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SECOND MEETING OF THE PARTIES TO THE  
MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER

London, 27-29 June 1990

REPORT OF THE EXECUTIVE DIRECTOR OF THE UNITED NATIONS  
ENVIRONMENT PROGRAMME, SECRETARIAT OF THE  
MONTREAL PROTOCOL

Addendum

REVISED REPORT ON DATA ON PRODUCTION, IMPORTS, EXPORTS AND CONSUMPTION  
OF SUBSTANCES LISTED IN ANNEX A OF THE MONTREAL PROTOCOL

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### Introduction

1. The present revised report on the information received pursuant to Article 7 of the Montreal Protocol has been prepared by the Secretariat in accordance with subparagraph (c) of Article 12 of the Protocol. It supersedes and replaces the original report on the subject issued as document UNEP/OzL.Pro.2/2/Add.4 of 12 April 1990 and includes information received as of 25 May 1990.

2. Article 7 of the Montreal Protocol states that:

"1. Each Party shall provide to the secretariat within three months of becoming a Party, statistical data on its production, imports and exports of the controlled substances for the year 1986, or best possible estimates of such data where actual data are not available.

"2. Each Party shall provide statistical data to the secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports and exports to Parties and non-Parties, respectively, of such substances for the year . . . during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of year to which the data relate."

3. The control measures provided for in Article 2 of the Protocol require the Parties to reduce in steps the production and consumption of each group of controlled substances in Annex A of the Protocol. The reduction is based on the 1986 calculated levels of production and consumption of each group of such substances.

4. Article 3 describes the methods for determining the calculated levels for the purposes of Article 2 (and also of Article 5). For each group of substances in Annex A of the Protocol the calculated level of production by a Party is determined by:

(a) Multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A, "production" being defined under Article 1 of the Protocol as "the amount of controlled substances produced minus the amount destroyed by technologies to be determined by the Parties"; and

(b) Adding together, for each such group, the resulting figures.

Calculated levels of imports and exports, respectively, are also determined by following, mutatis mutandis, the procedure set out above, and calculated levels of consumption are determined by adding together the calculated level of production and imports and subtracting the calculated levels of exports. Article 3 also states that, from 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

5. It must be emphasized that without the complete data on production, imports and export for each controlled substance the calculated levels of consumption cannot be determined. Since the control measures are based on the calculated levels, it is crucial that the Parties report complete data.

## I. DATA REPORTING

### A. Requests for 1986 data and the reporting status

#### 1. Requests for 1986 data

6. Since the entry into force of the Montreal Protocol, on 1 January 1989, the Parties have been requested to report to the Secretariat for the Vienna Convention and its Montreal Protocol the 1986 data as required by Article 7, paragraph 1, of the Protocol. Four requests for data have been sent, on 30-31 January 1989, 20 September 1989, 9 November 1989 and 2 May 1990, to the Parties that had not reported complete data. The format to be used for the reporting was enclosed with each letter.

#### 2. Reporting status of the Parties

7. As of 25 May 1990, 56 States and the European Economic Community (EEC) were Parties to the Protocol. The status of data-reporting by the Parties is that:

(a) 21 Parties have reported complete data:

Austria, Canada, Denmark, Finland, German Democratic Republic, Hungary, Japan, Jordan, Luxembourg, Malaysia, Mexico, New Zealand, Norway, Singapore, Spain, Sweden, Switzerland, USSR, United States, Venezuela and EEC

(Data of Switzerland cover Liechtenstein; data of USSR cover the Byelorussian SSR and the Ukrainian SSR; and EEC data cover its 12 member States, including Denmark, Luxembourg and Spain.)

(b) 16 Parties have reported incomplete data:

Australia, Belgium, Brazil, Chile, Egypt, France, Guatemala, Kenya, Malta, Netherlands, Panama, Sri Lanka, Syrian Arab Republic, Thailand, Tunisia and United Arab Emirates

(The data of Belgium, France and the Netherlands are also incorporated in the EEC data.)

(c) 4 Parties have reported that they have no data available:

Burkina Faso, Ghana, Maldives, and Nigeria

(d) 4 Parties reported that their data are included in the data reported by other Parties:

Federal Republic of Germany, Ireland, Liechtenstein and Ukrainian SSR.

(e) 10 Parties have not reported at all:

Byelorussian SSR, Cameroon, Fiji, Greece, Iceland, Italy, Portugal, Trinidad and Tobago, Uganda and United Kingdom

(Five of these Parties (Byelorussian SSR, Greece, Italy, Portugal, and United Kingdom) have their data included in the joint report by another Party.)

(f) 2 Other Parties have not reported data but, in their case, three-month period in which to do so had not elapsed as of 25 May 1990:

South Africa and Zambia.

### 3. Reporting status of the non-Parties

8. For the purpose of entry into force of the Protocol, it was necessary to estimate the 1986 world consumption of the controlled substances. All countries were requested to submit the best available data on the controlled substances. As a result, data were also submitted by countries which are currently not Parties to the Protocol. For a number of countries that did not report any data, UNEP estimated the total consumption of the controlled substances for the country based on available information. No objections were raised to these estimates by the countries concerned. The existing situation with respect to data for non-Parties is that:

(a) 3 countries have reported complete data:

Bahrain, Czechoslovakia and Kuwait

(b) 19 countries have reported incomplete data:

Argentina, Cuba, Dominica, Ecuador, India, Indonesia, Israel, Jamaica, Madagascar, Peru, Philippines, Poland, Republic of Korea, Rwanda, Saudi Arabia, Togo, Turkey, Uruguay and Yugoslavia

(c) 16 countries have reported zero or negligible consumption or that data are unavailable:

Bangladesh, Botswana, Burundi, Central African Republic, Congo, Ethiopia, Gambia, Guinea, Lao People's Democratic Republic, Monaco, Niger, Oman, Papua New Guinea, Sudan, Vanuatu and Yemen

(d) The total consumption figures estimated by UNEP stand for 21 countries:

Algeria, Belize, Bolivia, Bulgaria, China, Colombia, Côte d'Ivoire, Cyprus, Dominican Republic, El Salvador, Gabon, Honduras, Iran (Islamic Republic of), Iraq, Morocco, Nicaragua, Pakistan, Paraguay, Romania, Senegal and Zimbabwe

(e) For the remaining non-Parties, consumption is registered as zero.

### B. Analysis of 1986 data

9. A data base has been set up to store, and to enable easy access to and analysis of, the data reported by the Parties. The following analysis is based on the information currently possessed by the Secretariat.

1. 1986 consumption of controlled substances

10. Estimated total world consumption. The estimated total world consumption for 1986 is approximately 1,174,000 tonnes, the exact figure being 1,173,998 tonnes. This figure includes the data reported by Parties and non-Parties, as well as the estimates made by UNEP for a number of countries.

11. Comparison with total world consumption estimated for the purpose of entry into force of the Protocol. The estimated total world consumption figure for the purpose of entry into force of the Protocol was 1,140,000 tonnes, as reported in the note by the Executive Director to the First Meeting of the Parties, Helsinki, 2-5 May 1989 (UNEP/OzL.Pro.1/2). The current estimated total consumption of the controlled substances is approximately 34,000 tonnes more than the estimated figure for the entry into force. This difference results from the fact that, since the entry into force of the Protocol, several UNEP estimates have been superseded by actual reported data.

12. Consumption of controlled substances by Parties and non-Parties in 1986. Table 1 shows the breakdown of the 1986 estimated total world consumption (1,173,998 tonnes) into consumption of controlled substances by Parties and the non-Parties and by developed and developing countries. The figures include the UNEP estimates that have not been superseded by actual reported data.

Table 1. Consumption of controlled substances by Parties and non-Parties (1986)

	Consumption by Parties (tonnes)	Percentage of estimated world consumption	Consumption by non-Parties (tonnes)	Percentage of estimated world consumption
Developed countries	1 001 652	85.3	26 786	2.3
Developing countries	50 381	4.3	95 179	8.1
TOTAL	1 052 033 <u>a/</u>	89.6	121 965 <u>b/</u>	10.4

a/ The total estimated consumption by the Parties of 1,052,033 tonnes consists of reported figures totalling 1,040,463 tonnes and UNEP estimated figures totalling 11,570 tonnes.

b/ The total estimated consumption by non-Parties of 121,965 tonnes consists of reported figures totalling 58,804 tonnes and UNEP estimated figures totalling 63,161 tonnes.

13. Consumption of controlled substances reported by the Parties for 1986. Table 2 shows the 1986 consumption levels of the controlled substances as reported by a total of 31 Parties. Because of a number of cases of joint reporting, these 31 reports provide consumption data for a total of 45 States Parties to the Protocol.

Table 2. Consumption of controlled substances reported by the Parties (1986)

Substances	Actual consumption (tonnes)	Ozone-depleting potential (ODP)	ODP-weighted consumption
<u>Group I</u>			
CFC-11	346 395	1.0	346 395
CFC-12	414 986	1.0	414 986
CFC-113	209 529	0.8	167 623
CFC-114	15 780	1.0	15 780
CFC-115	10 121	0.6	6 073
AGG.GR.I	9 608		*
<b>TOTAL</b>	<b>1 006 419</b>		<b>*</b>
<u>Group II</u>			
Halon-1211	10 477	3.0	31 431
Halon-1301	12 371	10.0	123 710
Halon-2402	2 968	6.0	17 808
AGG.GR.II	679		*
<b>TOTAL</b>	<b>26 495</b>		<b>*</b>
<b>AGG.GR.I &amp; II</b>	<b>7 549</b>		<b>*</b>
<b>GRAND TOTAL</b>	<b>1 040 463</b>		<b>*</b>

**Key.** AGG.GR.I Total of the figures from the Parties which, for Group I substances, reported only an aggregated consumption figure.

AGG.GR.II Total of the figures from the Parties which, for Group II substances, reported only an aggregated consumption figure.

AGG.GR.I & II Total of the figures from the Parties which only reported an aggregated consumption figure for Group I and II substances together.

\* The figure cannot be determined since some Parties have not reported data on individual substances.



14. Consumption of controlled substances by Parties according to regional groups for 1986. Table 3 shows the break-down of reported 1986 consumption of controlled substances by regional groups based on the data reported by the 31 Parties referred to in paragraph 13 above.

Table 3. Consumption of controlled substances by Parties according to regional groups (1986)\*

Substances	Africa	Asia and Pacific	Western Europe and others	Eastern Europe	Latin America and the Caribbean	TOTAL
<u>Group I</u>						
CFC-11	0	29 714	269 779	40 719	6 183	346 395
CFC-12	0	41 498	283 849	73 965	15 674	414 986
CFC-113	0	63 533	119 906	24 760	1 330	209 529
CFC-114	0	2 244	12 722	661	153	15 780
CFC-115	0	477	9 284	255	105	10 121
AGG.GR.I	5 928	925	0	0	2 755	9 608
TOTAL	5 928	138 391	695 540	140 360	26 200	1 006 419
<u>Group II</u>						
Halon-1211	0	769	8 590	1 102	16	10 477
Halon-1301	0	3 028	7 737	1 571	35	12 371
Halon-2402	0	35	280	2 652	1	2 968
AGG.GR.II	51	484	0	0	144	679
TOTAL	51	4 316	16 607	5 325	196	26 495
AGG.GR.I & II	0	6 365	499	0	685	7 549
GRAND TOTAL	5 979	149 072	712 646	145 685	27 081	1 040 463

Key. AGG.GR.I Total of the figures from the Parties which, for Group I substances, reported only an aggregated consumption figure.

AGG.GR.II Total of the figures from the Parties which, for Group II substances, reported only an aggregated consumption figure.

AGG.GR.I & II Total of the figures from the Parties which only reported an aggregated consumption figure for Group I and II substances together.

\* The figures for the respective regions include the data from the following Parties:

/...

Africa: Egypt, Kenya and Tunisia;

Asia and the Pacific: Japan, Jordan, Malaysia, Singapore, Sri Lanka, Syrian Arab Republic, Thailand and United Arab Emirates;

Western Europe and other States: EEC (includes the 12 member States: Belgium, Denmark, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, and the United Kingdom. The underlined States have reported data separately but only the EEC data are added in the total figures to avoid double counting.), Australia, Austria, Canada, Finland, Malta, New Zealand, Norway, Sweden, Switzerland (includes Liechtenstein), and the United States;

Eastern Europe: German Democratic Republic, Hungary and USSR (includes Byelorussian SSR and Ukrainian SSR);

Latin America and the Caribbean: Brazil, Chile, Guatemala, Mexico, Panama and Venezuela.

## 2. 1986 production of controlled substances

15. Total world production of controlled substances. The total world production of the controlled substances for 1986 reported to date is 1,137,743 tonnes, or approximately 1,138,000 tonnes. This figure includes the production figures reported by Parties and non-Parties. In theory, the total production should equal total consumption. However, since not all producers have reported their figures, the total 1986 production currently reported by Parties and non-Parties is 36,255 tonnes less than the world estimated total consumption.

16. Production of controlled substances reported by the Parties. The total of the 1986 production figures reported to date by Parties is 1,125,160 tonnes, or approximately 1,125,000 tonnes. This constitutes 99 per cent of the reported global production. The following 10 Parties have reported that they are producers of the controlled substances and their production figures:

Australia, Brazil, Canada, German Democratic Republic, Japan, Mexico, USSR, United States, Venezuela and EEC (France, Netherlands and Spain, which are member States of EEC, have separately reported their own production figures)

17. Table 4 shows the production of each controlled substance as reported by the 10 Parties and covering 23 States Parties to the Protocol (taking into account the joint reporting by some Parties).

Table 4. Production of controlled substances reported by the Parties (1986)

Substance	Production (tonnes)
<u>Group I</u>	
CFC-11	385 146
CFC-12	462 374
CFC-113	220 588
CFC-114	17 241
CFC-115	11 110
<b>TOTAL</b>	<b>1 096 459</b>
<u>Group II</u>	
Halon-1211	13 378
Halon-1301	11 599
Halon-2402	3 724
<b>TOTAL</b>	<b>28 701</b>
<b>GRAND TOTAL</b>	<b>1 125 160</b>

18. Production of controlled substances by the non-Parties. The total 1986 production reported by the non-Parties is 12,583 tonnes, or approximately, 13,000 tonnes. This constitutes 1 per cent of the reported global production. The figure includes the production data reported by four non-Parties, Argentina, Czechoslovakia, India and Republic of Korea, of which only Czechoslovakia has reported complete data on each controlled substance.

### 3. 1986 imports and exports of controlled substances

19. The import and export figures reported by the Parties have been totalled for each regional group and these totals are shown in table 5 below. It should be noted that the reported import and export data are incomplete and that the figures do not indicate the trade between the regional groups.

### 4. Population data

20. The population data necessary for determining per capita consumption for each Party for the year 1986 are taken from the Demographic Yearbook for that year published by the United Nations Statistical Office, Department of International Economic and Social Affairs. This publication provides estimates of mid-year population for all countries in the world for 1986. The Secretariat intends to use the Yearbook for the population data necessary for determining per capita consumption from 1989 and onwards.

Table 5. Imports and exports of controlled substances reported by the Parties and totalled for each regional group (1986)

Substances	Africa		Asia and Pacific		Western Europe and others		Eastern Europe and the Caribbean		Latin America		TOTAL	
	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports		
<b>Group I</b>												
CFC-11	0	0	2 548	4 703	17 588	56 980	3 179	160	0	223	23 315	62 066
CFC-12	0	0	4 997	3 345	18 854	67 594	1 785	1 120	3	968	25 639	73 027
CFC-113	0	0	13 268	7 284	9 997	29 130	760	0	1 330	0	25 355	36 414
CFC-114	0	0	292	66	638	2 539	61	0	154	1	1 145	2 606
CFC-115	0	0	115	14	4 723	5 923	5	0	115	10	4 958	5 947
AGG.GR.I	5 928	0	925	0	0	0	0	0	2 755	0	9 608	0
<b>TOTAL</b>	<b>5 928</b>	<b>0</b>	<b>22 145</b>	<b>15 412</b>	<b>51 800</b>	<b>162 166</b>	<b>5 790</b>	<b>1 280</b>	<b>4 357</b>	<b>1 202</b>	<b>90 020</b>	<b>180 060</b>
<b>Group II</b>												
Halon-1211	0	0	799	293	2 124	5 949	402	0	16	0	3 341	6 242
Halon-1301	0	0	1 445	754	1 348	1 773	471	0	35	0	3 299	2 527
Halon-2402	0	0	0	675	51	120	0	13	1	0	52	808
AGG.GR.II	51	0	484	0	0	0	0	0	94	0	629	0
<b>TOTAL</b>	<b>51</b>	<b>0</b>	<b>2 728</b>	<b>1 722</b>	<b>3 523</b>	<b>7 842</b>	<b>873</b>	<b>13</b>	<b>146</b>	<b>0</b>	<b>7 321</b>	<b>9 577</b>
AGG.GR.I & II	0	0	4 735	0	499	0	0	0	0	0	5 234	0
<b>GRAND TOTAL</b>	<b>5 979</b>	<b>0</b>	<b>29 608</b>	<b>17 134</b>	<b>55 822</b>	<b>170 008</b>	<b>6 663</b>	<b>41</b>	<b>4 503</b>	<b>1 202</b>	<b>102 575</b>	<b>188 485</b>

Key. AGG.GR.I Total of the figures from the Parties which, for Group I substances, reported only an aggregated import/export figure.

AGG.GR.II Total of the figures from the Parties which, for Group II substances, reported only an aggregated import/export figure.

AGG.GR.I & II Total of the figures from the Parties which only reported an aggregated import/export figure for Group I and II substances together.

C. Problems faced by the Parties in reporting

21. In the letters requesting data (see paragraph 6 above), each Party was asked to inform the Secretariat on the problems, if any, that it has in providing the required data. No information has been received in writing, except from some member States of regional economic integration organizations, many of which either submitted incomplete data reports (usually without the import and export figures) or submitted no data with an indication that their reporting requirements were fulfilled by the joint data reports of the organizations. Some other Parties have also reported that their data are included in the data of another Party, in one case because of a customs treaty between two Parties and in another case because the Party concerned is a constituent part of another.

22. The present Montreal Protocol requires each individual Party to submit the data to the Secretariat and this was emphasized by the First Meeting of the Parties in its decision 11 (a). The Parties may wish to consider further the question of joint reporting by a group of Parties.

23. From the reports submitted, the Secretariat has observed the following:

(a) A number of developing countries have reported that no data are available in their countries. Some have indicated that they are in the process of gathering the required data;

(b) Several countries have only managed to report aggregated total consumption figures for each of the two groups of the controlled substances or in some cases a single total figure for all the controlled substances;

(c) Some dependent territories of States members of a regional economic integration organization have reported data. It is not clear to the Secretariat whether these data are included in the data reported by the organization. These data are not included in the present report;

(d) One Party informed the Secretariat that it was impossible to report data for each substance because the Harmonized Commodity Description and Coding System was not subdivided to suit the collection of data on the substances (see paragraphs 29-33 below).

24. In light of the above, the Parties may wish to consider ways of looking into the problems of the Parties that are unable to report the required data and advise where possible. The Parties that do not report the required data could be in non-compliance with Protocol. The issue of the status of data submissions and its relevance in assessing non-compliance should be addressed by the Parties. In this regard, the Bureau of the Montreal Protocol, at its second meeting, in Nairobi, suggested that an advisory group on data could be established (see document UNEP/OzL.Pro.Bur.2/2, which comprises annex II of the report of the Executive Director to the present Meeting of the Parties (UNEP/OzL.Pro.2/2)).

25. In the present Montreal Protocol there is a lack of correspondence between the reporting periods (every calendar year beginning in 1989) and some of the control measures (paragraphs 1, 3 and 4 of Article 2), which require the Parties to reduce the consumption and production of the controlled substances in periods starting in the middle of the year. The potential inconvenience has been realized and the proposals for adjustments and amendments, which include strengthened control measures, include a reduction scheme that corresponds with the reporting period.

#### D. Reporting of 1989 data

26. The Parties will be requested to report the 1989 data (1 January to 30 December 1989) by the end of September 1990, in accordance with Article 7, paragraph 2, of the Protocol. The letters requesting these data will be dispatched in July, immediately after the Second Meeting of the Parties.

27. Article 7, paragraph 2, of the Protocol also requires the Parties to split the export figures into two parts: (i) export to Parties; and, (ii) export to non-Parties from the year that they become a Party and each year thereafter. From 1989, the Parties will be required to report this split export data.

28. With regard to the issue of destruction technologies, the First Meeting of the Parties, by its decision 12 F (b), requested the panel for technical assessment to address the need for establishing a standing technical committee to review and recommend for approval by the Parties methods for transformation or decomposition and to determine the amount of controlled substances that are transformed or decomposed by each method. Both the panel and the Open-Ended Working Group of the Parties considered the issue. At the first session of its second meeting, held in Geneva from 13 to 17 November 1989, the Open-Ended Working Group recommended that a small and balanced technical advisory committee be created with responsibility for recommending such methods to the Parties and that the committee should be provided with the flexibility to utilize specialized technical expertise including consultants as required (see paragraph 17 of the report of the Working Group on that session (UNEP/OzL.Pro.WG.II(1)/7), which comprises annex VI of the report of the Executive Director to the present Meeting of the Parties (UNEP/OzL.Pro.2/2)). The Chairman of the panel for technical assessment is in the process of drafting the terms of reference of such a committee for consideration by the Parties.

## II. HARMONIZED COMMODITY SYSTEMS

29. The First Meeting of the Parties to the Montreal Protocol adopted a proposal for a modification of the Harmonized Commodity Description and Coding System in order to facilitate reporting on imports and exports of controlled substances (see annex VII to the report of the First Meeting of the Parties (UNEP/OzL.Pro.1/5), which comprises annex XIII of the report of the Executive Director to the present Meeting of the Parties (UNEP/OzL.Pro.2/2)). The Secretariat communicated the proposal to the Customs Co-operation Council in Belgium requesting its consideration.

30. On 12 April 1990, the Harmonized System Committee of the Customs Co-operation Council adopted, with some amendment, the proposal advanced by the First Meeting of the Parties. However, in conformity with Customs Co-operation Council procedure, the Harmonized System may not be formally amended to take into account this and other pending amendments until 1996. In recognition of the urgency of this issue, in addition to adopting a formal amendment to the Harmonized System, the Harmonized System Committee adopted a recommendation that all member administrations take action to reflect the adopted subheadings in their national statistical nomenclatures as soon as possible. Both the recommendation and amendment adopted by the Harmonized System Committee will go to the meeting of the Customs Co-operation Council in June 1990 for its consideration and final adoption.

31. In light of the difficulties encountered thus far in the reporting of chemical-specific data (see paragraphs 4 and 5 of the report of the Executive Director to the present Meeting of the Parties (UNEP/OzL.Pro.2/2)), the potential usefulness of the Harmonized System in facilitating the collection of such data and the fact that the Customs Co-operation Council stated that "if the Parties to the Montreal Protocol (1) determine that additional subheadings for individual chemicals controlled by the Protocol would be useful in their efforts to protect the ozone layer, and (2) request the assistance of the Customs Co-operation Council in that regard, the Committee will consider such a request as expeditiously as possible", the Executive Director recommends that the Parties:

(a) State that the additional subheadings will be useful and request the Customs Co-operation Council to further amend the Harmonized System;

(b) Recommend immediate action to require specific subheadings for each chemical controlled by the Montreal Protocol as amended.

32. The Executive Director also recommends that the Parties, by decision, reinforce the importance of their taking immediate action to alter their national statistical nomenclatures as soon as possible, consistent with the Customs Co-operation Council recommendation, to provide subheadings for each of the presently controlled chemicals as follows:

Subheading 2903.40 -- of the Harmonized System \*

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\* This recommendation includes subheadings for some chemicals which were not individually enumerated in the Harmonized System Committee recommendation because of the more restrictive nature of the proposal originally adopted by the First Meeting of the Parties to the Protocol. However, such State-initiated subheadings (specifically, 2903.40, 41, 42, 61, 62 and 63) are allowed under the Harmonized System and are fully consistent with the System and the specific recommendation adopted by the Harmonized System Committee. If any Parties currently have subheadings for the controlled substances which differ from those recommended above, those Parties are requested to submit such information to the Secretariat for distribution to all Parties to aid in their data collection.

10. --- Trichlorofluoromethane
20. --- Dichlorodifluoromethane
30. --- Trichlorotrifluoroethanes
40. --- Dichlorotetrafluoroethanes and  
chloropentafluoroethane
  41. Dichlorotetrafluoroethanes
  42. Chloropentafluoroethane
50. --- Other derivatives perhalogenated only with fluorine and chlorine
60. --- Bromochlorodifluoromethane,  
bromotrifluoromethane and  
dibromotetrafluoroethanes
  61. --- Bromochlorodifluoromethane
  62. --- Bromotrifluoromethane
  63. --- Dibromotetrafluoroethanes
70. --- Other perhalogenated derivatives

Subheading 3823.90. -- of the Harmonized System

10. --- Mixture containing perhalogenated derivatives of acyclic hydrocarbons containing two or more different halogens
20. --- Containing acyclic hydrocarbons perhalogenated only with fluorine and chlorine
30. --- Other

33. The modification of the Harmonized System should help the Parties that are member administrations to collect the required data on imports and exports of the individual controlled substances.

### III. CONFIDENTIALITY OF DATA

34. By its decision 11 (d), the First Meeting of the Parties decided that the Parties submitting data on controlled substances deemed confidential by that Party shall, in submitting the data to the Secretariat, require a guarantee that the data will be treated with professional secrecy and maintained confidential.

35. Two Parties have required such a guarantee of confidentiality in respect of data on production, imports and exports of some specific substances. No Party has done so in respect of consumption figures.

36. In order to ensure that the data are kept confidential, the Secretariat is storing the data reports in a safe, while access to the data base containing the reported data can be gained only through the use of a confidential password.



37. To date, all data reported by each Party have been treated as confidential. However, it is the understanding of the Executive Director that the total consumption figure of each Party will be released as necessary to ensure and prove that the Parties are in compliance with the control measures of the Protocol. Parties may wish to note the usefulness of these total consumption figures in assessing contributions by the Parties towards the financial mechanisms to assist the developing countries to meet the requirements of the Protocol.

#### IV. ARTICLE 5 COUNTRIES

38. Article 5, paragraph 1, of the Montreal Protocol states:

"Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances is less than 0.3 kilograms per capita on the date of entry into force of the Protocol for it, or at any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita. Any such Party shall be entitled to use either the average of its calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for its compliance with the control measures."

39. Hence, for a country to be accorded Article 5 status, it must:

(a) Be a developing country (see paragraph 40 below); and

(b) Have a calculated level of less than 0.3 kilograms per capita (see paragraph 41 below).

The Secretariat assumes that all Parties that fulfil both these conditions would want to be an "Article 5 country". Should a developing country not wish to make use of the entitlement under Article 5, the Secretariat should be informed accordingly.

40. By its decision 12 E, the First Meeting of the Parties decided that the following 130 countries shall be considered developing countries for the purpose of the Montreal Protocol. The 26 States whose names are underlined are currently Parties to the Protocol:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya,

Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Romania, Rwanda, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, and Zimbabwe.

41. In accordance with the methodology specified in Article 3 of the Protocol (see paragraph 4 above), calculated per capita consumption can only be determined for Parties that have reported complete data for each controlled substance. As of 1 April 1990, only five Parties that are developing countries (Jordan, Malaysia, Mexico, Singapore and Venezuela) had reported complete data. Of those Parties:

(a) Jordan, Mexico and Venezuela have a calculated level of per capita consumption of less than 0.3 kilograms and, hence, are eligible for Article 5 status;

(b) The other two Parties, Malaysia and Singapore, have a calculated level of per capita consumption figure of above 0.3 kilograms.

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