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OPEN-ENDED WORKING GROUP MEETING OF THE
PARTIES TO THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete THE OZONE LAYER
Fifteenth Meeting
Nairobi, 3-6 June, 1997
Item 3 of the provisional agenda*

CONSIDERATION AND CONSOLIDATION OF THE AMENDMENTS
AND ADJUSTMENTS PROPOSED BY PARTIES

Note by the Secretariat

Addendum

Proposal by the United States of America

The Secretariat is circulating, in the annex to this note, the amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer proposed by the United States of America and dated 14 February 1997.

* UNEP/OzL.Pro/WG/15/1.

Annex

Adjustments and amendments to the Montreal Protocol
proposed by the United States of America

A. Control of Trade in Methyl Bromide

1. Article 4 shall be amended by inserting the following paragraphs as numbered below:

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

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

3 qua. Within three 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 containing controlled substances in Annex E. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the Annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

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

2. In paragraph 8 of Article 4 of the Protocol, for the words

4 ter

there shall be substituted

4 qua

B. Licensing System

3. Article 4 shall be amended by inserting the following paragraph as new paragraph [xx]:

/...

Each party shall, by 1 July 1998, establish and implement a system for licensing the import and, if relevant, the export of all controlled substances [and shall, by 1 January 1999, report to the Secretariat on the operation of its licensing system. The Secretariat shall periodically prepare, update and circulate to all Parties a list of countries that have reported on their systems for the licensing of exports and imports of controlled substances.] As of 1 July 1999, each Party shall ban the export of controlled substances to or import of controlled substances from any Party that has not implemented a licensing system to ban unlicensed imports and exports.

[Note to the Secretariat: The bracketed text may most appropriately be inserted in Article 7.]

C. Methyl bromide phaseout schedule - developed countries

4. Paragraph 2 of Article 2H shall be adjusted to read as follows:

Each Party shall ensure that for the twelve month period commencing on 1 January 2001, and in each twelve month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed zero. This paragraph will apply save to the extent the that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical agricultural uses.

5. Paragraphs 3 and 4 of Article 2H shall be deleted and current paragraph 5 shall be renumbered paragraph 3.

D. Methyl bromide phaseout schedule - developing countries

6. Article 5 of the Protocol shall be adjusted by replacing paragraph 8 ter (d) by the following:

Each Party operating under paragraph 1 of this Article shall comply with paragraph 2 of Article 2H.

[Note to the Secretariat: The standard provision allowing a level of production to meet basic domestic needs in Article 5 Parties is not included because, under this proposal, Article 5 Parties would be subject to the same phaseout as non-Article 5 Parties.]
