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**Open-ended Working Group of the Parties to  
the Montreal Protocol on Substances that  
Deplete the Ozone Layer**  
Twenty-fourth meeting  
Geneva, 13–16 July 2004  
Item 7 of the provisional agenda\*

**Consideration of the implementation and operation of decision XV/3  
on obligations of Parties to the Beijing Amendment under Article 4 of the  
Montreal Protocol with respect to hydrochlorofluorocarbons.**

**Decision XV/3: Obligations of Parties to the Beijing Amendment  
under Article 4 of the Montreal Protocol with respect to  
hydrochlorofluorocarbons (HCFCs)**

**Note by the Secretariat**

1. The table below lists the Parties to the Montreal Protocol not operating under Article 5 that have ratified the Copenhagen and Beijing Amendments to the Protocol. In decision XV/3, the Parties decided that the term “State not party to this Protocol” in Article 4, paragraph 9 of the Protocol includes any non-Article 5 Party that has not agreed to be bound by the Copenhagen and Beijing Amendments. The table also shows the Parties that have submitted information on the ratification of the Beijing Amendment in accordance with decision XV/3, paragraph 1 (c) (i) and on compliance with Articles 2, 2A to 2G and 4 of the Protocol, as amended by the Copenhagen Amendment, in accordance with decision XV/3, paragraph 1 (c) (ii), as of 5 April 2004. The information received by the Secretariat will be transmitted to the Implementation Committee for its consideration at its meeting to be held from 17 to 19 July 2004. Any comments made by the Committee on the basis of this information and the data reported to the Secretariat will be forwarded to the Sixteenth Meeting of the Parties.

2. The term “State not party to this Protocol” in Article 4, paragraph 9 does not apply to those States operating under Article 5, paragraph 1 of the Protocol until 1 January 2016. Decision XV/3 is reproduced below the table for ease of reference.

\* UNEP/OzL.Pro.WG.1/24/1/Rev.1.

## Non-Article 5 Parties to the Copenhagen and Beijing Amendments – as of 5 April 2004

Non-Article 5 Parties	Party to the Copenhagen Amendment	Party to the Beijing Amendment	Data submitted in accordance with decision XV/3, paragraph 1 (c) (iii)**		
			1 (c) (i)*	1 (c) (ii)* Article 2, 2A-2G	1 (c)(ii)* Article 4
Australia	Yes	No	Yes	Yes	Yes
Austria	Yes	No			
Azerbaijan	Yes	No			
Belarus	No	No			
Belgium	Yes	No			
Bulgaria	Yes	Yes			
Canada	Yes	Yes			
Czech Republic	Yes	Yes			
Denmark	Yes	Yes			
Estonia	Yes	Yes			
European Community	Yes	Yes			
Finland	Yes	Yes			
France	Yes	Yes			
Germany	Yes	Yes			
Greece	Yes	No	Yes	Yes	Yes
Hungary	Yes	Yes			
Iceland	Yes	Yes			
Ireland	Yes	No			
Israel	Yes	Yes			
Italy	Yes	No	Yes	Yes	Yes
Japan	Yes	Yes			
Kazakhstan	No	No	Yes	Yes	Yes
Latvia	Yes	No			
Liechtenstein	Yes	Yes			
Lithuania	Yes	No	Yes		
Luxembourg	Yes	Yes			
Monaco	Yes	Yes			
Netherlands	Yes	Yes			
New Zealand	Yes	Yes			
Norway	Yes	Yes			
Poland	Yes	No	Yes	Yes	Yes
Portugal	Yes	No	Yes	Yes	Yes
Russian Federation	No	No			
Slovakia	Yes	Yes			
Slovenia	Yes	Yes			
Spain	Yes	Yes			
Sweden	Yes	Yes			
Switzerland	Yes	Yes			
Tajikistan	No	No			
Turkmenistan	No	No			
Ukraine	Yes	No	Yes	Yes	Yes
United Kingdom	Yes	Yes			
Unites States of America	Yes	Yes			
Uzbekistan	Yes	No			

### Decision XV/3. Obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to hydrochlorofluorocarbons

*Affirming* that it is operating by consensus,

*Reaffirming* the obligation to control consumption of hydrochlorofluorocarbons by the Parties to the amendment adopted by the Fourth Meeting of the Parties to the Montreal Protocol at Copenhagen on 25 November 1992 (the “Copenhagen Amendment”),

*Reaffirming* the obligation to control production of hydrochlorofluorocarbons by the Parties to the amendment adopted by the Eleventh Meeting of the Parties to the Montreal Protocol at Beijing on 3 December 1999 (the “Beijing Amendment”),

*Strongly urging* all States not yet party to the Copenhagen or Beijing Amendments to ratify, accede to or accept them as soon as possible,

*Recalling* that, as of 1 January 2004, the Parties to the Beijing Amendment have accepted obligations under Article 4, paragraph 1 *quin.*, and paragraph 2 *quin.*, of the Protocol to ban the import and export of the controlled substances in group 1 of Annex C (hydrochlorofluorocarbons) from any “State not party to this Protocol”,

*Noting* that Article 4, paragraph 9 of the Protocol provides that “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”,

*Noting also* that Article 4, paragraph 8 of the Protocol permits Parties to the Beijing Amendment to import and export hydrochlorofluorocarbons from “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–2I and this Article, and have submitted data to that effect as specified in Article 7”,

*Acknowledging* that the meaning of the term “State not party to this Protocol” may be subject to differing interpretations with respect to hydrochlorofluorocarbons by Parties to the Beijing Amendment, given that control measures for the consumption of hydrochlorofluorocarbons were introduced in the Copenhagen Amendment while control measures for the production of hydrochlorofluorocarbons were introduced in the Beijing Amendment,

*Acknowledging also* that, for those Parties operating under Article 5, paragraph 1, of the Protocol no control measures for the consumption or production of hydrochlorofluorocarbons will be in effect under either the Copenhagen or Beijing Amendments until 2016,

*Desiring* to decide in that context on a practice in the application of Article 4, paragraph 9 of the Protocol by establishing by consensus a single interpretation of the term “State not party to this Protocol”, to be applied by Parties to the Beijing Amendment for the purpose of trade in hydrochlorofluorocarbons under Article 4 of the Protocol,

*Expecting* Parties to the Beijing Amendment to import or export hydrochlorofluorocarbons in ways that do not result in the importation or exportation of hydrochlorofluorocarbons to any “State not party to this Protocol” as that term is interpreted herein, recognizing the need to assess the fulfilment of that expectation,

1. That the Parties to the Beijing Amendment will determine their obligations to ban the import and export of controlled substances in group I of Annex C (hydrochlorofluorocarbons) with respect to States and regional economic organizations that are not parties to the Beijing Amendment by January 1 2004 in accordance with the following:

(a) The term “State not party to this Protocol” in Article 4, paragraph 9 does not apply to those States operating under Article 5, paragraph 1, of the Protocol until January 1, 2016 when, in accordance with the Copenhagen and Beijing Amendments, hydrochlorofluorocarbon production and consumption control measures will be in effect for States that operate under Article 5, paragraph 1, of the Protocol;

(b) The term “State not party to this Protocol” includes all other States and regional economic integration organizations that have not agreed to be bound by the Copenhagen and Beijing Amendments;

(c) Recognizing, however, the practical difficulties imposed by the timing associated with the adoption of the foregoing interpretation of the term “State not party to this Protocol,” paragraph 1 (b) shall apply unless such a State has by 31 March 2004:

(i) Notified the Secretariat that it intends to ratify, accede or accept the Beijing Amendment as soon as possible;

(ii) Certified that it is in full compliance with Articles 2, 2A to 2G and Article 4 of the Protocol, as amended by the Copenhagen Amendment;

(iii) Submitted data on (i) and (ii) above to the Secretariat, to be updated on 31 March 2005, in which case that State shall fall outside the definition of "State not party to this Protocol" until the conclusion of the Seventeenth Meeting of the Parties;

2. That the Secretariat shall transmit data received under paragraph 1 (c) above to the Implementation Committee and the Parties;

3. That the Parties shall consider the implementation and operation of the foregoing decision at the Sixteenth Meeting of the Parties, in particular taking into account any comments on the data submitted by States by 31 March 2004 under paragraph 1 (c) above that the Implementation Committee may make;”

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