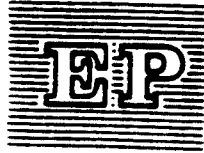




United Nations  
Environment  
Programme



Distr.  
GENERAL

UNEP/OzL.Pro.4/2  
15 April 1992

ORIGINAL: ENGLISH

FOURTH MEETING OF THE PARTIES TO THE  
MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER  
Copenhagen, 23-25 November 1992

REPORT OF THE LEGAL DRAFTING GROUP ON POSSIBLE ADJUSTMENT  
AND AMENDMENT OF THE MONTREAL PROTOCOL

(prepared during the sixth meeting of the Open-Ended Working Group)

1. The Legal Drafting Group has considered the corrections to its original draft suggested by the Open-Ended Working Group (OEWG) as well as the additional proposals for adjustment and amendment of the Protocol presented to the Chairman of the OEWG. It has produced revised texts for consideration by the OEWG, as follows:
  - A. three draft decisions covering draft Annexes I, II and III;
  - B. draft Annex I on Adjustments to be adopted by the Parties to the Protocol;
  - C. draft Annex II on Adjustments to be adopted by the Parties to the Protocol as amended by the second Meeting of the Parties; and
  - D. draft Annex III on the Amendment.
2. The Legal Drafting Group applied the following criteria in its use of square brackets with the overall understanding that no proposals have yet been agreed upon:
  - (a) no proposals have been put in square brackets;
  - (b) proposals for changes to existing paragraphs of the Protocol have been put in square brackets;
  - (c) proposals for insertion into proposals made by others have been put in square brackets; and
  - (d) matters, such as dates and percentages, where a delegation has indicated that its own proposal requires further reflection in its capital have been put in square brackets.
3. An asterisk alongside the title to a proposal denotes that it is being presented by the Legal Drafting Group as a consequential adjustment or amendment.
4. References in footnotes to dates refer to 1 January of the year in question.
5. The drafting of Annex III (the draft Amendment) assumes that the London Amendment to the Montreal Protocol will have entered into force by the date of adoption of the Copenhagen Amendment.

A. DECISIONS

DRAFT DECISIONS

At the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer it was decided:

Decision IV/1. Adjustments and reductions

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in Annex I to the report of the Fourth Meeting of the Parties;

Decision IV/2. Adjustments and reductions

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex B to the Protocol, as set out in Annex II to the report of the Fourth Meeting of the Parties;

Decision IV/3. Amendment of the Protocol

- To adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in Annex III to the report of the Fourth Meeting of the Parties;

B. ADJUSTMENTS (ANNEX A)Annex IADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER

The Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex A to the Protocol as follows:

Article 2A: CFCs<sup>1</sup>

Paragraphs 3 to 6 of Article 2A of the Protocol shall be replaced by the following paragraphs, which shall be numbered paragraphs 3 and 4 of Article 2A:

Alternative 1:

3. 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 I of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same period[s], 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. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

Alternative 2:

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 I of Annex A does not exceed, annually, fifteen per cent of its calculated level of consumption in 1986. 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. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its

---

The following specific proposals regarding CFCs have been made:

- (a) 85 per cent reduction by 1994; 100 per cent reduction by 1996 with a provision for possible temporary essential uses [EC]
- (b) 100 per cent reduction by 1995 [Sweden, Austria, Switzerland]
- (c) 100 per cent reduction by 1995 with no provision for essential uses [Norway]
- (d) 100 per cent reduction by 1996 [U.S.A., Canada]

...

calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1996], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A 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 paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. [This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.]

Article 2B: Halons<sup>2</sup>

Paragraphs 2 to 4 of Article 2B of the Protocol shall be replaced by the following paragraphs [, which shall be numbered paragraphs 2 and 3 of Article 2B]:

2. 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 II of Annex A does not exceed, annually, [fifteen] per cent of its calculated level of consumption in 1986. 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. [However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.] [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.]

[3]. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995][1996], and in each twelve-month period thereafter, its calculated level of consumption of the controlled

---

The following specific proposals regarding halons have been made:

- (a) 85 per cent reduction by 1994; 100 per cent reduction by 1996 with provision for possible temporary essential uses [EC]
- (b) 100 per cent reduction by 1996 [USA]
- (c) 100 per cent reduction by 1995 [Sweden, Norway, Austria, Switzerland], [Canada]
- (d) 100 per cent reduction of production by 1994 and a special provision for import/export of recycled halons [Norway]
- (e) deletion of provision on basic domestic needs [Switzerland]

/...

substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, [for the same periods,] ensure that [for the twelve-month period commencing on 1 January 1994 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 paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986.] [This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.]

[4]. For the purposes of this Article, import and export of the controlled substances in Group II of Annex A that have been recycled shall not be considered as consumption of those substances.

Article 2, paragraph 12<sup>3</sup>

The following paragraph shall be inserted after paragraph 11 of Article 2 of the Protocol:

12. By 1 January [1994] [1995] the Parties shall adopt a decision identifying [possible] [temporary] essential uses, if any, for all or any of the substances in Annex A [including the servicing of existing equipment] [and determining the maximum amount of production and consumption for all or any of the substances in Annex A necessary to satisfy identified essential uses]. Such decision shall be reviewed by the Parties at their subsequent meetings.

---

<sup>3</sup> The following specific proposals to include a provision for a decision by a specific date by the Parties on essential uses have been made:

- (a) Decision by 1994 [Sweden, Norway, Austria, Switzerland]
- (b) Decision by 1994 on possible temporary essential uses [EC]
- (c) Decision by 1994, to include servicing of certain existing equipment [US]
- (d) Decision determining the maximum amount of production and consumption necessary [Canada].

/...

C. ADJUSTMENTS (ANNEX B)

Annex II

ADJUSTMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER

The Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of the assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annex B to the Protocol as follows:

Article 2C: Other Fully Halogenated CFCs<sup>4</sup>

Article 2C of the Protocol shall be replaced by the following Article:

Article 2C: Other Fully Halogenated CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, [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, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same period[s], ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
2. 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 I of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 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 1989. However, in order to satisfy the basic domestic

---

<sup>4</sup> The following specific proposals regarding other fully halogenated CFCs have been made:

- (a) 85 per cent reduction by 1994; 100 per cent by 1996 with a provision for possible temporary essential uses [EC]
- (b) 100 per cent reduction by 1996 [USA, Canada]
- (c) 100 per cent reduction by 1995 [Sweden, Norway, Austria, Switzerland]
- (d) no provision for essential uses [Norway]

...

needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1996], 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 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 paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. [This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.]

Article 2D: Carbon Tetrachloride<sup>5</sup>

Article 2D of the Protocol shall be replaced by the following Article:

Article 2D: Carbon Tetrachloride

1. 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 substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the period period(s), ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1996] 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 period(s), ensure that its calculated level of production of the substance does not exceed zero.

---

The following specific proposals regarding carbon tetrachloride have been made:

- (a) 85 per cent reduction by 1994; 100 per cent reduction by 1996 with a provision for possible temporary essential uses [EC]
- (b) 100 per cent reduction by 1995 [Sweden, Norway, Austria, Switzerland]
- (c) no provision for essential uses [Norway]
- (d) 100 per cent reduction by 1996 [USA, Canada]

...

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. [This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.]

Article 2E: 1, 1, 1- Trichloroethane (Methyl Chloroform)?

Article 2E of the Protocol shall be replaced by the following Article:

Article 2E: 1, 1, 1- Trichloroethane (Methyl Chloroform)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, [and in each twelve-month period thereafter,] its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period[s] ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

Alternative 1

2. 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 substance in Group III of Annex B does not exceed, annually, [fifty] per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period[s], ensure that its calculated level of production of the substance does not exceed, annually, [fifty] per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level

---

The following specific proposals regarding methyl chloroform have been made:

- (a) 50 per cent reduction by 1994; 100 per cent by 1996 with a provision for possible temporary essential uses [EC]
- (b) 95 per cent reduction by 1995; 100 per cent by 2000 [Canada]
- (c) 100 per cent reduction by 1996 [USA]
- (d) 100 per cent reduction by 1995 [Sweden, Norway, Austria, Switzerland]
- (e) no provision for essential uses [Norway]

/...



of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

Alternative 2

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [1994] [1995], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, [fifteen] per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, [fifteen] per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [1995] [1996] [2000], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III 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 substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. [This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.]

Article 2, paragraph 12\*

The following words shall be inserted after "Annex A" wherever it appears in paragraph 12 of Article 2 of the Protocol as adopted by Decision IV/1:

and Annex B

D. AMENDMENT

Annex III

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER

ARTICLE 1: AMENDMENT

Article 1, paragraph 4\*

In paragraph 4 of Article 1 of the Protocol, for the words:

or in Annex B

there shall be substituted:

, Annex B or Annex C

Article 1, paragraph 4 (EC)

In paragraph 4 of Article 1 of the Protocol after the words "alone or in a mixture" there shall be inserted:

containing more than [ ] per cent in total of the controlled substances and after the words "any controlled substance or mixture" there shall be inserted:

in a proportion of less than [ ] per cent in total

Article 1, paragraph 9\*

Paragraph 9 of Article 1 of the Protocol shall be deleted.

Article 1, paragraph 10 (Japan)

The following paragraph shall be inserted after paragraph 9 of Article 1 of the Protocol:

10. Essential uses means those applications where technologically or economically viable alternatives or substitution technology is not available in time or where full evaluation and/or required governmental approval would not have been completed in time. These are:

- [(a) ];
- [(b) ];
- [(c)] applications which meet agreed criteria and are identified in a decision of the Meeting of the Parties.

/...

Article 2, paragraph 5 (Norway) (US)

In paragraph 5 of Article 2, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2[F][H].

Article 2, paragraph 5 bis (Norway)

The following paragraph shall be inserted after paragraph 5 of Article 2 of the Protocol:

5 bis. Any Party may, for any one or more control periods, transfer to another Party any portion of its calculated level of consumption set out in Article 2F, provided that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in that Article. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

Article 2, paragraph 6\*<sup>7</sup>

In paragraph 6 of Article 2 of the Protocol, for the words:

or Annex B

there shall be substituted:

, Annex B or Annex C

Article 2, paragraphs 8 (a) and 11\*

In paragraphs 8 (a) and 11 of Article 2 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted each time they occur:

Articles 2A to 2[H]

---

The OEWG may wish to consider whether given the dates currently in this paragraph, there exist any plants for the production of Annex C substances to which the paragraph is capable of applying. If there are, and the OEWG wishes to extend Article 2, paragraph 6, to cover them, the amendment above may suffice.

...

Article 2, paragraph 9(a)(i)\*

In paragraph 9(a)(i) of Article 2 of the Protocol after the words "and/or Annex B" there shall be added:

and/or Annex C

Article 2, paragraph 12 (US)

The following words shall be inserted after "Annex B" wherever it appears in paragraph 12 of Article 2 of the Protocol as adopted by decision IV/2:

and Annex C

Article 2, paragraph 13 (Brazil)

The following paragraph shall be inserted after paragraph 12 of Article 2:

3. On the basis of estimates provided by the appropriate bodies of this Protocol, efforts should be made by all Parties to support the provision of basic needs of Parties operating under paragraph 1 of Article 5 during their grace and phase out periods.

Articles 2A and 2B (Japan)

The following sentences shall be inserted at the end of the final paragraph of Article 2A and the penultimate paragraph of Article 2B:

This paragraph will apply save to the extent that it is necessary to satisfy those essential uses that are defined pursuant to paragraph 10 of Article 1. However, its calculated level of production and consumption necessary to satisfy those essential uses shall not exceed [ ] per cent of its calculated level of production and consumption in 1986.

Articles 2C to 2E (Japan)

The following sections shall be inserted at the end of each final paragraph of Articles 2C to 2E:

This paragraph will apply save to the extent that it is necessary to satisfy those essential uses that are defined pursuant to paragraph 10 of Article 1. However, its calculated level of production and consumption necessary to satisfy those essential uses shall not exceed [ ] per cent of its calculated level of production and consumption in 1989.

Article 2F - Hydrochlorofluorocarbons [and Hydrobromofluorocarbons]

The following Article shall be inserted after Article 2E of the Protocol:

/...

Article 2F - Hydrochlorofluorocarbons (and Hydrobromofluorocarbons)

Option 1 (Sweden, Norway, Austria and Switzerland)

1. 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 I of Annex C does not exceed [2-4] per cent of its calculated level of consumption in 1986 of the controlled substances in Group I of Annex A. Such consumption shall be limited to uses specified in Annex F by a decision of a Meeting of the Parties. 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 [2-4] per cent of its calculated level of production in 1986 of the controlled substances in Group I of Annex A.
2. Each Party shall ensure that with effect from 1 January 2000 no new equipment in which substances in Group I of Annex C are contained or are required shall be installed or permitted.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January [2005-2010], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C 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.
4. This Article will apply save to the extent that the Meeting of the Parties decides to permit the level of consumption that is necessary to satisfy identified essential uses.
5. For the purposes of this Article, import and export of the controlled substances in Group I of Annex C that have been recycled shall not be considered as consumption of those substances.

Article 2G - Hydrobromofluorocarbons

The following Article shall be inserted after Article 2F of the Protocol:

Article 2G - Hydrobromofluorocarbons

1. 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 substance in Group II of Annex C does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero.
2. This Article will apply save to the extent that the Meeting of the Parties decides to permit the level of consumption that is necessary to satisfy identified essential uses.

Option 2 (EC)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January [ ], and in each twelve-month period

/...

thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed [ ] per cent of its calculated level of consumption in [ ] of the controlled substances in Group I of Annex A plus its calculated level of consumption in [ ] of the controlled substances in Group I of Annex C. Such consumption shall [be limited to] [not be permitted for] uses specified by a decision of the Meeting of the Parties.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January [ ], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero.

Option 3 (US)

1. Production and consumption of the controlled substances in Group I of Annex C shall [be limited to] [not be permitted for] uses specified by a decision of a Meeting of the Parties.

2. Each Party shall ensure that with effect from 1 January [ ] no new equipment or product in which substances with an ozone depleting potential of [ ] or more in Group I of Annex C are contained or are required shall be [installed] [permitted]. Each Party shall ensure that with effect from 1 January [2020] no new equipment or product in which substances with an ozone depleting potential of less than [ ] in Group I of Annex C are contained or are required shall be [installed] [permitted].

3. Each Party shall ensure that for the twelve-month period commencing on 1 January [ ], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances with an ozone depleting potential of [ ] or more in Group I of Annex C 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. Each Party shall ensure that for the twelve-month period commencing on 1 January [2030], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances with an ozone depleting potential of less than [ ] in Group I of Annex C 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 paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to [ ] per cent of its calculated level of production in [ ]. This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.

Option 4 (Canada)

1. Each Party shall ensure that with effect from 1 January [2010] [ ] the controlled substances in Group I of Annex C shall only be used in applications from which recovery is possible.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January [2020] [ ], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero. Each Party producing one or more of those substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero.

Annex C (EC) (Norway)

The following Annex shall replace Annex C of the Protocol:

ANNEX C

Controlled substances

<u>Group</u>	<u>Substance</u>	<u>Ozone Depleting Potential</u>
<u>Group I</u>		
CHFCl <sub>2</sub>	(HCFC-21)	
CHF <sub>2</sub> Cl	(HCFC-22)	
CH <sub>2</sub> FC1	(HCFC-31)	
C <sub>2</sub> HFC1 <sub>4</sub>	(HCFC-121)	
C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	(HCFC-122)	
C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	(HCFC-123)	
C <sub>2</sub> HF <sub>4</sub> Cl	(HCFC-124)	
C <sub>2</sub> H <sub>2</sub> FC1 <sub>3</sub>	(HCFC-131)	
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-132)	(Figures to be provided)
C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	(HCFC-133)	
C <sub>2</sub> H <sub>3</sub> FC1 <sub>2</sub>	(HCFC-141)	
C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	(HCFC-142)	
C <sub>2</sub> H <sub>4</sub> FC1	(HCFC-151)	
C <sub>3</sub> HFC1 <sub>6</sub>	(HCFC-221)	
C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	(HCFC-222)	
C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	(HCFC-223)	
C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	(HCFC-224)	
C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	(HCFC-225)	
C <sub>3</sub> HF <sub>6</sub> Cl	(HCFC-226)	
C <sub>3</sub> H <sub>2</sub> FC1 <sub>5</sub>	(HCFC-231)	
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(HCFC-232)	
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	(HCFC-233)	
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	(HCFC-234)	
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl	(HCFC-235)	
C <sub>3</sub> H <sub>3</sub> FC1 <sub>4</sub>	(HCFC-241)	
C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub>	(HCFC-242)	
C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub>	(HCFC-243)	
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl	(HCFC-244)	
C <sub>3</sub> H <sub>4</sub> FC1 <sub>3</sub>	(HCFC-251)	
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-252)	
C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl	(HCFC-253)	
C <sub>3</sub> H <sub>5</sub> FC1 <sub>2</sub>	(HCFC-261)	
C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl	(HCFC-262)	
C <sub>3</sub> H <sub>6</sub> FC1	(HCFC-271)	



<u>Group</u>	<u>Substance</u>	<u>Ozone Depleting Potential</u>
(Group II) <sup>8</sup>		
CHBr <sub>3</sub> CH <sub>2</sub> Br <sub>2</sub> CH <sub>3</sub> Br	(HBFC-22B1)	
C <sub>2</sub> H <sub>2</sub> Br <sub>4</sub> C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>3</sub> C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>2</sub> C <sub>2</sub> H <sub>2</sub> F <sub>4</sub> Br C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>3</sub> C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub> C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br C <sub>2</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br C <sub>2</sub> H <sub>4</sub> FBr		
C <sub>3</sub> H <sub>6</sub> Br <sub>6</sub> C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Br <sub>5</sub> C <sub>3</sub> H <sub>5</sub> F <sub>3</sub> Br <sub>4</sub> C <sub>3</sub> H <sub>5</sub> F <sub>4</sub> Br <sub>3</sub> C <sub>3</sub> H <sub>5</sub> F <sub>5</sub> Br <sub>2</sub> C <sub>3</sub> H <sub>5</sub> F <sub>6</sub> Br	(Chemical codes to be provided)	(Figures to be provided)
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>5</sub> C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>4</sub> C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Br <sub>3</sub> C <sub>3</sub> H <sub>4</sub> F <sub>4</sub> Br <sub>2</sub> C <sub>3</sub> H <sub>4</sub> F <sub>5</sub> Br		
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Br <sub>4</sub> C <sub>3</sub> H <sub>3</sub> F <sub>5</sub> Br <sub>3</sub> C <sub>3</sub> H <sub>3</sub> F <sub>6</sub> Br <sub>2</sub> C <sub>3</sub> H <sub>3</sub> F <sub>7</sub> Br		
C <sub>3</sub> H <sub>2</sub> F <sub>8</sub> Br <sub>3</sub> C <sub>3</sub> H <sub>2</sub> F <sub>9</sub> Br <sub>2</sub> C <sub>3</sub> H <sub>2</sub> F <sub>10</sub> Br		
C <sub>3</sub> H <sub>1</sub> F <sub>12</sub> Br <sub>2</sub> C <sub>3</sub> H <sub>1</sub> F <sub>13</sub> Br		
C <sub>3</sub> H <sub>6</sub> FBr		

<sup>8</sup> [consequential upon EC proposal]

Article 2[H] - Methyl Bromide

The following Article shall be inserted after Article 2G of the Protocol:

Article 2[H] - Methyl Bromide

Alternative 1 (US)

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 substance in Group IV 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 substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of the production may exceed that limit by up to fifteen per cent of its calculated level of production in [ ]. This paragraph will apply save to the extent that the Parties decide, pursuant to paragraph 12 of Article 2, to permit the level of production or consumption that is necessary to satisfy identified essential uses.

Alternative 2 (Chile)

1. Each Party shall provide to the Secretariat statistical data on its production of the substance in Group IV of Annex B for the year 1993, or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substance in Group IV of Annex B enter into force for that Party.

2. Each Party shall provide statistical data to the Secretariat on its annual production (as defined in paragraph 5 of Article 1) of the substance in Group IV of Annex B for the year during which provisions concerning the substance in Group IV of Annex B entered into force for that Party and for each year thereafter. Data shall be forwarded not later than three months after the end of the year to which the data relate.

Annex B (US)

The following substance shall be added, as a new Group IV, to Annex B to the Protocol:

Group IV

CH <sub>2</sub> Br	methyl bromide	[0.5]
--------------------	----------------	-------

Article 3\*

In Article 3 of the Protocol, for the words:

2A to 2E

there shall be substituted:

2A to 2[H]

and for the words:

or Annex B

there shall be substituted each time they occur:

, Annex B or Annex C

Article 4, paragraph 1 ter\*\*

The following paragraph shall be inserted after paragraph 1 bis of Article 4 of the Protocol:

Within [ ] year of the date of entry into force of this paragraph, each Party shall ban the import of the [controlled] substances in Annex C from any State not party to this Protocol.

Article 4, paragraph 2 ter\*\*

The following paragraph shall be inserted after paragraph 2 bis of Article 4 of the Protocol:

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

---

\* The Legal Drafting Group noted that Article 4 of the Protocol contains provision regarding trade with non-Parties in Annex A and Annex B substances. Should the OEWG wish to make similar provision for trade with non-Parties in respect of Annex C substances, the draft texts on Article 4, paragraphs 1 ter to 4 ter would provide a model. The Legal Drafting Group recognised, however, that the OEWG may decide to make different provision for this category of substances.

Article 4, paragraph 3 ter\*

The following paragraph shall be inserted after paragraph 3 bis of Article 4 of the Protocol:

Within [ ] years of the date of 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 C. Parties that have not objected to the annex in accordance with those procedures shall ban, within [ ] year of the annex having become effective, the import of those products from any State not party to this Protocol.

Article 4, paragraph 4 ter\*

The following paragraph shall be inserted after paragraph 4 bis of Article 4 of the Protocol:

Within [ ] years of the date of entry into force of this paragraph, the Parties shall determine 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 C. 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 or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

Article 4, paragraph 8\*

In paragraph 8 of Article 4 of the Protocol, for the words:

referred to in paragraphs 1, 1 bis, 3, 3 bis, 4 and 4 bis and exports referred to in paragraphs 2 and 2 bis

there shall be substituted:

and exports referred to in this Article

and for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2 [H]

Article 5, paragraph 1 (Ghana) (Kenya)

In paragraph 1 of Article 5 of the Protocol, after the word "consumption"

there shall be inserted:

or production, as the case may be,

and at the end of the paragraph, there shall be added:

, provided that any further measures or amendments on the basis of the Amendments adopted at the Second Meeting of the Parties in London, 29 June 1990, shall not apply to the countries operating under paragraph 1 of Article 5 until after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review

Article 5, paragraphs 1 and 3 to 6\*

In paragraph 1 and 3 to 6 of Article 5 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted wherever they occur:

Articles 2A to 2 [H]

Article 5, paragraph 8 (China)

In paragraph 8 of Article 5, for the words:

A meeting of the Parties shall review not later than 1995

there shall be substituted:

The Meeting of the Parties shall, at its sixth or seventh meeting but not later than 1995, review

and for the words:

and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties

there shall be substituted:

and adopt such revisions, based on the schedule of control measures adopted at the second Meeting of the Parties, as may be deemed necessary regarding that schedule in its application to the Parties operating under paragraph 1 of this Article.

Article 5 bis - Special Situation of Countries with Economies in Transition (South Africa)

The following Article shall be added to the Protocol as Article 5 bis:

Article 5 bis - Special Situation of Countries with Economies in Transition

The Meeting of the Parties, having considered a written request from

/...

the Party concerned, may:

- (a) decide that the Party is a country with economy in transition; and
- (b) exempt, as it deems necessary, the Party from any of the provisions of the Protocol that relate to reduction and phase out of the production and consumption of controlled substances.

Article 10, paragraph 6 (South Africa)

The following words shall be added after "paragraph 1 of Article 5" in paragraph 6 of Article 10 of the Protocol:

or under Article 5 bis

Article 6\*

The following words shall be deleted from Article 6 of the Protocol:

Articles 2A to 2E, and the situation regarding production, imports and exports of the transitional substances in Group I of Annex C

and replaced by

Articles 2A to 2[H]

Article 7, paragraph 2\*

The following sets of words shall be deleted from paragraph 2 of Article 7 of the Protocol:

- Annex B and each of the transitional substances in Group I of Annex C;
- Annex B

and replaced in each case by

Annexes B and C

Article 7, paragraph 3\*

The following words shall be deleted from paragraph 3 of Article 7 of the Protocol:

Annexes A and B as well as of the transitional substances in Group I of Annex C

and replaced by

Annexes A to C

Article 7, paragraph 5 (Norway, Sweden)

The following paragraph shall be inserted after paragraph 4 of Article 7:

Each Party shall provide separate statistical data to the Secretariat of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

Article 9, paragraph 1 (a)\*

The following words shall be deleted from paragraph 1 (a) of Article 9 of the Protocol:

and transitional

Article 9 bis - Recovery of Controlled Substances (Canada)

The following Article shall be inserted after Article 9 of the Protocol:

Article 9 bis - Recovery of Controlled Substances

Within one year of the entry into force of this Article, each Party shall implement a programme or programmes to ensure that controlled substances in Annex A and Annex C which are contained in equipment or goods specified in [Annex E] [a decision of the Parties] are made subject to recovery during the servicing and maintenance of equipment as well as prior to the dismantling or disposal of equipment. Where possible, such recovery shall entail recycling or reclamation for subsequent re-use, or destruction using destruction technologies approved by a decision of a Meeting of the Parties.

Annex E (Canada)

The following Annex shall be inserted after Annex D to the Protocol:

Annex E

A LIST OF EQUIPMENT OR GOODS CONTAINING CONTROLLED SUBSTANCES  
IN ANNEX A AND ANNEX C THAT ARE SUBJECT TO RECOVERY

1. Stationary domestic, commercial and industrial refrigerants.
2. Mobile refrigeration (trucks, trains, aeroplanes, ships).
3. Mobile air conditioning (automobiles, trucks, aeroplanes, ships, farm vehicles, trains).
4. Stationary domestic, commercial and industrial air conditioning, including heat pumps.
5. Fire extinguishing equipment.

...

Article 1, paragraphs 10 to 12 (Canada)

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

10. "Recovery" means the collection and storage of controlled substances from machinery, equipment, containment vessels or similar items during servicing or prior to disposal.

11. "Recycling" means the re-use of a recovered controlled substance following a basic cleaning process such as filtering and drying.

12. "Reclamation" means the re-processing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance.

Article 10, paragraph 1\*

In paragraph 1 of Article 10 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2 [H]

Article 11, paragraph 4 (g)\*

The following words shall be deleted from paragraph 4 (g) of Article 11 of the Protocol:

and the situation regarding transitional substances

Article 17\*

In Article 17 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2 [H]



ARTICLE 2: RELATIONSHIP TO THE 1990 AMENDMENT (USA)

No state or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990.

ARTICLE 3: ENTRY INTO FORCE (USA)

1. This Amendment shall enter into force on 1 January [1994], provided that at least [twenty] instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment 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, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

-----