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OPEN-ENDED WORKING GROUP OF THE PARTIES TO  
THE MONTREAL PROTOCOL ON SUBSTANCES THAT  
DEplete THE OZONE LAYER

Nineteenth meeting

Geneva, 15-18 June 1999

Item 9 of the provisional agenda\*

ACTION TAKEN BY NON-ARTICLE 5 PARTIES TO CONSIDER BANNING THE PLACING  
ON THE MARKET AND SALE OF VIRGIN CFCs EXCEPT TO MEET THE BASIC  
DOMESTIC NEEDS OF ARTICLE 5 PARTIES AND OTHER EXEMPTED USES,  
IN ACCORDANCE WITH DECISION IX/23 OF THE NINTH MEETING  
OF THE PARTIES (DECISION IX/23)

Note by the Secretariat

1. In its decision IX/23, the Ninth Meeting of the Parties, *inter alia*, requested non-Article 5 Parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 and other exempted uses. The meeting also urged such Parties to consider extending such ban to include other substances listed in Annex A and B of the Montreal Protocol as well as recovered, recycled and reclaimed substances, provided that adequate steps are taken to ensure their disposal. The Parties concerned were also requested to report to the Secretariat in time for the Eleventh Meeting of the Parties on action taken under the decision.

2. The information submitted to the Secretariat by Parties pursuant to that request is annexed to the present note.

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\* UNEP/OzL.Pro/WG.1/19/1.

Annex

- Australia - As of 1 January 1996, the Australian Government established a licensing system under the Commonwealth Ozone Protection Act, 1989. The licensing system regulates the import, export and manufacture of virgin ozone-depleting substances (ODS) and the import and export of recovered, recycled and reclaimed ODS. Australia does not manufacture any ODS. It is an offence, punishable by a penalty of 55,000 Australian dollars (approximately US\$ 34,650), to conduct these activities without the requisite licence.

Import, export and manufacture of virgin Annex A and B substances

Under the Act an "essential uses" licence is required to import, export or manufacture Annex A and B substances. These licences are only granted to serve the strictly limited range of essential uses agreed by the Parties to the Montreal Protocol.

Import and export of recovered, recycled and reclaimed Annex A and B substances

The import or export of used, recycled or reclaimed Annex A and B substances may only be conducted under a "used substances" licence. These licences are only granted to applicants seeking to import or export for destruction or recycling.

Licence conditions

Both licences are subject to a number of conditions including:

- (a) That imports and exports of ozone-depleting substances may only be made to countries that are Parties to the Montreal Protocol;
- (b) A limitation on the quantity of the substances that may be imported, exported or manufactured;
- (c) Restrictions on the purposes for which the substances may be imported;
- (d) Quarterly reporting that requires licensees, within 15 days of the end of each quarter, to report on:
  - (i) The quantity of substances imported, including country of origin;
  - (ii) The quantity of substances exported, including country of destination; and
  - (iii) The quantity of substances manufactured.

The Ozone Protection Section checks these reports with data provided by the Australian Customs Service. Inaccurate reporting and late submissions are offences under the Ozone Protection Act. In addition to quarterly reporting, holders of "essential uses" licences who import Annex A and B substances for laboratory and analytical uses must obtain signed declarations from each customer that the ODS will only be used for essential laboratory uses agreed to by the Parties to the Montreal Protocol; and licensees must ensure that all personnel involved with activities carried out under this licence are fully aware of the requirements of the Ozone Protection Act, 1989, and the conditions of their licence.

#### Enforcement

"Used substances" and "essential uses" licensees are required to enter their licence number prior to obtaining import/export clearance for the Annex A and B ODS. The Australian Customs Service's computerized database for the lodgement and clearance of imports/exports prompts the customs officer for a licence number when the Customs Tariff Codes or Harmonized Customs Code export number for an ODS is entered. Unlicensed imports/export of Annex A and B substances can then be seized at the customs barrier by customs officials.

- Belarus - Has adopted a Ministerial Resolution on Measures for Further Improvement of State Control Action on Ozone-depleting Substances providing for the phase-out of production, import and export of ozone-depleting substances in Annex A and B by 1 January 2000.
- Canada - Is in the process of developing a strategy expected to be finalized by the end 1999, for the disposal of CFCs held in stock and/or in existing equipment. The aim of the strategy is to eliminate the use and emissions of CFCs. In developing the strategy, regulatory measures such as sales bans and refilling bans are being considered, as appropriate, to the extent that such measures can contribute to the reduction and elimination of CFC emissions.
- Denmark - The European Community, of which Denmark is a member, is in the process of revising its regulation for ozone-depleting substances. The new regulation, to enter into force during 1999, will prohibit the placing on the market of all ozone-depleting substances in Annexes A and B of the Protocol as well as HBFCs.
- Estonia - Ratified the London and Copenhagen Amendments in February 1999;  
- Adopted the country programme to phase out ODS in May 1999;  
- Adopted regulations on licensing the import and export of ODS and products containing them in April 1999.

- Lithuania - Does not produce any controlled substances. CFC use for production of foams, aerosols and refrigeration is prohibited except small amounts of CFCs, mainly CFC-12, still used for maintenance of existing refrigeration. The country programme provides bench marks for gradual elimination of import of new CFCs by the year 2001 except for essential uses that may be authorized by the Parties. Import of halons is banned while the use of 1,1,1-trichloroethane and carbon tetrachloride is planned to be banned by 2000 except as feedstock use in petroleum production and for essential uses if approved by Parties.
- Luxembourg - Is implementing part of the European Community (EC) regulation No. 3093/94 of December 1994 which bans the placing on the market of CFCs after 31 December 1994. The Luxembourg legislation of 1992 also bans the manufacture and placing on the market of other ozone-depleting substances in Annexes A and B of the Montreal Protocol within the specified periods as contained in the legislation.
- Monaco - Do not foresee the adoption of any additional measures concerning the prohibition of sales and purchases of new CFCs. The regulations and prohibition concerning CFC imports and some controlled products made with annexes A and B substances are applied in Monaco as part of Customs Union regulations between Monaco and France and the European Community.

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