Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,528, 28 ta' Ottubru, 2025
Taqsima B

A.L. 259 tal-2025

ATT DWAR IL-PROTEZZJONI TAL-AMBJENT
(KAP. 549)

Regolamenti tal-2025 li jemendaw r-Regolamenti li Jinkorporaw il-Konvenzjoni ta' Vjenna dwar il-Protezzjoni tas-Saff tal-Ożonu u l-Protokoll ta' Montreal dwar Sustanzi li Jnaqqsu s-Saff tal-Ożonu

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 54(1) tal-Att dwar il-Protezzjoni tal-Ambjent, il-Ministru responsabbli għall-ambjent, wara konsultazzjoni mal-Awtorità għall-Ambjent u r-Riżorsi, għamlet dawn ir-regolamenti li ġejjin:-

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2025 li jemendaw r-Regolamenti li Jinkorporaw il-Konvenzjoni ta' Vjenna dwar il-Protezzjoni tas-Saff tal-Ożonu u l-Protokoll ta' Montreal dwar Sustanzi li Jnaqqsu s-Saff tal-Ożonu, u dawn ir-regolamenti għandhom jinqraw u jinftiehmu ħaġa waħda mar-Regolamenti li Jinkorporaw il-Konvenzjoni ta' Vjenna dwar il-Protezzjoni tas-Saff tal-Ożonu u l-Protokoll ta' Montreal dwar Sustanzi li Jnaqqsu s-Saff tal-Ożonu, hawn aktar 'il quddiem imsejħa "ir-regolamenti prinċipali". L.S. 549.16.

Jemenda r-regolament 2 tar-regolamenti prinċipali.

2. Ir-regolament 2 tar-regolamenti prinċipali għandu jiġi emendat b'dan li ġej:

(a) fis-subregolament (1) tiegħu, il-kliem "ta' Settembru, 1987" għandhom jiġu sostitwiti bil-kliem "ta' Settembru, 1987 kif emendat bl-Emenda tal-Kigali adottati f'Kigali fil-15 t'Ottubru, 2016 u daħlu fis-seħħ fl-1 ta' Jannar, 2019"; u

(b) is-subregolament (2) tiegħu għandu jiġi sostitwit b'dan is-subregolament ġdid li ġej:

"(2) It-testi tal-imsemmija Konvenzjoni ta' Vjenna jinsabu fl-Ewwel Skeda, it-testi tal-imsemmi Protokoll ta' Montreal kif emendat bl-Emenda tal-Kigali jinsabu fit-Tieni Skeda, u t-testi tad-Dikjarazzjoni tal-Komunità Ekonomika Ewropea skont l-Artikolu 13(3) tal-Konvenzjoni ta' Vjenna għall-protezzjoni tas-saff ta' l-ożonu jinsabu fit-Tielet Skeda, u kollha qegħdin jiġu ppubblikati fil-lingwa Ingliża flimkien mat-test Ingliż ta' dawn ir-regolamenti.".

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Jemenda l-Anness I li jinsab mar-regolamenti prinċipali.

3. Fil-verżjoni bl-Ingliż biss, l-Anness I li jinsab mar-regolamenti prinċipali għandu jiġi emendat b'dan li ġej:

(a) il-kliem:

"ANNEX I
VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER"

tiegħu għandhom jiġu sostitwiti bil-kliem:

"FIRST SCHEDULE
VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER"; u

(b) il-kliem:

"MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER
THE PARTIES TO THIS PROTOCOL,"

tiegħu għandhom jiġu sostitwiti bil-kliem:

"SECOND SCHEDULE
MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER
THE PARTIES TO THIS PROTOCOL,".

Iżid intestaturi ġodda tal-Ewwel Skeda u t-Tieni Skeda li jinsabu mar-regolamenti prinċipali.

4. Minnufih wara r-regolament 2 tar-regolamenti prinċipali għandhom jiġu miżjuda dawn l-intestaturi ġodda li ġejjin tal-Ewwel Skeda, u t-Tieni Skeda, kif emendati, liema huma ppubblikati sħaħ bil-verżjoni tal-lingwa bl-Ingliż biss tar-regolamenti prinċipali:

"L-EWWEL SKEDA
VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

[L-Ewwel Skeda qiegħda tiġi ppubblikata biss fil-lingwa bl-Ingliż flimkien mat-test Ingliż.]

IT-TIENI SKEDA
MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

[It-Tieni Skeda qiegħda tiġi ppubblikata biss fil-lingwa bl-Ingliż flimkien mat-test Ingliż.]".

5. Fil-verżjoni bl-Ingliż biss, it-Tieni Skeda għar-regolamenti prinċipali, kif emendata, għandha tiġi sostitwita b'din l-Iskeda ġdida li ġejja: Jissostitwixxi t-Tieni Skeda għar-regolamenti prinċipali.

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

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

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

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, considering 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, considering 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 co-operation in the research, development and transfer of alternative technologies relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.

2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.

3. "Secretariat" means the Secretariat of the Convention.

4. "Controlled substance" means a substance in Annex A, Annex B, Annex C, Annex E or Annex F 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 substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".

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. Any Party may, for one (1) or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2F, Articles 2H and 2J, 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.

1 *bis*. Any Party not operating under paragraph 1 of Article 5 may, for one (1) 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 zero point two five (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.

2. 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 zero point five (0.5) kilograms per capita.

3. Any transfer of production pursuant to paragraph 1 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.

4. (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 2J provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2J. Any such agreement may be extended to include obligations respecting consumption or production under Article 2J provided that the total combined calculated level of consumption or production of the Parties concerned does not exceed the levels required by Article 2J.

(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.

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

(i) adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex C and, or Annex E should be made and, if so, what the adjustments should be;

(ii) adjustments to the global warming potentials specified in Group I of Annex A, Annex C and Annex F should be made and, if so, what the adjustments should be; and

(iii) 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 adjustments and reductions should be;

(b) Proposals for such adjustments shall be communicated to the Parties by the Secretariat at least six (6) months before the meeting of the Parties at which they are proposed for adoption;

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds (⅔) 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;

(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 (6) months from the date of the circulation of the communication by the Depositary.

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

(a) any substances, and if so which, should be added to or removed from any annex to this Protocol; and

(b) the mechanism, scope and timing of the control measures that should apply to those substances.

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

Article 2A
CFCs

1. Each Party shall ensure that for the twelve (12) month period commencing on the first (1st) day of the seventh (7th) month following the date of entry into force of this Protocol, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one (1) or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent (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 period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed one hundred and fifty percent (150%) of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve (12) month control period for these controlled substances shall run from 1 January to 31 December each year.

3. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1994, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five per cent (25%) of its calculated level of consumption in 1986. Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent (25%) of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1986.

4. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1996, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed zero (0). Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero (0). However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group I of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. 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.

5. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2003 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent (80%) of the annual

average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

6. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2005 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent (50%) of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

7. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2007 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent (15%) of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

8. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2010 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero (0).

9. For the purposes of calculating basic domestic needs under paragraphs 4 to 8 of this Article, the calculation of the annual average of production by a Party includes any production entitlements that it has transferred in accordance with paragraph 1 of Article 2 and excludes any production entitlements that it has acquired in accordance with paragraph 1 of Article 2.

Article 2B
Halons

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1992, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in 1986. However, in order to

satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1986.

2. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1994, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero (0). Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero (0). However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent (15%) of its calculated level of production in 1986; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group II of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. 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.

3. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2005 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent (50%) of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

4. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2010 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero (0).

Article 2C
Other fully halogenated CFCs

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, eighty per cent (80%) of its calculated level of consumption in 1989. Each Party producing one (1) or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent (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 ten per cent (10%) of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1994, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five per cent (25%) of its calculated level of consumption in 1989. Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent (25%) of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1996, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero (0). Each Party producing one (0) or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero (0). However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2003 exceed that limit by up to fifteen per cent (15%) of its calculated level of production in 1989; thereafter, it may exceed that limit by a quantity equal to eighty per cent (80%) of the annual average of its production of the controlled substances in Group I of Annex B for basic domestic needs for the period 1998 to 2000 inclusive.

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.

4. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2007 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent (15%) of the annual average of its production of those substances for basic domestic needs for the period 1998 to 2000 inclusive.

5. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2010 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero (0).

Article 2D
Carbon tetrachloride

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent (15%) of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent (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 ten per cent (10%) of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1996, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero (0). Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero (0). However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent (15%) of its calculated level of production in 1989. This paragraph will apply save to

the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2E
1,1,1-Trichloroethane (Methyl chloroform)

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1994, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent (50%) of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent (50%) of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1996, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero (0). Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero (0). However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent (15%) of its calculated level of production for 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them

to be essential.

Article 2F
Hydrochlorofluorocarbons

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1996, and in each twelve (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. two point eight per cent (2.8%) 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 producing one (1) or more of these substances shall ensure that for the twelve (12) month period commencing on 1 January 2004, and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of:

a. the sum of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C and two point eight per cent (2.8%) of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

b. the sum of its calculated level of production in 1989 of the controlled substances in Group I of Annex C and two point eight per cent (2.8%) of its calculated level of production in 1989 of the controlled substances in Group I of Annex A. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent (15%) of its calculated level of production of the controlled substances in Group I of Annex C as defined above.

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

in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2010, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, twenty-five per cent (25%) of the sum referred to in paragraph 1 of this Article. Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, twenty-five per cent (25%) of the calculated level referred to in paragraph 2 of this Article. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production of the controlled substances in Group I of Annex C as referred to in paragraph 2.

5. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2015, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent (10%) of the sum referred to in paragraph 1 of this Article. Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent (10%) of the calculated level referred to in paragraph 2 of this Article. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production of the controlled substances in Group I of Annex C as referred to in paragraph 2.

6. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2020, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero (0). Each Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed zero (0). 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. However:

a. each Party may exceed that limit on consumption by up to zero point five per cent (0.5%) of the sum referred to in paragraph 1 of this Article in any such twelve (12) month period ending before 1 January 2030, provided that such consumption shall be restricted to:

i. the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020;

ii. the servicing of fire suppression and fire protection equipment existing on 1 January 2020;

iii. solvent applications in rocket engine manufacturing; and

iv. topical medical aerosol applications for the specialised treatment of burns;

b. each Party may exceed that limit on production by up to zero point five per cent (0.5%) of the average referred to in paragraph 2 of this Article in any such twelve (12) month period ending before 1 January 2030, provided that such production shall be restricted to:

i. the servicing of refrigeration and air-conditioning equipment existing on 1 January 2020;

ii. the servicing of fire suppression and fire protection equipment existing on 1 January 2020;

iii. solvent applications in rocket engine manufacturing; and

iv. topical medical aerosol applications for the specialised treatment of burns.

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
Hydrobromofluorocarbons

Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1996, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero (0). Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero (0). 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

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1995, and in each twelve (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 period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1991.

2. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 1999, and in the twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent (75%) of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent (75%) of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the

Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2001, and in the twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent (50%) of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent (50%) of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2003, and in the twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent (30%) of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent (30%) of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent (10%) of its calculated level of production in 1991.

5. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2005, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero (0). Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero (0). However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent (15%) of its calculated level of production in 1991; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substance in Annex E for basic domestic needs for the period 1995 to 1998 inclusive. This paragraph will apply save to the extent that the Parties decide to

permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.

5 *bis*. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2005 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent (80%) of the annual average of its production of the substance for basic domestic needs for the period 1995 to 1998 inclusive.

5 *ter*. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2015 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero (0).

6. 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 2I
Bromochloromethane

Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2002, and in each twelve (12) month period thereafter, its calculated level of consumption and production of the controlled substance in Group III of Annex C does not exceed zero (0). 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 2J
Hydrofluorocarbons

1. Each Party shall ensure that for the twelve (12) month period commencing on 1 January 2019, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO2 equivalents, does not exceed the percentage, set out for the respective range of years specified in sub-paragraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent (15%) of its calculated

level of consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO2 equivalents:

(a) 2019 to 2023: 90 per cent (90%);

(b) 2024 to 2028: 60 per cent (60%);

(c) 2029 to 2033: 30 per cent (30%);

(d) 2034 to 2035: 20 per cent (20%);

(e) 2036 and thereafter: 15 per cent (15%).

2. Notwithstanding paragraph 1 of this Article, the Parties may decide that a Party shall ensure that, for the twelve (12) month period commencing on 1 January 2020, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO2 equivalents, does not exceed the percentage, set out for the respective range of years specified in sub-paragraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent (25%) of its calculated level of consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO2 equivalents:

(a) 2020 to 2024: 95 per cent (95%);

(b) 2025 to 2028: 65 per cent (65%);

(c) 2029 to 2033: 30 per cent (30%);

(d) 2034 to 2035: 20 per cent (20%);

(e) 2036 and thereafter: 15 per cent (15%).

3. Each Party producing the controlled substances in Annex F shall ensure that for the twelve (12) month period commencing on 1 January 2019, and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO2 equivalents, does not exceed the percentage, set out for the respective range of years specified in sub-paragraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent (15%) of its calculated level of production of

Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO2 equivalents:

(a) 2019 to 2023: 90 per cent (90%);

(b) 2024 to 2028: 60 per cent (60%);

(c) 2029 to 2033: 30 per cent (30%);

(d) 2034 to 2035: 20 per cent (20%);

(e) 2036 and thereafter: 15 per cent (15%).

4. Notwithstanding paragraph 3 of this Article, the Parties may decide that a Party producing the controlled substances in Annex F shall ensure that for the twelve (12) month period commencing on 1 January 2020, and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO2 equivalents, does not exceed the percentage, set out for the respective range of years specified in sub-paragraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent (25%) of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO2 equivalents:

(a) 2020 to 2024: 95 per cent (95%);

(b) 2025 to 2028: 65 per cent (65%);

(c) 2029 to 2033: 30 per cent (30%);

(d) 2034 to 2035: 20 per cent (20%);

(e) 2036 and thereafter: 15 per cent (15%).

5. Paragraphs 1 to 4 of this Article will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by the Parties to be exempted uses.

6. Each Party manufacturing Annex C, Group I, or Annex F substances shall ensure that for the twelve (12) month period commencing on 1 January 2020, and in each twelve (12) month period thereafter, its emissions of Annex F, Group II, substances generated in each production facility that

manufactures Annex C, Group I, or Annex F substances are destroyed to the extent practicable using technology approved by the Parties in the same twelve (12) month period.

7. Each Party shall ensure that any destruction of Annex F, Group II, substances generated by facilities that produce Annex C, Group I, or Annex F substances shall occur only by technologies approved by the Parties.

Article 3
Calculation of control levels

1. For the purposes of Articles 2, 2A to 2J and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C, Annex E or Annex F, determine its calculated levels of:

(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, Annex B, Annex C or Annex E, except as otherwise specified in paragraph 2;

(ii) adding together, for each such Group, the resulting figures;

(b) imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in sub-paragraph (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 sub-paragraphs (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; and

(d) emissions of Annex F, Group II, substances generated in each facility that generates Annex C, Group I, or Annex F substances by including, among other things, amounts emitted from equipment leaks, process vents and destruction devices, but excluding amounts captured for use, destruction, or storage.

2. When calculating levels, expressed in

CO2 equivalents, of production, consumption, imports, exports and emissions of Annex F and Annex C, Group I, substances for the purposes of Article 2J, paragraph 1 of Article 2 and paragraph 1 (d) of Article 3, each Party shall use the global warming potentials of those substances specified in Group I of Annex A, Annex C and Annex F.

Article 4
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 *bis.* Within one (1) 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 (1) 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.

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

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

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

1 *sept*. Upon entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex F from any State not Party to this Protocol.

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

2 *bis.* Commencing one (1) 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 (1) 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.

2 *qua*. Commencing one (1) year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.

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

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

2 *sept*. Upon entry into force of this paragraph, each Party shall ban the export of the controlled substances in Annex F to any State not Party to this Protocol.

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 (1) year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *bis*. Within three (3) 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 (1) year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *ter*. Within three (3) 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 (1) 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 or restrict, within one (1) year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 *bis*. Within five (5) 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 (1) year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 *ter*. Within five (5) 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 (1) 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, B, C, E and F.

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, B, C, E and F.

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

8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 *ter* 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 to 2J 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 4A
Control of trade with Parties

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

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

Article 4B
Licensing

1. Each Party shall, by 1 January 2000 or within three (3) months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled, and reclaimed controlled substances in Annexes A, B, C and E.

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

2 *bis*. Each Party shall, by 1 January 2019 or within three (3) months of the date of entry into force of this paragraph for it, whichever is later, establish and implement a system for licensing the import and export of new, used, recycled, and reclaimed controlled substances in Annex F. Any Party operating under paragraph 1 of Article 5 that decides it is not in a position to establish and implement such a system by 1 January 2019 may delay taking those actions until 1 January 2021.

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

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

Article 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 zero point three (0.3) kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall, in order to meet its basic domestic needs, be entitled to delay for ten (10) years its compliance with the control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendment 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, considering 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 5 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 zero point three (0.3) kilograms per capita nor an annual calculated level of consumption of controlled substances of Annex B of zero point two (0.2) kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

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

(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 zero point two (0.2) kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to consumption.

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

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

4 If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2J 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 Articles 2I and 2J, and with 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 co-operation as provided by Article 10 and the 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 and Articles 2I and 2J, 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 co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

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

(a) with respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten (10) years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;

(b) with respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten (10) years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2C to 2E shall be read accordingly.

8 *ter.* Pursuant to paragraph 1 *bis* above:

(a) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2013, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the average of its calculated levels of

consumption in 2009 and 2010. Each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2013 and in each twelve (12) month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of its calculated levels of production in 2009 and 2010;

(b) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2015, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ninety per cent (90%) of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, ninety per cent (90%) of the average of its calculated levels of production in 2009 and 2010;

(c) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2020, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent (65%) of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent (65%) of the average of its calculated levels of production in 2009 and 2010;

(d) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2025, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-two point five per cent (32.5%) of the average of its calculated levels of consumption in 2009 and 2010. Each such Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed,

annually, thirty-two point five per cent (32.5%) of the average of its calculated levels of production in 2009 and 2010;

(e) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2030, and in each twelve (12) month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero (0). Each such Party producing one (1) or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances in Group I of Annex C does not exceed zero (0). 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. However:

(i) each such Party may exceed that limit on consumption in any such twelve (12) month period so long as the sum of its calculated levels of consumption over the ten (10) year period from 1 January 2030 to 1 January 2040, divided by ten (10), does not exceed two point five per cent (2.5%) of the average of its calculated levels of consumption in 2009 and 2010, and provided that such consumption shall be restricted to:

a. the servicing of refrigeration and air conditioning equipment existing on 1 January 2030;

b. the servicing of fire suppression and fire protection equipment existing on 1 January 2030;

c. solvent applications in rocket engine manufacturing; and

d. topical medical aerosol applications for the specialized treatment of burns;

(ii) each such Party may exceed that limit on production in any such twelve (12) month period so long as the sum of its calculated levels of production over the ten (10) year period from 1 January 2030 to 1 January 2040, divided by ten (10), does not exceed

two point five per cent (2.5%) of the average of its calculated levels of production in 2009 and 2010, and provided that such production shall be restricted to:

a. the servicing of refrigeration and air conditioning equipment existing on 1 January 2030;

b. the servicing of fire suppression and fire protection equipment existing on 1 January 2030;

c. solvent applications in rocket engine manufacturing; and

d. topical medical aerosol applications for the specialized treatment of burns;

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

(g) with regard to the controlled substance contained in Annex E:

(i) as of 1 January 2002, each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(ii) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2005, and in each twelve (12) month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per cent (80%) of the average of its annual calculated levels of consumption and production, respectively, for the period of

1995 to 1998 inclusive;

(iii) each Party operating under paragraph 1 of this Article shall ensure that for the twelve (12) month period commencing on 1 January 2015 and in each twelve (12) month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed zero (0). This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses;

(iv) the calculated levels of consumption and production under this sub-paragraph shall not include the amounts used by the Party for quarantine and pre-shipment applications.

8 *qua*

(a) Each Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 5 of Article 2, shall be entitled to delay its compliance with the control measures set out in sub-paragraphs (a) to (e) of paragraph 1 of Article 2J and sub-paragraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

(i) 2024 to 2028: 100 per cent (100%);

(ii) 2029 to 2034: 90 per cent (90%);

(iii) 2035 to 2039: 70 per cent (70%);

(iv) 2040 to 2044: 50 per cent (50%);

(v) 2045 and thereafter: 20 per cent (20%).

(b) Notwithstanding sub-paragraph (a) above, the Parties may decide that a Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 5 of Article 2, shall be entitled to delay its compliance with the control measures set out in sub-paragraphs (a) to (e) of paragraph 1 of Article 2J and sub-

paragraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

(i) 2028 to 2031: 100 per cent (100%);

(ii) 2032 to 2036: 90 per cent (90%);

(iii) 2037 to 2041: 80 per cent (80%);

(iv) 2042 to 2046: 70 per cent (70%);

(v) 2047 and thereafter: 15 per cent (15%).

(c) Each Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent (65%) of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(d) Notwithstanding sub-paragraph (c) above, the Parties may decide that a Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent (65%) of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(e) Each Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent (65%) of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 *ter* of this Article.

(f) Notwithstanding sub-paragraph (e) above, the Parties may decide that a Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent (65%) of its baseline production of Annex C, Group I, controlled substances as set out

in paragraph 8 *ter* of this Article.

(g) Sub-paragraphs (a) to (f) of this paragraph will apply to calculated levels of production and consumption save to the extent that a high-ambient-temperature exemption applies based on criteria decided by the Parties.

9. Decisions of the Parties referred to in paragraph 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 (4) years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2J on the basis of available scientific, environmental, technical, and economic information. At least one (1) 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 (1) 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 (3) 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:

(a) in Annex B and Groups, I and II of Annex C for the year 1989; and

(b) in Annex E, for the year 1991; and

(c) in Annex F, for the years 2011 to 2013, except that Parties operating under paragraph 1 of Article 5 shall provide such data for the years 2020 to 2022, but those Parties operating under paragraph 1 of Article 5 to which sub-paragraphs (d) and (f) of paragraph 8 *qua* of Article 5

applies shall provide such data for the years 2024 to 2026; or

(d) the best possible estimates of such data where actual data are not available, not later than three (3) months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C, E and F 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, E and F and, separately, for each substance,

(a) amounts used for feedstocks,

(b) amounts destroyed by technologies approved by the Parties, and

(c) imports from and exports to Parties and non-Parties respectively, for the year during which provisions concerning the substances in Annexes A, B, C, E and F respectively entered into force for that Party and for each year thereafter. Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications. Data shall be forwarded not later than nine (9) 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.

3 *ter*. Each Party shall provide to the Secretariat statistical data on its annual emissions of Annex F, Group II, controlled substances per facility in accordance with paragraph 1 (d) of Article 3 of the Protocol.

4. For Parties operating under the provisions of paragraph 4 (a) of Article 2, the requirements in paragraphs 1, 2, 3 and 3 *bis* of this Article in respect of statistical data on production, imports and exports shall be satisfied if the regional economic integration organization concerned provides data on production, 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 co-operate, consistent with their national laws, regulations and practices and considering in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

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

(b) possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and

(c) costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two (2) years of the entry into force of this Protocol and every two (2) 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 co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to

2E, Article 2I and Article 2J, 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. Where a Party operating under paragraph 1 of Article 5 chooses to avail itself of funding from any other financial mechanism that could result in meeting any part of its agreed incremental costs, that part shall not be met by the financial mechanism under Article 10 of this Protocol.

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

3. The Multilateral Fund shall:

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

(b) finance clearing-house functions to:

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

(ii) facilitate technical co-operation to meet these identified needs;

(iii) distribute, as provided for in Article 9, information, and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and

(iv) facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;

(c) finance the secretarial services of the Multilateral Fund and related support costs.

4. The Multilateral Fund shall operate under the

authority of the Parties who shall decide on its overall policies.

5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines, and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.

6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and, or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

(a) strictly relates to compliance with the provisions of this Protocol;

(b) provides additional resources; and

(c) meets agreed incremental costs.

7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.

8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.

9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall

be adopted by a two-thirds (⅔) 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 10A
Transfer of technology

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

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

(b) that the transfers referred to in sub-paragraph (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 (1) 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 (6) months of such a request being communicated to them by the Secretariat, it is supported by at least one third (⅓) 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 5 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 6 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 sub-paragraph (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. Anybody 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 (⅓) 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 sub-paragraphs (c) and (d) to such non-party observers; and

(g) perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

Article 13
Financial provisions

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to

this Protocol, shall be charged exclusively against contributions from the Parties.

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

Article 14
Relationship of this Protocol to the Convention

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

Article 15
Signature

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

Article 16
Entry into force

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven (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 (⅔) of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth (19th) day following the date on which the conditions have been fulfilled.

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

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

Article 17
Parties joining after entry into force

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2J 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 (4) years of assuming the obligations specified in paragraph 1 of Article 2A. Any such withdrawal shall take effect upon expiry of one (1) year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 20
Authentic texts

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

In witness whereof the undersigned, being duly authorized to that effect, have signed this protocol.

Done at Montreal this sixteenth (16th) day of September, one thousand nine hundred and eighty-seven (1987).

B 2392

Annex A
Controlled substances

Group	Substance	Ozone-Depleting Potential*	100-Year Global Warming Potential
Group I			
CFCl3	(CFC-11)	1.0	4 750
CF2Cl2	(CFC-12)	1.0	10 900
C2F3Cl3	(CFC-113)	0.8	6 130
C2F4Cl2	(CFC-114)	1.0	10 000
C2F5Cl	(CFC-115)	0.6	7 370
Group II			
CF2BrCl	(halon-1211)	3.0	
CF3Br	(halon-1301)	10.0	
C2F4Br2	(halon-2402)	6.0	

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

Annex B
Controlled substances

Group	Substance	Ozone-Depleting Potential
Group I		
CF3Cl	(CFC-13)	1.0
C2FCl5	(CFC-111)	1.0
C2F2Cl4	(CFC-112)	1.0
C3FCl7	(CFC-211)	1.0
C3F2Cl6	(CFC-212)	1.0
C3F3Cl5	(CFC-213)	1.0
C3F4Cl4	(CFC-214)	1.0
C3F5Cl3	(CFC-215)	1.0
C3F6Cl2	(CFC-216)	1.0
C3F7Cl	(CFC-217)	1.0
Group II		
CCl4	carbon tetrachloride	1.1
Group III		
C2H3Cl3*	1,1,1-trichloroethane* (methyl chloroform)	0.1

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

Annex C
Controlled substances

Group	Substance	Number of isomers	Ozone-Depleting Potential*	100-Year Global Warming Potential***
Group I				
CHFCl2	(HCFC-21)**	1	0.04	151
CHF2Cl	(HCFC-22)**	1	0.055	1810
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	77
CHCl2CF3	(HCFC-123)**	-	0.02	
C2HF4Cl	(HCFC-124)	2	0.02–0.04	609
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	725
C2H3F2Cl	(HCFC-142)	3	0.008–0.07	
CH3CF2Cl	(HCFC-142b)**	-	0.065	2310
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	122
CF2ClCF2CHClF	(HCFC-225cb)**	-	0.033	595
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	

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Group	Substance	Number of isomers	Ozone-Depleting Potential*	100-Year Global Warming Potential***
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	0.9-1.4	
C3H3FBr4		12	0.08-1.9	
C3H3F2Br3		18	0.1-3.1	
C3H3F3Br2		18	0.1-2.5	

Group	Substance	Number of isomers	Ozone-Depleting Potential*	100-Year Global Warming Potential***
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	
Group III				
CH2BrCl	bromochloromethane	1	0.12	

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

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

*** For substances for which no GWP is indicated, the default value zero (0) applies until a GWP value is included by means of the procedure foreseen in paragraph 5 (a) (ii) of Article 2.

Annex D*
A list of products** containing controlled substances specified in Annex A

	Products	Customs code number
1.	Automobile and truck air conditioning units (whether incorporated in vehicles or not)	.....
2.	Domestic and commercial refrigeration and air conditioning/ heat pump equipment***	.....
	eg., Refrigerators	.....
	Freezers	.....

	Products	Customs code number
	Dehumidifiers	.....
	Water coolers	.....
	Ice machines	.....
	Air conditioning and heat pump units	.....
3.	Aerosol products, except medical aerosols	.....
4.	Portable fire extinguisher	.....
5.	Insulation boards, panels and pipe covers	.....
6.	Pre-polymers	.....

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

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

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

Annex E
Controlled substances

Group	Substance	Ozone-Depleting Potential
Group I		
CH3Br	methyl bromide	0.6

Annex F
Controlled substances

Group	Substance	100-Year Global Warming Potential
Group I		
CHF2CHF2	HFC-134	1 100
CH2FCF3	HFC-134a	1 430
CH2FCHF2	HFC-143	353
CHF2CH2CF3	HFC-245fa	1 030
CF3CH2CF2CH3	HFC-365mfc	794
CF3CHFCF3	HFC-227ea	3 220
CH2FCF2CF3	HFC-236cb	1 340

Group	Substance	100-Year Global Warming Potential
CHF2CHFCF3	HFC-236ea	1 370
CF3CH2CF3	HFC-236fa	9 810
CH2FCF2CHF2	HFC-245ca	693
CF3CHFCHFCF2CF3	HFC-43-10mee	1 640
CH2F2	HFC-32	675
CHF2CF3	HFC-125	3 500
CH3CF3	HFC-143a	4 470
CH3F	HFC-41	92
CH2FCH2F	HFC-152	53
CH3CHF2	HFC-152a	124
Group II		
CHF3	HFC-23	14 800".

Jemenda l-Anness II li jinsab mar-regolamenti prinċipali.

6. Fil-verżjoni bl-Ingliż biss, fl-Anness II li jinsab mar-regolamenti prinċipali, il-kliem:

"ANNEX II
Declaration by the European Economic Community"

għandhom jiġu sostitwiti bil-kliem:

"THIRD SCHEDULE
Declaration by the European Economic Community".

Iżid intestatura ġdida tat-Tielet Skeda li tinsab mar-regolamenti prinċipali.

7. Minnufih wara t-Tieni Skeda li tinsab mar-regolamenti prinċipali għandha tiġi miżjuda din l-intestatura ġdida li ġejja tat-Tielet Skeda, kif emendata, li hija ppubblikata sħiħa bil-verżjoni tal-lingwa bl-Ingliż biss tar-regolamenti prinċipali:

"IT-TIELET SKEDA
Declaration by the European Economic Community

[It-Tielet Skeda qiegħda tiġi ppubblikata biss fil-lingwa bl-Ingliż flimkien mat-test Ingliż.]".