chinois	Proposed corrections to the Chinese authentic text / Corrections proposées au texte authentique chinois
Article 2J / Article 2J :	<p>“第2J条：氢氟碳化合物</p> <p>1. 每一缔约方应确保，在2019年1月1日起的十二个月期间，以及其后每十二个月期间，其消费附件F所列受控物质的计算数量（以二氧化碳当量表示），不超过其2011年、2012年和2013年消费附件F所列受控物质的年均计算数量与下文(a)至(e)项为相关年度范围所具体规定百分比的乘积，加上第2F条第1款所列的其消费附件C第一类受控物质的计算数量的百分之十五的总和（以二氧化碳当量表示）：</p>	<p>“第2J条：氢氟碳化合物</p> <p>1. 每一缔约方应确保，在2019年1月1日起的十二个月期间，以及其后每十二个月期间，其附件F所列受控物质的消费计算数量（以二氧化碳当量表示），不超过其附件F所列受控物质2011年、2012年和2013年的年均消费计算数量加上其第2F条第1款所列的附件C第一类受控物质的消费计算数量的百分之十五的总和（以二氧化碳当量表示）与在下文(a)至(e)项所列相关年度范围所具体规定的百分比的乘积：</p>
Article 2J / Article 2J :	<p>2. 尽管本条第1款如此规定，但缔约方可以决定某缔约方应确保，在2020年1月1日起的十二个月期间，以及其后每十二个月期间，其消费附件F所列受控物质的计算数量（以二氧化碳当量表示），不超过其2011年、2012年和2013年消费附件F所列受控物质的年均计算数量与下文(a)至(e)项为相关年度范围所具体规定百分比的乘积，加上第2F条第1款所列的其消费附件C第一类受控物质的计算数量的百分之二十五的总和（以二氧化碳当量表示）：</p>	<p>2. 尽管本条第1款如此规定，但缔约方可以决定某缔约方应确保，在2020年1月1日起的十二个月期间，以及其后每十二个月期间，其附件F所列受控物质的消费计算数量（以二氧化碳当量表示），不超过其附件F所列受控物质2011年、2012年和2013年的年均消费计算数量加上其第2F条第1款所列的附件C第一类受控物质的消费计算数量的百分之二十五的总和（以二氧化碳当量表示）与在下文(a)至(e)项所列相关年度范围所具体规定的百分比的乘积：</p>
Article 2J / Article 2J :	<p>3. 生产附件F中受控物质的每一缔约方应确保，在2019年1月1日起的十二个月期间，以及其后每十二个月期间，其生产附件F所列受控物质的计算数量（以二氧化碳当量表示），不超过其2011年、2012年和2013年生产附件F所列受控物质的年均计算数量与下文(a)至(e)项为相关年度范围所具体规定百分比的乘积，加上第2F条第2款所列的其消费附件C第一类受控物质的计算数量的百分之十五的总和（以二氧化碳当量表示）：</p>	<p>3. 生产附件F中受控物质的每一缔约方应确保，在2019年1月1日起的十二个月期间，以及其后每十二个月期间，其附件F所列受控物质的生产计算数量（以二氧化碳当量表示），不超过其附件F所列受控物质2011年、2012年和2013年的年均生产计算数量加上其第2F条第2款所列的附件C第一类受控物质的生产计算数量的百分之十五的总和（以二氧化碳当量表示）与在下文(a)至(e)项所列相关年度范围所具体规定的百分比的乘积：</p>

<p>Article 2J / Article 2J :</p>	<p>4. 尽管本条第3 款如此规定, 但缔约方可以决定生产附件F中受控物质的某缔约方应确保, 在2020 年1 月1 日起的十二个月期间, 以及其后每十二个月期间, 其生产附件F 所列受控物质的计算数量 (以二氧化碳当量表示), 不超过其2011 年、2012 年和2013 年生产附件F 所列受控物质的年均计算数量与下文(a)至(e)项为相关年度范围所具体规定百分比的乘积, 加上第2F 条第2 款所列的其生产附件C 第一类受控 物质的计算数量的百分之二十五的总和 (以二氧化碳当量表示) :</p>	<p>4. 尽管本条第3 款如此规定, 但缔约方可以决定生产附件 F 中受控物质的某缔约方应确保, 在 2020 年 1 月 1 日起的十二个月期间, 以及其后每十二个月期间, 其附件 F 所列受控物质的生产计算数量 (以二氧化碳当量表示), 不超过其附件 F 所列受控物质 2011 年、2012 年和 2013 年的年均生产计算数量加上其第 2F 条第 2 款所列的附件 C 第一类受控物质的生产计算数量的百分之二十五的总和 (以二氧化碳当量表示) 与在下文(a)至(e)项所列相关年度范围所具体规定的百分比的乘积:</p>
<p>Article 2J / Article 2J :</p>	<p>6. 生产附件 C 第一类物质或附件 F 物质的每一缔约方应确保于自 2020 年 1 月 1 日起的十二个月期间, 及其后每十二个月期间, 其生产附件 C 第一类物质或附件 F 物质的每处生产设施产生的附件 F 第二类物质的排放应使用各缔约方在相关十二个月期间核准的技术尽量销毁。</p>	<p>6. 生产附件 C 第一类物质或附件 F 物质的每一缔约方应确保于自 2020 年 1 月 1 日起的十二个月期间, 及其后每十二个月期间, 其生产附件 C 第一类物质或附件 F 物质的每处生产设施产生的附件 F 第二类物质的排放应在相同的十二个月期间使用缔约方核准的技术尽量销毁。</p>
<p>Article 2J / Article 2J :</p>	<p>7. 每一缔约方应确保, 对生产附件 C 第一类物质或附件 F 物质的所产生的附件 F 第二类物质的任何销毁, 只应采用各缔约方核准的技术。</p>	<p>7. 每一缔约方应确保, 对生产附件 C 第一类物质或附件 F 物质的设施所产生的附件 F 第二类物质的任何销毁, 只采用缔约方核准的技术。</p>
<p>In the table heading in Annex C / Dans le titre de colonne de l'Annexe C</p>	<p>附件 C 和附件 F 应以下表替换《议定书》附件 C 第一类物质列表: 100 年全球升温潜能值*</p>	<p>附件 C 和附件 F 应以下表替换《议定书》附件 C 第一类物质列表: 100 年全球升温潜能值***</p>
<p>Article II / Article II :</p>	<p>第二条: 与 1999 年《修正》之间的关系 任何国家或区域经济一体化组织, 只有此前已经或于本次同时交存对 1999 年 12 月 3 日在北京举行的缔约方第十一次会议所通过的《修正》的有关文书, 才能交存对本修正的批准、接受、核准或加入文书。</p>	<p>第二条: 与1999 年修正的关系 任何国家或区域经济一体化组织, 只有此前已经或同时交存对 1999 年 12 月 3 日在北京举行的缔约方第十一次会议所通过的修正的批准、接受、核准或加入文书, 才能交存对本修正的此种文书。</p>
<p>Article V / Article V :</p>	<p>第五条: 临时实施 任何缔约方可在本修正对其生效前的任何时间声明, 其将临时实施第 2J 条载列的控制措施以及第 7 条中的相应报告义务, 直至本修正生效。</p>	<p>第五条: 临时实施 任何缔约方可在本修正对其生效前的任何时间声明, 其将临时实施第 2J 条载列的任何控制措施以及第 7 条中的相应报告义务, 直至本修正生效。</p>

Article of the Amendment / Article de l'Amendement	French authentic text / Texte authentique français	Proposed corrections to the French authentic text / Corrections proposées au texte authentique français
<p>In footnote * of the table in Annex C / Dans la note de bas de page * du tableau de l'Annexe C</p>	<p>* Lorsqu'une fourchette est indiquée pour les valeurs du potentiel de destruction de l'ozone (PDO), c'est la valeur la plus élevée de cette fourchette qui est utilisée aux fins du Protocole. Lorsqu'un seul chiffre est indiqué comme valeur du PDO, celui-ci a été déterminé à partir de calculs reposant sur des mesures en laboratoire. Les valeurs indiquées pour la fourchette reposent sur des estimations et sont donc moins certaines. La fourchette se rapporte à un groupe d'isomères. La valeur supérieure correspond à l'estimation du PDO de l'isomère au PDO le plus élevé et la valeur inférieure à l'estimation du PDO de l'isomère au PDO le plus faible.</p>	<p>* Lorsqu'une fourchette est indiquée pour les valeurs du potentiel d'appauvrissement de la couche d'ozone, c'est la valeur la plus élevée de cette fourchette qui est utilisée aux fins du Protocole. Lorsqu'un seul chiffre est indiqué comme valeur du potentiel d'appauvrissement de la couche d'ozone, celui-ci a été déterminé à partir de calculs reposant sur des mesures en laboratoire. Les valeurs indiquées pour la fourchette reposent sur des estimations et sont donc moins certaines. La fourchette se rapporte à un groupe d'isomères. La valeur supérieure correspond à l'estimation du potentiel d'appauvrissement de la couche d'ozone de l'isomère au potentiel d'appauvrissement de la couche d'ozone le plus élevé et la valeur inférieure à l'estimation du potentiel d'appauvrissement de la couche d'ozone de l'isomère au potentiel d'appauvrissement de la couche d'ozone le plus faible.</p>
<p>In footnote ** of the table in Annex C / Dans la note de bas de page ** du tableau de l'Annexe C</p>	<p>** Désigne les substances les plus viables commercialement, dont les valeurs indiquées pour le potentiel de destruction de l'ozone (PDO) doivent être utilisées aux fins du Protocole.</p>	<p>** Désigne les substances les plus viables commercialement, dont les valeurs indiquées pour le potentiel d'appauvrissement de la couche d'ozone doivent être utilisées aux fins du Protocole.</p>

Reference: C.N.379.2018.TREATIES-XXVII.2.f (Depositary Notification)

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER
KIGALI, 15 OCTOBER 2016

CORRECTIONS TO THE CHINESE AND FRENCH AUTHENTIC TEXTS OF THE AMENDMENT¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

By 5 August 2018, the date on which the period specified for the notification of objection to
the proposed corrections expired, no objection had been notified to the Secretary-General.

Consequently, the Secretary-General has effected the required corrections to the Chinese and
French authentic texts of the Amendment.

..... The corresponding procès-verbal of rectification is transmitted herewith.

14 August 2018



¹ Refer to depositary notification C.N.232.2018.TREATIES-XXVII.2.f of 7 May 2018
(Proposal of corrections to the Chinese and French authentic texts of the Amendment).



AMENDMENT TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE
OZONE LAYER, ADOPTED AT KIGALI ON
15 OCTOBER 2016

AMENDEMENT AU PROTOCOLE DE MONTREAL
RELATIF A DES SUBSTANCES QUI
APPAUVRISSENT LA COUCHE D'OZONE,
ADOPTÉ À KIGALI LE 15 OCTOBRE 2016

PROCÈS-VERBAL OF RECTIFICATION
TO THE AUTHENTIC CHINESE AND FRENCH
TEXTS OF THE AMENDMENT

PROCÈS-VERBAL DE RECTIFICATION
AUX TEXTES AUTHENTIQUES CHINOIS ET
FRANÇAIS DE L'AMENDEMENT

THE SECRETARY-GENERAL OF THE
UNITED NATIONS, acting in his
capacity as depositary of the
Amendment to the Montreal Protocol
on Substances that Deplete the
Ozone Layer, adopted at Kigali on
15 October 2016 (the Amendment),

LE SECRÉTAIRE GÉNÉRAL DE
L'ORGANISATION DES NATIONS UNIES,
agissant en sa qualité de
dépositaire de l'Amendement au
Protocole de Montréal relatif à des
substances qui appauvrissent la
couche d'ozone, adopté à Kigali le
15 octobre 2016 (l'Amendement),

WHEREAS it appears that the
Chinese and French authentic texts
of the Amendment contain certain
errors,

CONSIDÉRANT que les textes
authentiques chinois et français de
l'Amendement contiennent certaines
erreurs,

WHEREAS the corresponding
proposal of corrections has been
communicated to all interested
States by depositary notification
C.N.232.2018.TREATIES-XXVII.2.f of
7 May 2018,

CONSIDÉRANT que la proposition de
corrections correspondante a été
communiquée à tous les États
intéressés par la notification
dépositaire C.N.232.2018.TREATIES-
XXVII.2.f du 7 mai 2018,

WHEREAS by 5 August 2018, the
date on which the period specified
for the notification of objection
to the proposal of corrections
expired, no objection had been
notified,

CONSIDÉRANT qu'au 5 août 2018,
date à laquelle le délai spécifié
pour la notification d'objection
aux corrections proposées a expiré,
aucune objection n'a été notifiée,

HAS CAUSED the corrections as
indicated in the above notification
to be effected in the Chinese and
French authentic texts of the
Amendment.

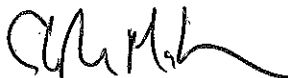
A FAIT PROCÉDER aux corrections
requis aux textes authentiques
chinois et français de l'Amendement
tel qu'indiqué dans la notification
précitée.

IN WITNESS WHEREOF, I,
Stephen Mathias, Assistant
Secretary-General in charge of the
Office of Legal Affairs, have
signed this Procès-verbal.

EN FOI DE QUOI, Nous,
Stephen Mathias, le Sous-Secrétaire
général chargé du Bureau des
affaires juridiques, avons signé le
présent procès-verbal.

Done at the Headquarters of the
United Nations, New York, on
14 August 2018.

Fait au Siège de l'Organisation
des Nations Unies, à New York, le
14 août 2018.


Stephen Mathias

Reference: C.N.601.2018.TREATIES-XXVII.2.a (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE
LAYER

MONTREAL, 16 SEPTEMBER 1987

ADOPTION OF ADJUSTMENTS

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

At the thirtieth Meeting of the Parties to the above Protocol, held in Quito, Ecuador, from 5 to 9 November 2018, the Parties adopted, by Decision XXX/2, adjustments of production and consumption of the controlled substances listed in Group I of Annex C to the Protocol, pursuant to paragraph 9 of article 2 of the Protocol.

.....

The text of the said adjustments is transmitted herewith in the six authentic languages of the Protocol as an annex to this notification.

Pursuant to paragraph 9 of article 2 of the Protocol, the adjustments will enter into force on the expiry of six months from the date of the present notification, i.e., on 21 June 2019.

21 December 2018



C.N.601.2018.TREATIES-XXVII.2.a

Annex / Annexe

Adjustments to the Montreal Protocol on Substances that Deplete the Ozone Layer relating to the controlled substances in Annex C, Group I, for parties not operating under paragraph 1 of Article 5

Article 2F, paragraph 6

The following sentence shall be added in paragraph 6 of Article 2F of the Protocol after the words “does not exceed zero.” and before the word “However.”:

“This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.”

Article 2F, paragraph 6 (a)

In paragraph 6 (a) of Article 2F of the Protocol,

There shall be inserted a colon after the words “restricted to”

The words “the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020;” shall be moved to a new subparagraph 6 (a) (i)

The following subparagraphs shall be inserted after the new subparagraph 6 (a) (i)

“(ii) The servicing of fire suppression and fire protection equipment existing on 1 January 2020;

(iii) Solvent applications in rocket engine manufacturing; and

(iv) Topical medical aerosol applications for the specialised treatment of burns.”

Article 2F, paragraph 6(b)

In paragraph 6 (b) of Article 2F of the Protocol,

There shall be inserted a colon after the words “restricted to”

The words “The servicing of refrigeration and air-conditioning equipment existing on 1 January 2020.” shall be moved to a new subparagraph 6 (b) (i)

For the period following “2020” there shall be substituted a semicolon

The following subparagraphs shall be inserted after the new subparagraph 6 (b) (i)

“(ii) The servicing of fire suppression and fire protection equipment existing on 1 January 2020;

(iii) Solvent applications in rocket engine manufacturing; and

(iv) Topical medical aerosol applications for the specialised treatment of burns.”

Article 5, paragraph 8 ter (e)

The following sentence shall be added in paragraph 8 *ter* (e) of Article 5 of the Protocol after the words “does not exceed zero.” and before the word “However.”:

“This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.”

Article 5, paragraph 8 ter (e) (i)

In paragraph 8 *ter* (e) (i) of Article 5 of the Protocol,

There shall be inserted a colon after the words “restricted to”

The words “The servicing of refrigeration and air-conditioning equipment existing on 1 January 2030;” shall be moved to a new subparagraph 8 *ter* (e) (i) a.

The following subparagraphs shall be inserted after the new subparagraph 8 *ter* (e) (i) a.

“b. The servicing of fire suppression and fire protection equipment existing on 1 January 2030;

c. Solvent applications in rocket engine manufacturing; and

d. Topical medical aerosol applications for the specialized treatment of burns.”

Article 5, paragraph 8 ter (e) (ii)

In paragraph 8 *ter* (e) (ii) of Article 5 of the Protocol,

There shall be inserted a colon after the words “restricted to”

The words “the servicing of refrigeration and air-conditioning equipment existing on 1 January 2030.” shall be moved to a new subparagraph 8 *ter* (e) (ii) a.

For the period following “2030” there shall be substituted a semicolon

The following subparagraphs shall be inserted after the new subparagraph 8 *ter* (e) (ii) a.

“b. The servicing of fire suppression and fire protection equipment existing on 1 January 2030;

c. Solvent applications in rocket engine manufacturing; and

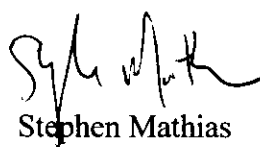
d. Topical medical aerosol applications for the specialized treatment of burns.”

I hereby certify that the foregoing text is a true copy of the Adjustments to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 9 November 2018 at the thirtieth Meeting of the Parties to the above Protocol, held in Quito, Ecuador, from 5 to 9 November 2018.

Je certifie que le texte qui précède est une copie conforme des Ajustements au Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone, adoptés le 9 novembre 2018 à la trentième Réunion des Parties au Protocole susmentionné, tenue à Quito, Équateur, du 5 au 9 novembre 2018.

For the Secretary-General,
Assistant Secretary-General
for Legal Affairs

Pour le Secrétaire général,
Sous-Secrétaire général
aux affaires juridiques



Stephen Mathias

United Nations
New York, 20 December 2018

Organisation des Nations Unies
New York, le 20 décembre 2018