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OPEN-ENDED WORKING GROUP 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 Australia

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 Australia.

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

Annex

AMENDMENTS PROPOSED BY AUSTRALIA TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE LAYER

A. Licensing system

1. Decision VIII/20 urges Parties to establish a system requiring validation and approval of imports of any used, recycled or reclaimed ozone depleting substances before they are imported. A licensing procedure is also required to be adopted by the Ninth Meeting of the Parties under decision VII/9, paragraph 8 (a).

2. Australia observes that illegal trade in ozone-depleting substances poses challenges to implementation of the Protocol. A cooperative international licensing system would enhance Parties' abilities to be informed and to manage controlled substances entering and leaving their jurisdiction.

3. Australia believes that any amendment to the Protocol which introduces a licensing system in accordance with decision VIII/20 should explicitly apply not only to trade in virgin substances but also to used, recycled or reclaimed substances. Such a system should also facilitate compliance with relevant reporting requirements set out in Article 7 and decisions of the Parties. Australia therefore proposes for consideration the following draft text for insertion as part of an amendment to Article 4 which introduces a licensing system:

"The licensing system established by this Article shall apply to imports and exports of virgin, used, recycled or reclaimed substances. A licensing system shall also provide that licences issued include sufficient information to facilitate compliance with relevant reporting requirements set out in Article 7 of the present Protocol and decisions of the Parties."

B. Trade restrictions on used, recycled or reclaimed substances

4. Australia notes the concerns expressed at the Eighth Meeting of the Parties regarding the anomalous situation in which some Parties not operating under Article 5 continue to produce new controlled substances for domestic consumption, while also exporting those same used, recycled or reclaimed controlled substances. It would appear more appropriate for such used, recycled or reclaimed controlled substances to be redirected towards domestic consumption, thus reducing the level of new production needed to satisfy domestic requirements.

5. To address this situation, Australia proposes that Article 4 of the Protocol be amended to include a ban on the import of a used, recycled or reclaimed substance from a Party that is continuing to produce the same virgin substance for domestic consumption, in non-compliance with the phase-out schedule applicable to that Party for that substance. Accordingly, Australia invites the Parties to consider the following draft text for inclusion in Article 4:

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"Commencing one year after the coming into force of this paragraph, each Party shall ban the import of a used, recycled or reclaimed controlled substance from a Party that is continuing to produce virgin quantities of the same substance for domestic consumption in non-compliance with the phase-out schedule applicable to that Party for that substance."

C. Phase-out of carbon tetrachloride

6. Australia notes that the first carbon-tetrachloride target for Parties operating under Article 5 is an 85 per cent reduction by 2005. Australia believes that it would assist the smooth phase-out of carbon tetrachloride by Parties operating under Article 5 if interim reduction steps were to be included.

7. Australia therefore proposes amendment of Article 5, paragraph 8 bis, of the Protocol to include the requirement for a freeze by 2000 and a 50 per cent reduction by 2002. Australia suggests inserting:

"8 bis (c) (i) A Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on [1 January 2000], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed its calculated level of consumption in 1999. Each Party shall ensure that for the same periods, its calculated level of production of the substance does not exceed annually its calculated level of production in 1999.

"8 bis (c) (ii) A Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on [1 January 2002], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed fifty per cent of its calculated level of consumption in 1999. Each Party shall ensure that for the same periods, its calculated level of production of the substances does not exceed fifty per cent of its calculated level of production in 1999.

"8 bis (c) (iii) A Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on [1 January 2005], its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed fifteen per cent of its calculated level of consumption in 1999. Each Party shall ensure that for the same period, its calculated level of production of the substance does not exceed fifteen per cent of its calculated level of production in 1999.

"8 bis (c) (iv) A Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on [1 January 2006], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the

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substance does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential."
