L.N. 226 of 2001

ENVIRONMENT PROTECTION ACT, 2001 (ACT NO. XX OF 2001)

Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (Incorporation) Regulations, 2001

BY virtue of the powers conferred by articles 3, 9 and 28 of the Environment Protection Act, 2001, the Minister for the Environment has made the following regulations:-

Citation and entry into force.

1. (1) The title of these regulations is the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (Incorporation) Regulations, 2001.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) A notice under sub-regulation (2) of these regulations may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Incorporation of the Vienna Convention and the Montreal Protocol into Maltese Law.

2. (1) The Vienna Convention for the Protection of the Ozone Layer done at Vienna on the twenty-second day of March, 1985 and the Montreal Protocol on Substances that Deplete the Ozone Layer done at Montreal on the sixteenth day of September, 1987 shall form part of the laws of Malta.

(2) The texts of the said Vienna Convention and of the said Montreal Protocol appear in Annex I to these regulations which is being published in the English language with the English text of these regulations.

ANNEX I

VIENNA CONVENTION 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,

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 cooperation 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 modification 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) cooperate 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 cooperate 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) cooperate 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) cooperate 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 cooperate 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 ultraviolet 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 on natural and synthetic materials useful to mankind;

(e) substance, 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 observations of the state of the ozone layer and other relevant parameters, as elaborated in Annex I.

3. The Parties undertake to cooperate, 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

Cooperation 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 cooperate, 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 cooperation 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 cooperation, 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 service of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, as well as the Coordinating 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 coordination 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 90th 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 90th day after that 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 consideration.

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 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 paragraphs 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 90th day after the date of deposit of the 20th instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the 90th day after the date of deposit of the 11th 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 20th instrument of ratification, acceptance, approval or accession, it shall enter into force on the 90th 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 90th 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 purpose 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) notification 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 thereof.

(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 ultraviolet 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 Conventions in accordance with Article 3, shall cooperate 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 coordinated 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 ultraviolet 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 HOx, NOx, ClOx 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 ultraviolet 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 cooperate, 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 (CO_2)

Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere;

(iii) Methane (CH_4)

Methane has both natural and anthropogenic sources, and effects 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 (N_2O)

The dominant sources of N_2O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NOx, which play a vital role in controlling the abundance of stratospheric ozone;

(ii) Nitrogen oxides (NOx)

Ground-level sources of NOx play a major direct role only in tropospheric photochemical processes and an indirect role in stratospheric photochemistry, whereas injection of NOx 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. CCl_4, $CFCl_3$ (CFC-11), CF_2Cl_2 (CFC-12), $C_2F_3Cl_3$ (CFC-113), $C_2F_4Cl_2$ (CFC-114)

Fully halogenated alkanes are anthropogenic and act as a source of ClOx, which plays a vital role in ozone photochemistry, especially in the 30 to 50 kilometre altitude region;

(ii) Partially halogenated alkanes, e.g. CH_3Cl, CHF_2Cl (CFC-22), CH_3CCl_3, $CHFCl_2$ (CFC-21)

The sources of CH_3Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClOx;

(d) Bromine substances

Fully halogenated alkanes, e.g. CF_3Br

These gases are anthropogenic and act as a source of BrOx, which behaves in a manner similar to ClOx;

(e) Hydrogen substances

(i) Hydrogen (H_2)

Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry;

(ii) Water (H_2O)

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 cooperation 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 coordination 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.

MONTREAL PROTOCOL 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,

MINDFUL of their obligations 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,

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 and bearing in mind the developmental needs of developing countries,

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,

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 cooperation 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,

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 indicates, Parties to this Protocol.

3. 'Secretariat' means the secretariat of the Convention.

4 'Controlled substance' means a substance in Annex A or in Annex B, Annex C or Annex E 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.

5. 'Production' means the amount of controlled substance 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'

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 12-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 12-month period thereafter, its calculated level of consumption of the controlled substances in Group 1 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 10 % 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 12-month period commencing on the first day of the 37th month following the date of the entry into force of this Protocol, and in each 12-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 10 % 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 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, 80 % 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, 80 % 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 10 % 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 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, 50 % 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, 50 % 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 15 % 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 may, for any one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2 A to 2 E and Article 2H, 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.

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.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B 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 and Articles 2A to 2H provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2H.

(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 assessment made pursuant to Article 6, the Parties may decide whether:

(i) adjustments to the ozone-depleting potentials specified in Annex A, Annex B, Annex C and/or Annex E 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 should be undertaken and, if so, what the scope, amount and timing of any such adjustment and reductions should be.

(b) Proposals for such adjustments shall be communicated to the Parties by the secretariat at least six month 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 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.

(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. Based on the assessment 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.

11. Notwithstanding the provisions contained in this Article and Articles 2A to 2H, Parties may take more stringent measures than those required by this Article and Articles 2A to 2H.

Article 2C

Other fully halogenated CFCs

1. Each Party shall ensure that for the 12-month period commencing on 1 January 1993, and in each 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, 80 % 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, 80 % 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 10 % of its calculated level of production in 1989.

2. Each Party shall ensure that for the 12-month period commencing on 1 January 1997, and in each 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, 15 % 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, 15 % 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 10 % of its calculated level of production in 1989.

3. Each Party shall ensure that for the 12-month period commencing on 1 January 2000, and in each 12-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 15 % of its calculated level of production in 1989.

Article 2D

Carbon tetrachloride

1. Each Party shall ensure that for the 12-month period commencing on 1 January 1995, and in each 12-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually 15 % 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 substances does not exceed, annually 15 % 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 10 % of its calculated level of production in 1989.

2. Each Party shall ensure that for the 12-month period commencing on 1 January 2000, and in each 12-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 15 % of its calculated level of production in 1989.

Article 2E

1,1,1-trichlorethane (methyl chloroform)

1. Each Party shall ensure that for the 12-month period commencing on 1 January 1993, and in each 12-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 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 10 % of its calculated level of production in 1989

2. Each Party shall ensure that for the 12-month period commencing on 1 January 1995, and in each 12-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually 70 % 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, 70 % 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 10 % of its calculated level of production in 1989.

3. Each Party shall ensure that for the 12-month period commencing on 1 January 2000, and in each 12-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, 30 % 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, 30 % 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 10 % of its calculated level of production in 1989.

4. Each Party shall ensure that for the 12-month period commencing on 1 January 2005, and in each 12-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 15 % 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.

Article 2F

Hydrochlorofluorocarbons

1. Each Party shall ensure that for the 12-month period commencing on 1 January 1996, and in each 12-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) 3,1 % 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 12-month period commencing on 1 January 2004, and in each 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, 65 % of the sum referred to in paragraph 1 of this Article.

3. Each Party shall ensure that for the 12-month period commencing on 1 January 2010, and in each 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, 35 % of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the 12-month period commencing on 1 January 2015, and in each 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, 10 % of the sum referred to in paragraph 1 of this Article.

5. Each Party shall ensure that for the 12-month period commencing on 1 January 2020, and in each 12-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, 0,5 % of the sum referred to in paragraph 1 of this Article.

6. Each Party shall ensure that for the 12-month period commencing on 1 January 2030, and in each 12-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.

Article 2G

Hydrobromfluorocarbons

1. Each Party shall ensure that for the 12-month period commencing on 1 January 1996, and in each 12-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.

Article 2H

Methyl bromide

Each Party shall ensure that for the 12-month period commencing on 1 January 1995, and in each 12-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 10 % 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.

Article 3

Calculation of control levels

For the purposes of Articles 2, Articles 2A to 2H and 5, each Party shall, for each group of substances in Annex A or Annex B, Annex C or Annex E 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 or Annex B, Annex C or Annex E, 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. 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 (a). 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.

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.

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 (a). 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.

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.

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 (a). 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.

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.

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 (a). 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 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.

4 ter. Within five years of the date of 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 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.

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 in Annexes A and B and Group II of Annex C.

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 in Annexes A and B and Group II of Annex C.

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 in Annexes A and B and Group II of Annex C' promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A and B and Group II of Annex C.

8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraph 1 to 4ter of this Article, 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, 2E, 2G and this Article and have submitted data to that effect as specified in Article 7.

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.

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.

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 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 10 years its compliance with the control measures set out in Articles 2 A to 2 E, 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.

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.'

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 2 A to 2 E, 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 Article 2A to 2H 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 any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article and their implementation by those same Parties will depend upon the effective implementation of the financial cooperation 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 or any or all obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article 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 cooperation 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.

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, Articles 2A to 2H, 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 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 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.

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.

4. For Parties operating under the provisions of paragraph 8 (a) of Article 2, the requirements in paragraph 1, 2, 3 and 3 bis 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.

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 cooperate, 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 cooperate 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

Financial Mechanism

1 The Parties shall establish a mechanism for the purposes of providing financial and technical cooperation, 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 2 A to 2 E and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of Article 5 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 cooperation.

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 cooperation, to identify their needs for cooperation,

(ii) facilitate technical cooperation 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 cooperation 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 cooperation 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 cooperation 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 cooperation, 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.

Article 10 A

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.

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,

(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 exclusivly 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 11 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 90th 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 90th 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 Articles 2A to 2H, and 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

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 2 A. 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 notifications 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.

Annex A

CONTROLLED SUBSTANCES

Group	Substance	Ozone-Depleting Potential
Group I		
$CFCl_3$	(CFC-11)	1.0
CF_2Cl_2	(CFC-12)	1.0
$C_2F_3Cl_3$	(CFC-113)	0.8
$C_2F_4Cl_2$	(CFC-114)	1.0
C_2F_5Cl	(CFC-115)	0.6
Group II		
CF_2BrCl	(halon-1211)	3.0
CF_3Br	(halon-1301)	10.0
$C_2F_4Br_2$	(halon-2402)	6.0

Annex B

Controlled Substances

Group	Substance	Ozone depleting potential
Group I		
CF_3Cl	(CFC13)	1.0
C_2FCl_5	(CFC111)	1.0
$C_2F_2Cl_4$	(CFC112)	1.0
C_3FCl_7	(CFC211)	1.0
$C_3F_2Cl_6$	(CFC212)	1.0
$C_3F_3Cl_5$	(CFC213)	1.0
$C_3F_4Cl_4$	(CFC214)	1.0
$C_3F_5Cl_3$	(CFC215)	1.0
$C_3F_6Cl_2$	(CFC216)	1.0
C_3F_7Cl	(CFC217)	1.0
Group II		
CCl_4	carbon tetrachloride	1.1
Group III		
$C_2H_3Cl_3$*	1,1,1trichloroethane (methyl chloroform)	0.1

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

ANNEX C

Controlled Substances

Group	Substance	Number of Isomers	Ozone Depleting Potential
Group I			
CHFCl2	(HCFC-21)**	1	0.04
CHF2Cl	(HCFC-22)**	1	0.055
CH2FCl	(HCFC-31)	1	0.02
C2HFCl4	(HCFC-121)	2	0.01 - 0.04
C2HF2Cl3	(HCFC-122)	3	0.02 - 0.08
C2HF3Cl2	(HCFC-123)	3	0.02 - 0.06
CHCl2CF3	(HCFC-123)**	-	0.02
C2HF4Cl	(HCFC-124)	2	0.02 - 0.04
CHFClCF3	(HCFC-124)**	-	0.022
C2H2FCl3	(HCFC-131)	3	0.007 - 0.05
C2H2F2Cl2	(HCFC-132)	4	0.008 - 0.05
C2H2F3Cl	(HCFC-133)	3	0.02 - 0.06
C2H3FCl2	(HCFC-141)	3	0.005 - 0.07
CH3CFCl2	(HCFC-141b)**	-	0.11
C2H3F2Cl	(HCFC-142)	3	0.008 - 0.07
CH3CF2Cl		(HCFC-142b) **	- 0.065
C2H4FCl	(HCFC-151)	2	0.003 - 0.005
C3HFCl6	(HCFC-221)	5	0.015 - 0.07
C3HF2Cl5	(HCFC-222)	9	0.01 - 0.09
C3HF3Cl4	(HCFC-223)	12	0.01 - 0.08
C3HF4Cl3	(HCFC-224)	12	0.01 - 0.09
C3HF5Cl2	(HCFC-225)	9	0.02 - 0.07
CF3CF2CHCl2	(HCFC-225ca)**	-	0.025
CF2ClCF2CHClF	(HCFC-225cb)**	-	0.033
C3HF6Cl	(HCFC-226)	5	0.02 - 0.10
C3H2FCl5	(HCFC-231)	9	0.05 - 0.09
C3H2F2Cl4	(HCFC-232)	16	0.008 - 0.10
C3H2F3Cl3	(HCFC-233)	18	0.007 - 0.23

C3H2F4Cl2	(HCFC-234)	16	0.01 - 0.28
C3H2F5Cl	(HCFC-235)	9	0.03 - 0.52
C3H3FCl4	(HCFC-241)	12	0.004 - 0.09
C3H3F2Cl3	(HCFC-242)	18	0.005 - 0.13
C3H3F3Cl2	(HCFC-243)	18	0.007 - 0.12
C3H3F4Cl	(HCFC-244)	12	0.009 - 0.14
C3H4FCl3	(HCFC-251)	12	0.001 - 0.01
C3H4F2Cl2	(HCFC-252)	16	0.005 - 0.04
C3H4F3Cl	(HCFC-253)	12	0.003 - 0.03
C3H5FCl2	(HCFC-261)	9	0.002 - 0.02
C3H5F2Cl	(HCFC-262)	9	0.002 - 0.02
C3H6FCl	(HCFC-271)	5	0.001 - 0.03

Group II

CHFBr2		1	1.00
CHF2Br	(HBFC-22B1)	1	0.74
CH2FBr		1	0.73
C2HFBr4		2	0.3 - 0.8
C2HF2Br3		3	0.5 - 1.8
C2HF3Br2		3	0.4 - 1.6
C2HF4Br		2	0.7 - 1.2
C2H2FBr3		3	0.1 - 1.1
C2H2F2Br2		4	0.2 - 1.5
C2H2F3Br		3	0.7 - 1.6
C2H3FBr2		3	0.1 - 1.7
C2H3F2Br		3	0.2 - 1.1
C2H4FBr		2	0.07- 0.1
C3HFBr6		5	0.3 - 1.5
C3HF2Br5		9	0.2 - 1.9
C3HF3Br4		12	0.3 - 1.8
C3HF4Br3		12	0.5 - 2.2
C3HF5Br2		9	0.9 - 2.0
C3HF6Br		5	0.7 - 3.3
C3H2FBr5		9	0.1 - 1.9
C3H2F2Br4		16	0.2 - 2.1
C3H2F3Br3		18	0.2 - 5.6
C3H2F4Br2		16	0.3 - 7.5
C3H2F5Br		8	0.9 - 14
C3H3FBr4		12	0.08- 1.9
C3H3F2Br3		18	0.1 - 3.1
C3H3F3Br2		18	0.1 - 2.5
C3H3F4Br		12	0.3 - 4.4
C3H4FBr3		12	0.03- 0.3
C3H4F2Br2		16	0.1 - 1.0
C3H4F3Br		12	0.07- 0.8

C3H5FBr2	9	0.04- 0.4
C3H5F2Br	9	0.07- 0.8
C3H6FBr	5	0.02- 0.7

Annex E
Controlled Substances

Group	Substance	Ozone-Depleting Potential
Group I		
CH_3Br	methyl bromide	0.7

ANNEX II

Declaration by the European Economic Community in conformity with Article 13 (3) of the Vienna Convention for the protection of the ozone layer concerning the extent of its competence with respect to the matters covered by the Convention and by the Montreal Protocol on substances that deplete the ozone layer

In accordance with the relevant Articles of the EEC Treaty, the Community has competence to take action relating to the preservation, protection and improvement of the quality of the environment.

The Community has exercised its competence in the area covered by the Vienna Convention and the Montreal Protocol in adopting Council Decision 80/372/EEC of 26 March 1980 concerning chlorofluorocarbons in the environment, Council Decision 82/795/EEC of 15 November 1982 on the consolidation of precautionary measures concerning chlorofluorocarbons in the environment (\$) and Council Regulation (EEC) N° 3322/88 of 14 October 1988 on certain chlorofluorocarbons and halons which deplete the ozone layer. The Community may well exercise its competence in the future by adopting further legislation in this area.

In the field of research in the environment, as referred to by the Convention, the Community has a certain competence by virtue of Council Decision 86/234/EEC of 10 June 1986 adopting multi-annual R& D programmes in the field of the environment (1986 to 1990).