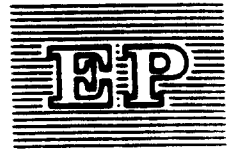




United Nations  
Environment  
Programme



Distr.  
GENERAL



UNEP/OzL.Pro.WG.III(1)/3  
14 March 1990

ORIGINAL: ENGLISH

OPEN-ENDED WORKING GROUP OF THE PARTIES  
TO THE MONTREAL PROTOCOL

First session of the third meeting  
Geneva, 8-14 March 1990

REPORT OF THE FIRST SESSION OF THE THIRD MEETING OF THE OPEN-ENDED  
WORKING GROUP OF THE PARTIES TO THE MONTREAL PROTOCOL

I. INTRODUCTION

1. The first session of the third meeting of the Open-ended Working Group of the Parties to the Montreal Protocol was held at the United Nations Office, Geneva, from 8 to 14 March 1990, to consider further the proposals for adjustments and amendments of the Montreal Protocol which were submitted to the Parties in accordance with Articles 9 and 10 of the Vienna Convention and Article 2, paragraph 9, of the Montreal Protocol.

II. ORGANIZATIONAL MATTERS

A. Attendance

2. The meeting was attended by delegations from the following 36 Contracting Parties:

Australia, Austria, Belgium, Canada, Denmark, Egypt, European Economic Community, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Ireland, Italy, Japan, Kenya, Malaysia, Mexico, Netherlands, New Zealand, Nigeria, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela and Zambia.

3. In addition, the following non-contracting countries participated:

Argentina, Brazil, Chile, China, Czechoslovakia, Equatorial Guinea, India, Morocco, Philippines, Republic of Korea, and Turkey.

4. The following United Nations bodies and specialized agencies also participated in the meeting:

United Nations Economic Commission for Europe (ECE), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), General Agreement on Tariffs and Trade (GATT), World Intellectual Property Organization (WIPO), and the International Maritime Organization (IMO).

5. The following organizations also took part:

Air Conditioning and Refrigeration Institute, Alliance for Responsible CFC Policy, European Council of Chemical Manufacturers' Federations (CEFIC), Friends of the Earth, Greenpeace, Halogenated Solvents Industry Alliance (HSIA), Institut International du Froid, International Chamber of Commerce (ICC), International Council of Environmental Law (ICEL), International Federation of Chemical, Energy and General Workers' Unions (ICEF), Japan Association for Hygiene of Chlorinated Solvents (JAHCS), Japan Auto Parts Industries' Association, Japan Electric Machinery Association (JEMA), Japan Refrigeration and Air Conditioning Industry Association (JRAIA), Motor Vehicle Manufacturers' Association (USA), Pharmaceutical Aerosol CFC Coalition (PACC), Shri Ram Fibres and Union Chemical Laboratory ITRI.

B. Election of officers and adoption of the agenda

6. In accordance with the decision of the second session of the first meeting of the Open-ended Working Group, the Bureau elected at that session continued as follows:

Chairman:	Mr. Victor Buxton (Canada)
Vice-Chairman:	Ms. Eileen Claussen (United States of America)
Vice-Chairman:	Mr. Sergei Stepanov (USSR)
Rapporteur:	Ms. K.N. Kinyanjui (Kenya)

7. The meeting adopted the following agenda:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Note by the Executive Director.
4. Consideration of the proposals for adjustments and amendments (distributed to the Parties in accordance with Articles 9 and 10 of the Vienna Convention and Article 2 of the Montreal Protocol (UNEP/OzL.Pro.WG.II(1)/5), together with the Mechanical Working Group Report (UNEP/OzL/Pro.WG.II(1)/6)):
  - (a) Preambular paragraphs;
  - (b) Article 2 (Control measures);
  - (c) Article 3 (Calculation of control measures);
  - (d) Article 4 (Control of trade with non-parties);
  - (e) Article 5 (Special situation of developing countries);
  - (f) Article 7 (Reporting of data);
  - (g) Article 10 (Technical assistance);

- (h) Article 10 bis (Transfer of technology and financial assistance);
  - (i) Article 19 (Withdrawal);
  - (j) Proposed changes to Annex A.
5. Other matters
  6. Adoption of the report
  7. Closure of the meeting

### C. Opening of the meeting

8. The meeting was opened by the Chairman, who welcomed delegates and outlined the plan of work for the coming week, including the establishment of four sub-working groups on: (i) legal interpretations and drafting; (ii) harmonization of views on control provisions; (iii) Article 5 issues; and (iv) a code of conduct for the use of substitutes. The Chairman then invited the Executive Director of UNEP, Dr. M.K. Tolba, to make his opening remarks and address agenda item 3, "Note by the Executive Director".

9. The Executive Director welcomed delegates to Geneva and informed them that very good progress had been made in the Working Group session on financial mechanisms that had preceded this session. He noted that a spirit of co-operation had prevailed in that meeting and that such a spirit had also extended to the informal consultations held from 6-7 March 1990 on adjustments and amendments to the Protocol, which had been attended by twenty countries, including three non-Parties. On the basis of the informal consultations, the Executive Director had prepared a supplemental note (UNEP/OzL.Pro.WG.III(1)/2/Add.1) which outlined a revised set of proposed adjustments and amendments.

### III. SUBSTANTIVE MATTERS

10. The Executive Director and the Chairman then proceeded to review the proposals contained in the supplemental note, seeking a broader consensus. A number of other previously tabled proposals were discussed and various other related issues were raised. The relevant sub-working groups were instructed to consider these matters further in an effort to reach the maximum level of consensus possible at this time and to report back to the plenary meeting where these matters could be considered further.

11. Following their deliberations, the Chairman asked each of the sub-group chairmen to present their group's conclusions for consideration by the Working Group as a whole.

12. The Chairman of the sub-group on control provisions reviewed the remaining control options for the currently controlled halons, other halons, the currently controlled CFCs, other CFCs, carbon tetrachloride, methyl chloroform, and HCFCs. Following a discussion on these options, the Chairman asked the Legal Drafting Group to revise the current version of the composite negotiating text so that it contained only those remaining options. With regard to the percentage of base year reference levels that should be allowed

for the treatment of industrial rationalization and "basic domestic needs" for CFCs, halons and newly controlled chemicals, the Chairman invited input from industry and developing countries and the Working Group agreed that a new sub-group should meet to consider the issue further.

13. The Chairman of the sub-group on Article 5 issues then presented the conclusions of her group in the areas of industrial rationalization and basic domestic needs, control of trade with non-parties, special situation of developing countries, and linkage to provisions on financial and transfer of technology mechanisms. On the latter issue, it was noted that refinement of legal language of the amendments proposed by developing countries to Articles 5, 10 and 10 bis would depend on the outcome of the discussions of the next Working Group meeting on financial and technology transfer issues. In this regard, it was stressed that a legal drafting group would have to be convened at that meeting. Following a discussion of the proposals contained in the document produced by the Article 5 sub-group, the Chairman of the Working Group asked the Legal Drafting Group to include those proposals in the composite negotiating text.

14. The Chairman of the sub-group on the code of conduct for the use of substitutes announced that the sub-group had decided to prepare the code in the form of a declaration. He then reviewed the draft Declaration on Transitional Substances with the Working Group and noted that, although the proposal was framed as a declaration, it could easily be adopted as a recommendation or other instrument should the Working Group so desire. The Chairman also noted that the declaration could be used as a substitute for, or in concert with, a proposal for a specific phase-out date to be introduced into the Protocol. After further consideration, the sub-group produced a revised Declaration which is reproduced in Annex IV to this report.

15. The Chairman of the Legal Drafting Group then presented the work of that group to the plenary session. The Chairman noted that many issues had been resolved regarding procedural matters. In this regard, he noted that two separate texts would have to be produced: firstly, a formal amending instrument containing amendments to be submitted to countries for ratification; and, secondly, a group of adjustments to be drafted as a decision. It was also noted that the Legal Drafting Group considered the existing proposal that ratification would be in respect of a single package of amendments. While this approach was favoured by the majority of delegations, the view was expressed that this procedure may be difficult for some countries because of their internal procedures. One delegation stated that the procedural matters for amendments should be consistent with provisions set out in the Vienna Convention for the Protection of the Ozone Layer, in particular, regarding the adoption and entry into force of amendments and additional annexes. On the issue of the status of a Party which accepts the Protocol after entry into force of the amendments, it was noted that this was not expressly covered in the Protocol or Convention. However, Article 40 of the Vienna Convention on the Law of Treaties provides that any State which becomes a party to a treaty after the entry into force of the amending agreement shall, failing an expression of a different intention of that State, be considered as a party to the treaty as amended.

16. The Chairman of the Legal Drafting Group then highlighted several substantive issues that required policy decisions before the Legal Drafting Group could take matters forward. After discussion and deliberation by some sub-groups, the Chairman asked the Legal Drafting Group to develop appropriate legal texts to address plenary's conclusions on those issues. In closing, the Chairman noted that the Legal Drafting Group report would in fact constitute the version of the composite negotiating text that would be carried forward to the London meeting.

17. The Chairman of the Working Group then asked the Chairman of the Mechanical Working Group to present its report. In his presentation, the Chairman noted that many of the issues identified in the Mechanical Working Group Report had been addressed by the plenary or the Legal Drafting Group. However, he identified several issues that still had to be resolved. After deliberation in plenary meeting and in the sub-groups, the matters were passed to the Legal Drafting Group for incorporation, as appropriate into the draft of the amendment instruments. In closing, the Chairman of the Mechanical Working Group noted that its report would need to be considered further from time to time in the remainder of the negotiations to ensure that the discussions continued to take into account the issues which it raised.

18. The plenary meeting then heard reports from the sub-groups established to consider: the proposed additions to the Protocol annexes, Article 4 and trade related issues, and industrial rationalization. During the presentation on the Annexes, a discussion took place regarding the treatment of isomers. Two options were discussed: first, amending the definition of "controlled substance" to include control of its isomers, and, secondly, drafting a decision to reflect the Parties' intent that isomers be controlled to the same degree as their parent compounds. In this regard, it was suggested that the isomers could be considered to have the same ozone-depleting potential as their parent compound. It was also agreed that this issue could be reconsidered at the next meeting should further technical review warrant this course of action. After due deliberation, the report of the Annex sub-group was sent to the Legal Drafting Group for its inclusion in the composite negotiating text.

19. One delegation expressed the view that new proposals and additions concerning adjustments and amendments that had been introduced at the last minute could severely complicate the decision-making process at the London meeting. It stated that it would be proper to concentrate on a careful elaboration of the formulations that had already been discussed and had been included in the proposals sent officially to the Parties. In that regard, it objected "to the haste of the effort to adopt measures that have not been adequately worked out for substances that have not been adequately studied. (These substances include, in particular other halons, HFCFs, isomers, etc.)." However, several delegations noted that proposals concerning these subjects had been submitted to the Parties in accordance with the six month prior notification rule.

20. During the Article 4 presentation, the issue of free trade zones and their potential implication on data reporting was raised. It was noted that Parties have an obligation to report data and to meet the other obligations of the Protocol regardless of the existence of free trade zones within their jurisdictions. Also in connection with Article 4, one delegation pointed out that it reserved its position on the proposed amendment to delete "... operating under paragraph 1 of Article 5 ..." from paragraph 2 of Article 4 until it was possible to study the implications of such an amendment.

/...

21. The Chairman of the sub-group on industrial rationalization noted that sufficient information was not currently available to quantify the basic domestic needs of developing countries. However, he expressed the desirability of reviewing this question further in early May, once the results of additional country studies became available. One delegation stated that the figure of 200,000 tonnes for developing country consumption mentioned by the sub-group Chairman was factually incorrect and based on wrong calculations. The figure had been arrived at by adding production capacity to imports whereas correctly, actual production, i.e. excluding existing idle capacity, should have been added to the figure for imports by developing countries. This delegation stressed that instead the estimates given on page 5 of document UNEP/OzL.Pro.WG.II(2)/Inf.1 formed a good basis for estimating the basic domestic needs of countries operating under Article 5, subject to any reductions in such needs which might result from an amendment to Article 5.

22. After further discussion of the remainder of the sub-group report, the Working Group endorsed its recommendations as follows:

(a) All participants who are preparing country studies should take into account the proposed revision of Article 5 paragraph 1, in preparing estimates of their future consumption of controlled substances. They should also provide as much data as possible in time for the May meeting on financial mechanisms where it is hoped that the percentage figures can be further refined;

(b) Industrial and other participants should refine as far as possible their estimates and forecasts of Article 5-country consumption and production capacity;

(c) The percentages to be decided should allow sufficient production to make the provision of new capacity in Article 5 countries unnecessary, without encouraging the active promotion of sales to such countries. They will also depend on satisfactory arrangements for the transfer of technology for alternatives to the controlled substances;

(d) Similar percentages should be included for all substances in Annexes A and B, despite the anticipated differences in the availability of figures;

(e) The percentage figures to be agreed in June should subsequently be kept under review. This should be a specific objective of the review process contained in Article 6 of the Protocol. As the phase-out of controlled substances progresses, it should be possible to identify whether the percentage figures are too high or too low and to amend the Protocol accordingly.

23. The Chairman of the Legal Drafting Group was then asked to present its conclusions to the plenary and they are attached to the present report as Annexes I, II and III. In presenting his report, the Chairman highlighted several issues for special attention. First, he noted that adjustments to paragraph 4 of Article 2 proposed as paragraphs 2 and 3 of Article 2A would require, for adoption, a decision by a two-thirds majority of the Parties present and voting, representing at least two-thirds of the total calculated level of consumption by the Parties of the substances in Group I of Annex A.

Other "adjustments" to Article 2, proposed as paragraph 4 of Article 2A and as paragraphs 1-3 of Article 2B, would, in accordance with paragraph 9 of Article 2 require, for adoption, a decision by a two-thirds majority vote of the Parties present and voting representing a lesser percentage, namely, at least 50 per cent of the total consumption by the Parties of the controlled substances. Secondly, he reviewed the difference between adoption by decision under Article 2, paragraph 9, and amendment under Article 9 of the Vienna Convention. In this regard, he noted that the procedure for deciding on adjustments to the control of presently controlled chemicals was laid down in Article 2, paragraph 9, of the Montreal Protocol, and that six months after their adoption under that procedure at the meeting of the Parties they would be automatically binding on all Parties to the original Protocol and amended protocol alike. Amendments, on the other hand, were covered by Article 9 of the Vienna Convention and required formal ratification, accession or approval by a Party before it would be bound.

24. One delegate raised a concern that switching the control periods from July to January would result in two overlapping control periods, and could create a loophole which would allow excess consumption. Several delegations expressed a belief that this was not a problem. However, the meeting agreed that the issue should be considered further.

25. In closing, the Chairman reminded delegates of the need to have available at the time of the funding meeting (9-11 May in Geneva) both legal experts to facilitate development and incorporation of the final text for Articles 5, 10 and 10 bis into the current version of the drafting group report, and technical experts to assist in the establishment of the requirements (percentage figures) pertaining to both industrial rationalization and the basic domestic needs of developing countries.

26. Several delegations suggested that UNEP should hire a consultant to review available data pertaining to 1986 levels of consumption in developing countries and present a best available estimate. Other delegations expressed doubts on the possibility of hiring a consultant and preparing such information in time for the May meeting. While some delegations expressed reservations at relying on such estimates unless they came from a disinterested party, the observers from both ICC and HSIA offered to provide their available estimates on such levels to the May meeting.

#### IV. ADOPTION OF THE REPORT

27. The Working Group adopted the report of the meeting together with its Annexes.

#### V. CLOSURE OF THE MEETING

28. Following the customary exchange of courtesies, the Chairman declared the session closed at 6.30 p.m. on Wednesday, 14 March 1990.

ANNEX I

Report of the Legal Drafting Group

DRAFT DECISION ON ADJUSTMENTS TO THE PROTOCOL

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:

A. Article 2A: CFCs

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

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1992][1993] 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][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 [eighty][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, its calculated level of production may exceed that limit by up to [five] [ten] per cent of its calculated level of production in 1986.

[3. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995-1998], 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][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, [fifteen] [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, its calculated level of production may exceed that limit by up to [five] [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 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 Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in 1986.

#### 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 3 of Article 2B:

1. Each Party shall ensure that for the 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 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. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [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 Article 5, its calculated level of production may exceed that limit by up to [five] [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 critical uses for which no adequate alternatives are available. [In no event shall such production or consumption of any Party exceed [five] per cent of its calculated level of consumption or production in 1986.]]

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [2000] [2005], 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 ensure that, for the twelve-month period commencing on 1 January [1995-2005], and in each twelve-month period thereafter, 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 Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [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 critical uses for which no adequate alternatives are available. [In no event shall such production or consumption of any Party exceed [five] per cent of its calculated level of consumption or production in 1986.]]

ANNEX II

Report of the Legal Drafting Group

DRAFT AMENDMENT TO THE MONTREAL PROTOCOL ON  
SUBSTANCES THAT DEplete THE OZONE LAYER, 1987

The Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer,

Recognizing the need to protect further the ozone layer from depletion by strengthening the obligations contained in the Montreal Protocol,

Bearing in mind the adjustments to the Montreal Protocol adopted by the Parties on 29 June 1990 in accordance with paragraph 9 of Article 2 of the Montreal Protocol,

Acting in accordance with Article 9 of the Vienna Convention on the Protection of the Ozone Layer and Article 2 paragraph 10 of the Montreal Protocol,

HAVE AGREED AS FOLLOWS:

ARTICLE 1: AMENDMENT

Preambular paragraphs

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

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 [and bearing in mind the developmental needs of developing countries],

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

Acknowledging that special provision is required to meet the needs of developing countries for these substances, [including the provision of new and additional (adequate) financial resources and access to relevant technologies,]

3. The 9th preambular paragraph 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,

#### Article 1: Definitions

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

"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 those substances [except as specifically noted] but it excludes any such 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:

"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].

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 those substances [except as specifically noted] but it excludes any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

Article 2, paragraph 5

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

[5. Any Party may at any time and for any period transfer or receive from any other Party, production in excess of the limits set out in paragraphs [(all control measure paragraphs)], provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article, for each Group of Annex A. Such transfer of production shall be subject to notification to the Secretariat by each of the Parties concerned of the terms of such transfer and of the period for which it applied. This notification shall take place not later than the time of transfer.]

Article 2, paragraph 6

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

[in Annex A or Annex B]

2. The following sentence shall be added to paragraph 6 of Article 2 of the Protocol:

[Nevertheless, for any such Party any intermediate reductions in the production and consumption of controlled substances shall not have the effect of reducing its calculated levels of consumption of these substances to below 0.3 kilograms per capita.]

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

Article 2, paragraph 9(c)

Alternative 1

The following phrase shall be added at the end of paragraph 9(c) of Article 2 of the Protocol:

[as well as two-thirds of the Parties operating under paragraph 1 of Article 5 present and voting]

Alternative 2

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

Article 2, paragraph 10(b)

Paragraph 10(b) of Article 2 of the Protocol shall be deleted.

Article 2C: Other fully halogenated CFCs

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

[1. Each Party shall ensure that for the twelve-month period commencing on 1 January [1992] [1993] [1995], 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, [fifty] [eighty] [one hundred] per cent of its calculated level of consumption in [1986] [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, [fifty] [eighty] [one hundred] per cent of its calculated level of production in [1986] [1989]. 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1997] [1998], 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] [fifty] per cent of its calculated level of consumption in [1986] [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] [fifty] per cent of its calculated level of production in [1986] [1989]. 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 [five] [ten] per cent of its calculated level of production in [1986] [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 Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].]

Article 2D: Other halons

Alternative 1

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

[1. Each Party shall ensure that for the 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 B does not exceed, annually, its calculated level of consumption in [1986] [1989]. 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] [1989]. 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 [five] [ten] per cent of its calculated level of production in [1986] [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 substances in Group II

of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in [1986] [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 fifty per cent of its calculated level of production in [1986] [1989]. 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [2000] [2005], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex B does not exceed zero. Each Party producing one or more of these substances shall ensure that, for the twelve-month period commencing on 1 January [1995-2005], and in each twelve-month period thereafter, 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 Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [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 essential uses for which no adequate alternatives are available. In no event shall such production or consumption of any Party exceed its calculated level of consumption or production in 1986 by more than [five] per cent.]

#### Alternative 2

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

[The Parties shall establish control measures for halons not contained in Group II of Annex B after the names, formulas and ozone-depleting potential of the substances, as well as their uses are well known.]

Article 2E: Carbon tetrachloride

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

[1. Each Party shall ensure that for the 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 III of Annex B does not exceed, annually, its calculated level of consumption in [1986] [1989]. 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] [1989]. 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1992] [1993] [1995] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group III of Annex B does not exceed, annually, [zero] [fifty] [eighty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, [zero] [fifty] [eighty] per cent of its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1997] [1998] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group III of Annex B does not exceed, annually, [fifteen] [fifty] per cent of its calculated level of consumption in [1986] [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 [1986] [1989]. However, in order to satisfy the basic domestic needs of Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its production may exceed that limit by up to [five] [ten] per cent of its calculated level of production in [1986] [1989].

4. 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 III 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 Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

Article 2F: [Methyl chloroform] [Trichloroethane]

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

1. Each Party shall ensure that for the 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 IV of Annex B does not exceed, annually, its calculated level of consumption

in [1986] [1989]. 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] [1989]. 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].

[2. The Parties shall decide at their meeting in 1994 on a schedule of reduction for production and consumption.]

[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 IV of Annex B does not exceed, annually, seventy-five per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of these substances does not exceed seventy-five per cent of its calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].]

[4. 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 substances in Group IV of Annex B does not exceed, annually, [fifty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of these controlled substances does not exceed [fifty] per cent of its calculated level of consumption in [1986] [1989]. However,

in order to satisfy the basic domestic needs of 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].]

[5. 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 IV of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in [1986] [1989]. 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 does not exceed fifteen per cent of its calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of 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 [five] [ten] per cent of its calculated level of production in [1986] [1989].]

[6. Each Party shall ensure that for the twelve-month period commencing on 1 January [2000] [2050] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group IV of Annex B does not exceed [zero] [seventy-eighty] [zero-seventy-five] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production does not exceed [zero-seventy-five] per cent of its annual calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its level of calculated level of production in [1986] [1989].]

[Article 2G: HCFCs

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

Alternative 1

[1. Commencing on 1 January [2020-2040], each Party shall ban the manufacture of any equipment or product made with, containing or utilizing a transitional substance in Group I of Annex C.

2. Each Party producing one or more of the transitional substances in Group I of Annex C shall, for the twelve-month period commencing 1 January [2035-2060], and in each twelve-month period thereafter, ensure that its calculated level of production of these substances does not exceed zero.]

Alternative 2

[1. Each Party shall ensure that commencing on 1 January 1993, transitional substances as specified in Group I of Annex C are used only for such purpose which a Meeting of the Parties decides are essential to the achievement of the purpose of the Protocol.

2. Each Party shall ensure that best available technologies for the recovery, recycling and other emission control measures of the substances specified in Group I of Annex C are applied.

3. Each Party shall ensure that its production of the substances specified in Group I of Annex C ceases not later than 1 January [2020] [2010].]

Article 3: Calculation of control levels

Sub-paragraph (c) of Article 3 of the Protocol shall be replaced by the following sub-paragraph:

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with sub-paragraphs (a) and (b). [However, beginning on 1 January 1993 [1992], 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. Paragraphs 1 to 4 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 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. Beginning on 1 January [1992] [1993], no Party may export any controlled substances in Annex A to any State not party to this Protocol.

2 bis. Within one year of the entry into force of this paragraph, no Party may export 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 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.

4 bis. Within five years 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 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.

2. The following shall be inserted at the end of paragraph 3 of Article 4 of the Protocol:

[or any Party found to be in non-compliance in consequence of the procedure set out in Annex [ ] ]

3. The following shall be inserted at the end of paragraph 4 of Article 4 of the Protocol:

[or any Party found to be in non-compliance in consequence of the procedure set out in Annex [ ] ]

4. Paragraph 5 of Article 4 of the Protocol shall be replaced by the following paragraph:

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

5. Paragraph 6 of Article 4 of the Protocol shall be replaced by the following paragraph:

Each Party shall [ban] [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.

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

Article 5: Special situation of developing countries

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

[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 schedule of the control measures set out in Articles 2 [A to F].

2. However, any Party operating under paragraph 1 of this Article shall not exceed an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita or an annual calculated level of consumption of the controlled substances of Annex B of [ ] kilograms per capita.

3. When implementing the control measures of Article 2, any Party operating under paragraph 1 of this Article shall be entitled to use either [the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive] [[double] [ ] its calculated level of consumption in the year [1986-1990] [1986-1997] ] 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.

4. The obligation of the Parties operating under paragraph 1 of Article 5 to comply with the schedule of the control measures set out in Article 2, paragraphs 1 to 4 will be subject to the transfer of technologies and financial assistance as provided by Article 10 bis.

5. A meeting of the Parties shall review in 1999 the situation of Parties operating under paragraph 1 of Article 5 and shall adopt such further provisions regarding the schedule for the reduction of consumption of control measures set out in Article 2, paragraph 1 to 4 as are feasible and necessary to meet the objectives of the Protocol, taking into account the progress of research and development of substitutes the technology for using such substitutes and availability of such substances, and technologies to developing countries.]

2. The following paragraph shall be added to Article 5 of the Protocol as paragraph 1 bis:

[1 bis. The Parties undertake to facilitate access of adequate information on products containing or requiring for operation, one or more of the controlled substances, before such are exported to Parties operating under Article 5. Any Party that exports any such products to a Party operating under Article 5 without providing information on any controlled substances contained in or required for operation of the product shall, if requested by the Party operating under Article 5, provide either: (a) substitute substances for the products that are not controlled; or (b) a substitute product that does not contain or require the use of controlled substances without any extra cost.]

Article 7: Reporting of data

1. Article 7 of the Protocol shall be replaced by the following paragraphs:
  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 substances in Annex B, as well as of the transitional substances in Group I of Annex C, for the year [1986][1989], or the best possible estimates of such data where actual data are not available, not later than three months after the date when provisions set out in the Protocol with regard to these substances entered into force for that Party.
  3. Each Party shall provide statistical data to the Secretariat on its annual production (with separate data on 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 these substances 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].

2. The following paragraph shall be added to Article 7 of the Protocol:

[3. For Parties operating under the provision of Article 2, paragraph 8(a), the requirements in paragraph 2 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 trade between the organization and States that are not members of that organization.]

3. The following sentence shall be inserted after the first sentence of paragraph 2 of Article 7 of the Protocol:

[Further, each Party shall provide statistical data to the Secretariat on the end uses of the transitional substances in Annex C that it produces.]

#### Article 8: Non-compliance

Article 8 of the Protocol shall be replaced by the following paragraph:

[The 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 shall be as set out in Annex D to this Protocol.]

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

Paragraph 1(a) 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;

Article 10: Technical [and financial] assistance

There shall be inserted after paragraph 1 of Article 10 of the Protocol the following paragraph:

[1 bis. The Parties shall establish [by date] a programme to provide Parties operating under paragraph 1 of Article 5 with technical and financial assistance to facilitate their compliance with the schedule of control measures set out in paragraphs 1 to 4 of Article 2 of this Protocol. Such a programme shall include:

- (a) Studies of individual Parties operating under paragraph 1 of Article 5 to identify specific projects and programmes that would facilitate their compliance with the schedule of control measures set out in paragraphs 1 to 4 of Article 2 of this Protocol;
- (b) Technical assistance with such projects and programmes;
- (c) Financial assistance with such projects and programmes; and
- (d) Identification and implementation of an appropriate mechanism or mechanisms for covering the incremental costs of their compliance with the schedule of control measures set out in paragraphs 1 to 4 of Article 2 of this Protocol.]

[ Article 10 bis: Transfer of technology  
and financial assistance

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

1. Parties other than those operating under paragraph 1 of Article 5 undertake to transfer to Parties operating under paragraph 1 of Article 5, on a preferential and non-commercial basis, the technologies for the recycling and conservation of controlled substances, manufacture of substitute substances, raw materials required for manufacturing such substances, equipment and products using such substances, and for the modification of user equipment.
  
2. An International Trust Fund shall be established within the United Nations Environment Programme to meet fully the incremental costs to be incurred by the Parties operating under paragraph 1 of Article 5. This Fund shall operate in the following manner:
  - (a) The International Trust Fund shall be contributed to fully by Parties other than those operating under paragraph 1 of Article 5, annually, in proportion to each such Party's consumption of controlled substances in 1986;
  
  - (b) Each of the Parties operating under paragraph 1 of Article 5, may present the Fund an estimate of such incremental costs at least a year in advance of the incidence of such costs;
  
  - (c) The Fund shall be managed by a Committee established by the Parties, for a four year term, with equal representation of Parties operating under paragraph 1 of Article 5 and other Parties to the Protocol. The Committee shall scrutinize the estimates and decide on the amount to be paid to each of the Parties operating under paragraph 1 of Article 5.]

Consequential changes

- [Article 10: Paragraph 1 - delete in last line "... and implementation of"  
Paragraph 2 - delete in last lines "... implementing or"

Article 11: Paragraph 4 (i) - replace "... for implementing this Protocol ..." with the phrase "... for the functioning of the Secretariat..."

Article 13: Paragraph 1 - delete in first line "... for the operation of this Protocol, including those..."]

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 measures regarding transitional substances provided for in Article 2.

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 Article 2 and Articles 2A to [2F]. 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.

Annexes

The following Annexes shall be added to the Protocol:

Annex B  
Controlled substances

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I</u>		
CF <sub>3</sub> Cl	(CFC-13)	1.0
C <sub>2</sub> FCl <sub>5</sub>	(CFC-111)	1.0
C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(CFC-112)	1.0
C <sub>3</sub> FCl <sub>7</sub>	(CFC-211)	1.0
C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub>	(CFC-212)	1.0
C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub>	(CFC-213)	1.0
C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub>	(CFC-214)	1.0
C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub>	(CFC-215)	1.0
C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub>	(CFC-216)	1.0
C <sub>3</sub> F <sub>7</sub> Cl	(CFC-217)	1.0

Group II: Option 1

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group II</u>		
CFBr <sub>3</sub>	Halon 1103	
CFC1Br <sub>2</sub>	Halon 1112	
CFC1 <sub>2</sub> Br	Halon 1121	
CF <sub>2</sub> Br <sub>2</sub>	Halon 1202	
C <sub>2</sub> FBr <sub>5</sub>	Halon 2105	

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group II (contd.)</u>		
C <sub>2</sub> FC1Br <sub>4</sub>	Halon	2114
C <sub>2</sub> FC1 <sub>2</sub> Br <sub>3</sub>	Halon	2123
C <sub>2</sub> FC1 <sub>3</sub> Br <sub>2</sub>	Halon	2132
C <sub>2</sub> FC1 <sub>4</sub> Br	Halon	2141
C <sub>2</sub> F <sub>2</sub> Br <sub>4</sub>	Halon	2204
C <sub>2</sub> F <sub>2</sub> ClBr <sub>3</sub>	Halon	2213
C <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> Br <sub>2</sub>	Halon	2222
C <sub>2</sub> F <sub>2</sub> Cl <sub>3</sub> Br	Halon	2231
C <sub>2</sub> F <sub>3</sub> Br <sub>3</sub>	Halon	2303
C <sub>2</sub> F <sub>3</sub> ClBr <sub>2</sub>	Halon	2312
C <sub>2</sub> F <sub>3</sub> Cl <sub>2</sub> Br	Halon	2321
C <sub>2</sub> F <sub>4</sub> ClBr	Halon	2411
C <sub>2</sub> F <sub>5</sub> Br	Halon	2501
C <sub>3</sub> FBr <sub>7</sub>	Halon	3107
C <sub>3</sub> FC1Br <sub>6</sub>	Halon	3116
C <sub>3</sub> FC1 <sub>2</sub> Br <sub>5</sub>	Halon	3125
C <sub>3</sub> FC1 <sub>3</sub> Br <sub>4</sub>	Halon	3134
C <sub>3</sub> FC1 <sub>4</sub> Br <sub>3</sub>	Halon	3143
C <sub>3</sub> FC1 <sub>5</sub> Br <sub>2</sub>	Halon	3152
C <sub>3</sub> FC1 <sub>6</sub> Br	Halon	3161
C <sub>3</sub> F <sub>2</sub> Br <sub>6</sub>	Halon	3206
C <sub>3</sub> F <sub>2</sub> ClBr <sub>5</sub>	Halon	3215
C <sub>3</sub> F <sub>2</sub> Cl <sub>2</sub> Br <sub>4</sub>	Halon	3224
C <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub> Br <sub>3</sub>	Halon	3233
C <sub>3</sub> F <sub>2</sub> Cl <sub>4</sub> Br <sub>2</sub>	Halon	3242
C <sub>3</sub> F <sub>2</sub> Cl <sub>5</sub> Br	Halon	3251
C <sub>3</sub> F <sub>3</sub> Br <sub>5</sub>	Halon	3305
C <sub>3</sub> F <sub>3</sub> ClBr <sub>4</sub>	Halon	3314
C <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub> Br <sub>3</sub>	Halon	3323
C <sub>3</sub> F <sub>3</sub> Cl <sub>3</sub> Br <sub>2</sub>	Halon	3332

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group II (contd.)</u>		
C <sub>3</sub> F <sub>3</sub> Cl <sub>4</sub> Br	Halon	3341
C <sub>3</sub> F <sub>4</sub> Br <sub>4</sub>	Halon	3404
C <sub>3</sub> F <sub>4</sub> ClBr <sub>3</sub>	Halon	3413
C <sub>3</sub> F <sub>4</sub> Cl <sub>2</sub> Br <sub>2</sub>	Halon	3422
C <sub>3</sub> F <sub>4</sub> Cl <sub>3</sub> Br	Halon	3431
C <sub>3</sub> F <sub>5</sub> Br <sub>3</sub>	Halon	3503
C <sub>3</sub> F <sub>5</sub> ClBr <sub>2</sub>	Halon	3512
C <sub>3</sub> F <sub>5</sub> Cl <sub>2</sub> Br	Halon	3521
C <sub>3</sub> F <sub>6</sub> Br <sub>2</sub>	Halon	3602
C <sub>3</sub> F <sub>6</sub> ClBr	Halon	3611
C <sub>3</sub> F <sub>7</sub> Br	Halon	3701

[Only the controlled substances listed in Group II with an ozone depleting potential above [ ] shall be subject to controls contained in Article 2D.]

Group II: Option 2

Any halon with an ozone depletion potential above [ ].

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group III</u>		
CCl <sub>4</sub>	(carbon tetrachloride)	1.1
<u>Group IV</u>		
C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub>	[(trichloroethane)] [(methyl chloroform)]	0.1

Annex C  
Transitional substances

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I</u>		
	CHFC1 <sub>2</sub>	(HCFC-21)
	CHF <sub>2</sub> Cl	(HCFC-22)
	CH <sub>2</sub> FC1	(HCFC-31)
	C <sub>2</sub> HFCl <sub>4</sub>	(HCFC-121)
	C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	(HCFC-122)
	C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	(HCFC-123)
	C <sub>2</sub> HF <sub>4</sub> Cl	(HCFC-124)
	C <sub>2</sub> H <sub>2</sub> FC1 <sub>3</sub>	(HCFC-131)
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-132)
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	(HCFC-133)
	C <sub>2</sub> H <sub>3</sub> FC1 <sub>2</sub>	(HCFC-141)
	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	(HCFC-142)
	C <sub>2</sub> H <sub>4</sub> FC1	(HCFC-151)
	C <sub>3</sub> HFCL <sub>6</sub>	(HCFC-221)
	C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	(HCFC-222)
	C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	(HCFC-223)
	C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	(HCFC-224)
	C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	(HCFC-225)
	C <sub>3</sub> HF <sub>6</sub> Cl	(HCFC-226)
	C <sub>3</sub> H <sub>2</sub> FC1 <sub>5</sub>	(HCFC-231)
	C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(HCFC-232)
	C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	(HCFC-233)
	C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	(HCFC-234)
	C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl	(HCFC-235)
	C <sub>3</sub> H <sub>3</sub> FC1 <sub>4</sub>	(HCFC-241)
	C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub>	(HCFC-242)

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I (contd.)</u>		
$C_3H_3F_3Cl_2$	(HCFC-243)	
$C_3H_3F_4Cl$	(HCFC-244)	
$C_3H_4FCl_3$	(HCFC-251)	
$C_3H_4F_2Cl_2$	(HCFC-252)	
$C_3H_4F_3Cl$	(HCFC-253)	
$C_3H_5FCl_2$	(HCFC-261)	
$C_3H_5F_2Cl$	(HCFC-262)	
$C_3H_6FCl$	(HCFC-271)	

ARTICLE 2: SIGNATURE

This amendment shall be open for signature by States and by regional economic integration organizations which are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer in London from 29 June 1990 to 28 October 1990 and thereafter at United Nations Headquarters in New York.

ARTICLE 3: ENTRY IN FORCE

1. This amendment shall enter into force on [1 January 1992], [subject to Article 9 of the Vienna Convention for the Protection of the Ozone Layer,] provided that at least [twenty] instruments of ratification, acceptance or approval of the amendments have been deposited by States or regional economic integration organizations. In the event that this condition has not been fulfilled by that date, the amendments 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 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 or approval.

#### ARTICLE 4: AUTHENTIC TEXTS

The original of this amendment, 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 AMENDMENT.

DONE AT LONDON THIS TWENTY-NINTH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND NINETY.

ANNEX III

DRAFT DECISIONS

1. [Draft decision on non-compliance]

The Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides to adopt the procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for treatment of Parties found to be in non-compliance as set out as follows:

(text from UNEP/Pro.OzL.LG.1/3, Annex)

2. [Draft decision on isomers]

The Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides to clarify the definition of "controlled substance" with respect to isomers as follows:

"Controlled substance" includes all isomers of any such substance.]



ANNEX IV

DRAFT DECLARATION ON TRANSITIONAL SUBSTANCES

Recognizing that:

- the main objective of the Montreal Protocol is to protect and secure the ozone layer by the reduction of the atmospheric loading of ozone depleting substances to the degree possible;
- special circumstances exist for those Parties operating under Article 5 as to their abilities in replacing the controlled substances by more environmentally-suitable alternatives;
- there exist and are being developed substances which can be used as substitutes for the controlled substances, these having a residual (albeit small) ozone depletion potential, such as the so-called HCFC chemicals, which are defined as "transitional substances";
- in obtaining a rapid phase-out of controlled substances, the use of transitional substances will be necessary;
- such transitional substances should be used prudently because of both their contribution to the depletion of the ozone layer and their contribution to greenhouse warming;
- the option of controlling transitional substances exists through amendment to the Protocol;

therefore, the Parties urge implementation of the following guidelines to facilitate adoption of transitional substances where necessary and also urge their timely substitution by environmentally suitable substitutes or technologies:

- use of transitional substances should be limited to those applications where other, more environmentally suitable alternative substances or technologies are not available;
- transitional substances should be selected in order to minimize ozone layer depletion;
- [at this time the application should in principle be limited to specific uses as refrigerants and in foam insulation, some specific application in the solvent area and very limited applications in aerosols for medical uses and for uses where the use of other alternative substances and technologies poses high hazard risks. Industry should not consider using transitional substances in applications not currently satisfied by the controlled substances;]
- in order to minimize emissions wherever possible, closed systems and recovery and recycling should be employed to the degree possible. Destruction should be prudently applied;
- given the transitional nature of these substances, industry should maximize its efforts to develop and adopt environmentally suitable substitute chemicals and technologies which do not deplete the ozone layer;
- [[the Parties should review the usage of transitional substances and their consequent contributions to the depletion of the ozone layer and the greenhouse effect at regular periods with a view to their eventual replacement by environmentally suitable substances.] [Transitional substances should be replaced by environmentally suitable substitutes if possible by 2020, but no later than 2040.]]