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OPEN-ENDED WORKING GROUP OF THE
PARTIES TO THE MONTREAL PROTOCOL

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REPORT OF THE LEGAL DRAFT GROUP
ON AMENDMENTS TO THE MONTREAL PROTOCOL

(DRAFT AMENDMENT TO THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete THE OZONE LAYER, 1987)

The Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer,

Recognizing the need to protect further the ozone layer from depletion by strengthening the obligations contained in the Montreal Protocol,

Bearing in mind the adjustments to the Montreal Protocol adopted by the Parties on 29 June 1990 in accordance with paragraph 9 of Article 2 of the Montreal Protocol,

Acting in accordance with Article 9 of the Vienna Convention on the Protection of the Ozone Layer and Article 2 paragraph 10 of the Montreal Protocol,

HAVE AGREED AS FOLLOWS:

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ARTICLE 1: AMENDMENT

PREAMBULAR PARAGRAPHS

The 6th preambular paragraph shall be replaced by the following:

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations [and bearing in mind the developmental needs of developing countries],

The 7th preambular paragraph shall be replaced by the following:

Acknowledging that special provision is required to meet the needs of developing countries for these substances, [including the provision of new and additional (adequate) financial resources and access to relevant technologies,]

The 9th preambular paragraph shall be replaced by the following:

Considering the importance of promoting international co-operation in the research, [development and transfer of alternative technologies], relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind particular needs of developing countries.

ARTICLE 1: DEFINITIONS

Paragraph 4 of Article 1 of the Protocol shall be replaced by the following paragraph:

"Controlled substance" means a substance in Annex A or in Annex B to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

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The following paragraph shall be added to Article 1 of the Protocol:

9. "Transitional substance" means a substance in Annex C to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

Paragraph 5 of Article 2 of the Protocol shall be replaced by the following paragraph:

5. Any Party may transfer to or receive from any other Party, production in excess of the limits set out in [Articles 2A and 2B] provided that the total combined calculated levels of production of the Parties concerned for any particular group of controlled substances does not exceed the production limits for such substances set out in this Article.

ARTICLE 2, PARAGRAPH 6

The following words shall be inserted in paragraph 6 of Article 2 after the words "controlled substances" the first time they occur:

"in Annex A or Annex B".

The following sentence shall be added to paragraph 6 of Article 2 of the Protocol:

[Nevertheless, for any such Party any intermediate reductions in the production and consumption of controlled substances shall not have the effect of reducing its calculated levels of consumption of these substances to below 0.3 kilograms per capita.]

Article 2, paragraph 9(a) (ii)

The following words shall be deleted from paragraph 9(a) (ii) of Article 2 of the Protocol:

"from 1986 levels"

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ARTICLE 2, PARAGRAPH 9(c)

Alternative 1:

The following phrase shall be added at the end of paragraph 9(c) of Article 2 of the Protocol:

[as well as two-thirds of the Parties operating under paragraph 1 of Article 5 present and voting.]

Alternative 2:

The following words shall be deleted from paragraph 9(c) of Article 2 of the Protocol:

"representing at least fifty per cent of the total consumption of the controlled substances of the Parties".

ARTICLE 2, PARAGRAPH 10(b)

Paragraph 10(b) of Article 2 of the Protocol shall be deleted.

ARTICLE 2C: OTHER FULLY HALOGENATED CFCs

The following paragraphs shall be added to the Protocol as Article 2B:

[1. Each Party shall ensure that for the twelve-month period commencing on 1 January [1992] [1993] [1995], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, [fifty] [eighty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, [fifty] [eighty] per cent of its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under

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Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1997] [1998] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, [fifteen] [fifty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, [fifteen] [fifty] per cent of its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

3. Each Party 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 substances in Group I of Annex B does not exceed zero. Each Party producing one or more of the substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

ARTICLE 2D: OTHER HALONS

The following paragraphs shall be added to the Protocol as Article 2D:

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex B does not exceed, annually, its calculated level of consumption in

[1986] [1989]. Each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed annually fifty per cent of its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [2000][2005], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex B does not exceed zero. Each Party producing one or more of these substances shall ensure that, for the twelve-month period commencing on 1 January [1995-2005], and in each twelve-month period thereafter, its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989]. 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 essential uses for which no adequate alternatives are available. In no event shall such production or consumption of any Party exceed its calculated level of consumption or production in 1986 by more than [five] per cent.

The following paragraph shall be added to the Protocol as Article 2D:

[The Parties shall establish control measures for halons not contained in Group II of Annex B after the names, formulas and ozone-depleting potential of the substances, as well as their uses are well known.]

ARTICLE 2E: CARBON TETRACHLORIDE

The following paragraphs shall be added to the Protocol as Article 2E:

[1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group III of Annex B does not exceed, annually, its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5, its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

[2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1992] [1993] [1995] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group III of Annex B does not exceed, annually, [zero] [fifty] [eighty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, [zero] [fifty] [eighty] per cent of its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

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3. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1997] [1998] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group III of Annex B does not exceed, annually, [fifteen] [fifty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifteen per cent of its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

4. Each Party 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 substances in Group III of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 [and for the purpose of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

ARTICLE 2F: METHYL CHLOROFORM

The following paragraphs shall be added to the Protocol as Article 2F:

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group IV of Annex B does not exceed, annually, its calculated level of consumption in [1986] [1989]. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the

substances does not exceed its calculated level of production in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].

[2. The Parties shall decide at their meeting in 1994 on a schedule of reduction for production and consumption.]

[3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group IV of Annex B does not exceed, annually, seventy-five per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of these substances does not exceed seventy-five per cent of its calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].]

[4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995 and in each twelve-month period thereafter, its calculated level of consumption of the substances in Group IV of Annex B does not exceed, annually, [zero] [fifty] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of these controlled substances does not exceed [zero] [fifty] per cent of its calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].]

[5. Each Party shall ensure that for the twelve-month period commencing on 1 January 1997, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group IV of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the controlled substances does not exceed fifteen per cent of its calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of Parties operating under Article 5 [and for the purposes of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its calculated level of production in [1986] [1989].]

[6. Each Party shall ensure that for the twelve-month period commencing on 1 January [2000] [2050] and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group IV of Annex B does not exceed [zero] [seventy-eighty] [zero-seventy-five] per cent of its calculated level of consumption in [1986] [1989]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production does not exceed [zero-seventy-five] per cent of its annual calculated level of consumption in [1986] [1989]. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 [and for the purpose of industrial rationalization between Parties], its calculated level of production may exceed that limit by up to [five] [ten] [fifteen] per cent of its level of calculated level of production in [1986] [1989].]

ARTICLE 2 G: HCFCs

The following paragraphs shall be added to the Protocol as Article 2G:

Alternative 1

[1. Commencing on 1 January [2020-2040], each Party shall ban the manufacture of any equipment or product made with, containing or utilizing a controlled substance in Annex C.

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2. Each Party producing one or more of the controlled substances in Annex C shall, for the twelve-month period commencing 1 January [2035-2060], and in each twelve-month period thereafter, ensure that its calculated level of production of these substances does not exceed zero.]

Alternative 2

[1. Each Party shall ensure that commencing on 1 January 1993, transitional substances as specified in Annex C are used only for such purpose which a Meeting of the Parties decides are essential to the achievement of the purpose of the Protocol.

2. Each Party shall ensure that best available technologies for the recovery, recycling and other emission control measures of the substances specified in Annex C are applied.

3. Each Party shall ensure that its production of the substances specified in Annex C ceases not later than 1 January [2020] [2010].]

ARTICLE 3: CALCULATION OF CONTROL LEVELS

Sub-paragraph (c) of Article 3 of the Protocol shall be replaced by the following sub-paragraph:

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with sub-paragraphs (a) and (b). [However, beginning on 1 January 1993 [1992], any export of controlled substances to non-parties shall not be subtracted in calculating the consumption level of the exporting Party.]

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES

Paragraphs 1 to 4 of Article 4 shall be replaced by the following paragraphs:

1. As of 1 January 1990, each Party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol.
- 1 bis. Within one year of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex B from any State not party to this Protocol.
2. Beginning on 1 January [1992] [1993], no Party may export any controlled substances in Annex A to any State not Party to this Protocol.
- 2 bis. Within one year of the entry into force of this paragraph, no Party may export any controlled substances in Annex B to any State not Party to this Protocol.
3. By 1 January 1992 the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. 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.
- 3 bis. Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. 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. By 1 January 1994 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 A. 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 it in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 bis. Within five years of the 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 B. 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 it in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

The following shall be inserted at the end of paragraph 3 of Article 4 of the Protocol:

[or any Party found to be in non-compliance in consequence of the procedure set out in Annex [].]

The following shall be inserted at the end of paragraph 4 of Article 4 of the Protocol:

[or any Party found to be in non-compliance in consequence of the procedure set out in Annex [].]

Paragraph 5 of Article 4 of the Protocol shall be replaced by the following paragraph:

Each Party shall [ban] [discourage] the export, to any State not party to this Protocol, of technology for producing and for utilizing controlled substances.

Paragraph 6 of Article 4 of the Protocol shall be replaced by the following paragraph:

Each Party shall [ban] [refrain from providing] new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances.

The following paragraph shall be added to Article 4 of the Protocol as paragraph 9:

9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to any particular controlled substances, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.

ARTICLE 5: SPECIAL SITUATION OF DEVELOPING COUNTRIES

Article 5 of the Protocol shall be replaced by the following paragraphs:

[1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it or any time thereafter until 1 January 1999 shall in order to meet its basic domestic needs be entitled to delay for ten years its compliance with the schedule of the control measures set out in Articles 2 [A and B]. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita or an annual calculated level of consumption of the controlled substances in Annex A of the controlled substances of Annex B

of [] kilograms per capita.. Any such Party shall be entitled to use either [the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive] or [double [] its calculated level of consumption in the year [1986-1990] [1986-1997]] 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.

2. The obligation of the Parties operating under paragraph 1 of Article 5 to comply with the schedule of the control measures set out in Article 2, paragraphs 1 to 4 will be subject to the transfer of technologies and financial assistance as provided by Article 10 bis.

3. A meeting of the Parties shall review in 1999 the situation of Parties operating under paragraph 1 of Article 5 and shall adopt such further provisions regarding the schedule for the reduction of consumption of control measures set out in Article 2, paragraph 1 to 4 as are feasible and necessary to meet the objectives of the Protocol, taking into account the progress of research and development of substitutes the technology for using such substitutes and availability of such substances, and technologies to developing countries.]

The following paragraph shall be added to Article 5 of the Protocol as paragraph 1 bis.

[1 bis. The Parties undertake to facilitate access of adequate information on products containing or requiring for operation, one or more of the controlled substances, before such are exported to Parties operating under Article 5. Any Party that exports any such products to a Party operating under Article 5 without providing information on any controlled substances contained in or required for operation of the product shall, if requested by the Party operating under Article 5, provide either (a) substitute substances for the product that are not controlled; or (b) a substitute product that does not contain or require the use of controlled substances without any extra cost.]

ARTICLE 7: REPORTING OF DATA

Article 7 of the Protocol shall be replaced by the following paragraphs:

1. Each Party shall provide to the secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.
2. Each Party shall provide to the secretariat statistical data on its production, imports and exports of each of the substances in Annex B, as well as of the transitional substances in Group I of Annex C, for the year [1986][1989], or the best possible estimates of such data where actual data are not available, not later than three months after the date when provisions set out in the Protocol with regard to these substances entered into force for that Party.
3. Each Party shall provide statistical data to the Secretariat on its annual production (with separate data on amounts destroyed by technologies approved by the parties), imports, and exports to Parties and non-Parties respectively, of each of the controlled substances listed in Annex A and B as well as of the transitional substances in Group I of Annex C, for the year during which provisions concerning these substances entered into force for that Party and for each year thereafter. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

The following paragraph shall be added to Article 7 of the Protocol:

- [3. For Parties operating under the provision of Article 2 paragraph 8 (a) the requirements in paragraph 2 of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on trade between the organization and States that are not members of that organization.]

The following sentence shall be inserted after the first sentence of paragraph 2 of Article 7 of the Protocol:

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[Further, each Party shall provide statistical data to the Secretariat on the end uses of the controlled substances in Annex B [and those in Annex C] that it produces.]

ARTICLE 8: NON-COMPLIANCE

The following paragraph shall be replaced by Article 8 of the Protocol:

[The procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance shall be as set out in Annex D to this Protocol.]

ARTICLE 9: RESEARCH, DEVELOPMENT, PUBLIC AWARENESS
AND EXCHANGE OF INFORMATION

Paragraph 1 (a) of Article 9 shall be replaced by the following:

(a) Best technologies for improving the containment, recovery, recycling, or destruction of controlled and transitional substances or otherwise reducing their emissions;

ARTICLE 10: TECHNICAL [AND FINANCIAL] ASSISTANCE

There shall be inserted after paragraph 1 of Article 10 of the Protocol the following paragraph:

[1 bis. The Parties shall establish [by date] a programme to provide Parties operating under paragraph 1 of Article 5 with technical and financial assistance to facilitate their compliance with the schedule of control measures set out in paragraphs 1 to 4 of Article 2 of this Protocol. Such a programme shall include:

(a) studies of individual Parties operating under paragraph 1 of Article 5 to identify specific projects and programmes that would facilitate their compliance with the schedule of control measures set out in paragraphs 1 to 4 of Article 2 of this Protocol;

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- (b) technical assistance with such projects and programmes;
- (c) financial assistance with such projects and programmes; and
- (d) identification and implementation of an appropriate mechanism or mechanisms for covering the incremental costs of their compliance with the schedule of control measures set out in paragraphs 1 to 4 of Article 2 of this Protocol.]

[ARTICLE 10 bis: TRANSFER OF TECHNOLOGY AND FINANCIAL ASSISTANCE

The following paragraphs shall be added to the Protocol as Article 10 bis:

1. Transfer of technology and financial assistance Parties other than those operating under paragraph 1 of Article 5 undertake to transfer to Parties operating under paragraph 1 of Article 5, on a preferential and non-commercial basis, the technologies for the recycling and conservation of controlled substances, manufacture of substitute substances, raw materials required for manufacturing such substances, equipment and products using such substances, and for the modification of user equipment.
2. An International Trust Fund shall be established within UNEP to meet fully the incremental costs to be incurred by the Parties operating under paragraph 1 of Article 5. This Fund shall operate in the following manner:
 - (a) The International Trust Fund shall be contributed to fully by Parties other than those operating under paragraph 1 of Article 5, annually, in proportion to each such Party's consumption of controlled substances in 1986;
 - (b) Each of the Parties operating under paragraph 1 of Article 5, may present the Fund an estimate of such incremental costs at least a year in advance of the incidence of such costs;

(c) The Fund shall be managed by a Committee established by the Parties, for a four year term, with equal representation of Parties operating under paragraph 1 of Article 5 and other Parties to the Protocol. The Committee shall scrutinize the estimates and decide on the amount to be paid to each of the Parties operating under paragraph 1 of Article 5.]

Consequential changes:

[Article 10: Paragraph 1 - delete in last line "... and implementation of"
Paragraph 2 - delete in last lines "... implementing or"

Article 11: Paragraph 4 (i) - replace "... for implementing this Protocol ..." with the phrase "... for the functioning of the secretariat..."

Article 13: Paragraph 1 - delete in first line "... for the operation of this Protocol, including those..."]

ARTICLE 11: MEETINGS OF THE PARTIES

Paragraph 4(g) of Article 11 of the Montreal Protocol shall be replaced by the following:

(g) Assess, in accordance with Article 6, the control measures and the measures regarding transitional substances provided for in Article 2.

ARTICLE 19: WITHDRAWAL

Article 19 of the Protocol shall be replaced by the following paragraph:

Any Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in Article 2 and Articles 2A to [2F]. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

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The following Annexes shall be added to the Protocol:

ANNEX B
CONTROLLED SUBSTANCES

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I</u>		
CF ₃ Cl	(CFC-13)	1.0
C ₂ FCl ₅	(CFC-111)	1.0
C ₂ F ₂ Cl ₄	(CFC-112)	1.0
C ₃ FCl ₇	(CFC-211)	1.0
C ₃ F ₂ Cl ₆	(CFC-212)	1.0
C ₃ F ₃ Cl ₅	(CFC-213)	1.0
C ₃ F ₄ Cl ₄	(CFC-214)	1.0
C ₃ F ₅ Cl ₃	(CFC-215)	1.0
C ₃ F ₅ Cl ₂	(CFC-216)	1.0
C ₃ F ₇ Cl	(CFC-217)	1.0

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Group II

Option 1

<u>Group</u>	<u>Substance</u>	<u>Ozone Depleting Potential</u>
<u>Group II</u>		
C F Br ₃	Halon 1103	
C F Cl Br ₂	Halon 1112	
C F Cl ₂ Br	Halon 1121	
C F ₂ Br ₂	Halon 1202	
C F ₂ Cl Br	Halon 1211	
C F ₃ Br	Halon 1301	
C ₂ F Br ₅	Halon 2105	
C ₂ F Cl Br ₄	Halon 2114	
C ₂ F Cl ₂ Br ₃	Halon 2123	
C ₂ F Cl ₃ Br ₂	Halon 2132	
C ₂ F Cl ₄ Br	Halon 2141	
C ₂ F ₂ Br ₄	Halon 2204	
C ₂ F ₂ Cl Br ₃	Halon 2213	
C ₂ F ₂ Cl ₂ Br ₂	Halon 2222	
C ₂ F ₂ Cl ₃ Br	Halon 2231	
C ₂ F ₃ Br ₃	Halon 2303	
C ₂ F ₃ Cl Br ₂	Halon 2312	
C ₂ F ₃ Cl ₂ Br	Halon 2321	
C ₂ F ₄ Br ₂	Halon 2402	
C ₂ F ₄ Cl Br	Halon 2411	
C ₂ F ₅ Br	Halon 2501	
C ₃ F Br ₇	Halon 3107	
C ₃ F Cl Br ₆	Halon 3116	
C ₃ F Cl ₂ Br ₅	Halon 3125	
C ₃ F Cl ₃ Br ₄	Halon 3134	
C ₃ F Cl ₄ Br ₃	Halon 3143	
C ₃ F Cl ₅ Br ₂	Halon 3152	
C ₃ F Cl ₆ Br	Halon 3161	
C ₃ F ₂ Br ₆	Halon 3206	

<u>Group</u>	<u>Substance</u>	<u>Ozone Depleting Potential</u>
<u>Group II (contd.)</u>		
C ₃ F ₂ Cl Br ₅	Halon	3215
C ₃ F ₂ Cl ₂ Br ₄	Halon	3224
C ₃ F ₂ Cl ₃ Br ₃	Halon	3233
C ₃ F ₂ Cl ₄ Br ₂	Halon	3242
C ₃ F ₂ Cl ₅ Br	Halon	3251
C ₃ F ₃ Br ₅	Halon	3305
C ₃ F ₃ Cl Br ₄	Halon	3314
C ₃ F ₃ Cl ₂ Br ₃	Halon	3323
C ₃ F ₃ Cl ₃ Br ₂	Halon	3332
C ₃ F ₃ Cl ₄ Br	Halon	3341
C ₃ F ₄ Br ₄	Halon	3403
C ₃ F ₄ Cl Br ₃	Halon	3413
C ₃ F ₄ Cl ₂ Br ₂	Halon	3422
C ₃ F ₄ Cl ₃ Br	Halon	3431
C ₃ F ₅ Br ₃	Halon	3503
C ₃ F ₅ Cl Br ₂	Halon	3512
C ₃ F ₅ Cl ₂ Br	Halon	3521
C ₃ F ₆ Br ₂	Halon	3602
C ₃ F ₆ Cl Br	Halon	3611
C ₃ F ₇ Br	Halon	3701

Only the controlled substances listed in Group II with an ozone depletion potential above [] shall be subject to controls contained in paragraph 2D.

Option 2

Any halon with an ozone depletion potential above []

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group III</u>		
CCl ₄	(carbon tetrachloride)	1.1
<u>Group IV</u>		
C ₂ H ₃ Cl ₃	[(1,1,1-trichloroethane)]	0.1
	[(methylchloroform)]	

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ANNEX C
TRANSITIONAL SUBSTANCES

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I</u>		
	CHFCl ₂	(HCFC-21)
	CHF ₂ Cl	(HCFC-22)
	CH ₂ FCl	(HCFC-31)
	C ₂ HFCl ₄	(HCFC-121)
	C ₂ HF ₂ Cl ₃	(HCFC-122)
	C ₂ HF ₃ Cl ₂	(HCFC-123)
	C ₂ HF ₄ Cl	(HCFC-124)
	C ₂ H ₂ FCl ₃	(HCFC-131)
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)
	C ₂ H ₂ F ₃ Cl	(HCFC-133)
	C ₂ H ₃ FCl ₂	(HCFC-141)
	C ₂ H ₃ F ₂ Cl	(HCFC-142)
	C ₂ H ₄ FCl	(HCFC-151)
	C ₃ HFCL ₆	(HCFC-221)
	C ₃ HF ₂ Cl ₅	(HCFC-222)
	C ₃ HF ₃ Cl ₄	(HCFC-223)
	C ₃ HF ₄ Cl ₃	(HCFC-224)
	C ₃ HF ₅ Cl ₂	(HCFC-225)
	C ₃ HF ₆ Cl	(HCFC-226)
	C ₃ H ₂ FCl ₅	(HCFC-231)
	C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)
	C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)
	C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)
	C ₃ H ₂ F ₅ Cl	(HCFC-235)
	C ₃ H ₃ FCl ₄	(HCFC-241)
	C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)
	C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)
	C ₃ H ₃ F ₄ Cl	(HCFC-244)

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<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I</u> (contd.)		
$C_3H_4FCl_3$	(HCFC-251)	
$C_3H_4F_2Cl_2$	(HCFC-252)	
$C_3H_4F_3Cl$	(HCFC-253)	
$C_3H_5FCl_2$	(HCFC-261)	
$C_3H_5F_2Cl$	(HCFC-262)	
C_3H_6FCl	(HCFC-271)	

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ARTICLE 2: SIGNATURE

This amendment shall be open for signature by States and by regional economic integration organizations which are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer in London from 29 June 1990 to 28 October 1990 and thereafter at United Nations Headquarters in New York.

ARTICLE 3: ENTRY INTO FORCE

1. This amendment shall enter into force on [1 January 1992], provided that at least [] instruments of ratification, acceptance or approval of the amendments have been deposited by States or regional economic integration organizations. In the event that this condition has not been fulfilled by that date, the amendments shall enter into force on the ninetieth day following the date on which it has been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this amendment any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

ARTICLE 4: AUTHENTIC TEXTS

The original of this amendment, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS AMENDMENT.

DONE AT LONDON THIS TWENTY-NINTH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND NINETY.