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NINTH MEETING OF THE PARTIES TO  
THE MONTREAL PROTOCOL ON  
SUBSTANCES THAT DEplete  
THE OZONE LAYER  
Montreal, 15-17 September 1997

CONSOLIDATED TEXT OF PROPOSED ADJUSTMENTS AND AMENDMENTS  
TO THE MONTREAL PROTOCOL

Note by the Secretariat

As agreed by the Working Group at its fifteenth meeting  
(UNEP/OzL.Pro/WG.1/15/5, para. 223), the Secretariat is circulating herewith  
a consolidated paper containing the proposals for adjustments and amendments  
to the Montreal Protocol submitted by Parties as the proposals emerged from  
the discussions in the Working Group.

Annex

I. CONTROLLED SUBSTANCES IN ANNEXES A AND B

A. Article 5, paragraph 3

[The following subparagraphs shall be added to paragraph 3 of Article 5 of the Protocol:

(c) For controlled substances under Annex A, either the [average of its annual calculated level of production for the period 1995 to 1997 inclusive] [calculated level of production in 1996] or a calculated level of production of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures;

(d) For controlled substances under Annex B, either the [average of its annual calculated level of production for the period 1998 to 2000 inclusive] [calculated level of production in 1998] or a calculated level of production of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.1, annex (India, as amended by the United States of America))

II. CONTROLLED SUBSTANCE IN ANNEX B, GROUP II

B. Article 2D: Carbon tetrachloride

[The following subparagraphs shall be inserted after paragraph 8 bis (b) of Article 5 of the Protocol:

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

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

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(e) A Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on [1 January 2005], 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 fifteen per cent of its calculated level of consumption in 1999. Each Party shall ensure that for the same periods, its calculated level of production of the substance does not exceed fifteen per cent of its calculated level of production in 1999;

(f) A Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on [1 January 2010], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.4, annex, paras. 6 and 7 (Australia))

### III. CONTROLLED SUBSTANCES IN ANNEX C, GROUP I

#### A. Article 2F: Hydrochlorofluorocarbons

[In paragraph 1 (a) of Article 2F, for the words:

Two point eight

there shall be substituted:

Two]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.3, annex, para. 2 (a) (European Community))

[The following paragraphs shall be included in Article 2F:

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 production of the controlled substances in Group I of Annex C does not exceed its calculated level of production of those substances in 1996. 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 [10] per cent of its calculated level of production in 1996.

Each Party shall ensure that for the twelve-month period commencing on 1 January [2015], and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed [35] per cent of its calculated level of

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production of those substances in 1996. 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 [10] per cent of its calculated level of production in 1996.

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 production of the controlled substances in Group I of Annex C does not exceed zero. 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 [10] per cent of its calculated level of production in 1996. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.6, annex, para. 1 (Switzerland))

[Paragraphs 3-6 of Article 2F shall be replaced by the following:

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 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, annually, forty per cent of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 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, annually, twenty per cent of the sum referred to in paragraph 1 of this Article.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2013 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, annually, five per cent of the sum referred to in paragraph 1 of this Article.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, 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.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.3, annex, para.2 (b) (European Community))

D. Article 5, paragraph 8 ter

[1. In paragraph 8 ter (a), after the word:

consumption

/...

there shall be added:

and production

2. In paragraph 8 ter (b), after the word:

consumption

there shall be added:

and production

3. The following sentence shall be added to the end of paragraph 8 ter (b):

This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.6, annex, para.2 (Switzerland))

#### IV. CONTROLLED SUBSTANCE IN ANNEX E

##### E. Article 2H: Methyl bromide

Article 2H of the Protocol shall read as follows:

[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 substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. 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 1991.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1998, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. 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 1991.

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3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E 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 1991. This paragraph shall apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.

4. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.5, annex (Canada))

F. Article 2H, paragraph 2

[Paragraph 2 of Article 2H of the Protocol shall be replaced by the following:

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical agricultural uses.

Paragraphs 3 and 4 of Article 2H shall be deleted and the current paragraph 5 shall be renumbered paragraph 3.]

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9, annex C (United States of America))

G. Article 4, paragraph 1 qua

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

1 qua. Within [one year] after the date of entry into force of this paragraph, each Party shall ban the import of any controlled substance in Annex E from any State not party to this Protocol.

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9 (Subgroup on methyl bromide))

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H. Article 4, paragraph 2 qua

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

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

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9 (Subgroup on methyl bromide))

I. Article 4, paragraph 3 qua

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

3 qua. [Within three years of the date of 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 containing controlled substances in Annex E. 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, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.]

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9 (Subgroup on methyl bromide))

J. Article 4, paragraph 4 qua

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

4 qua. [Within five years of the date of 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 E. 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, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.]

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9 (Subgroup on methyl bromide))

K. Article 4, paragraph 8

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

4 ter

there shall be substituted:

4 qua

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9 (Subgroup on methyl bromide))

L. Article 5, paragraph 8 ter (d)

[Paragraph 8 ter (d) of Article 5 of the Protocol shall be replaced by the following:

(d) Each Party operating under paragraph 1 of this Article shall comply with paragraph 2 of Article 2H.]

(Source: UNEP/OzL.Pro/WG.1/15/CRP.9 (United States of America)) \*

[Paragraph 8 ter (d) of Article 5 of the Protocol shall be replaced by the following:

(d) With regard to the controlled substances contained in Annex E:

(i) Each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 2 of Article 2H commencing on 1 January 2002 and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1997 inclusive;

(ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January [2005], and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1997 inclusive;

(iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January [ ], and in each twelve-month

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\* Note by the Secretariat. This proposal was submitted in conjunction with the United States proposal relating to Article 2H (see section F above).



period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E does not exceed, annually, [ ] per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1997 inclusive;

(iv) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January [2011], and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E does not exceed zero. This paragraph shall apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses;

(v) The calculated levels of consumption and production under this subparagraph shall not include the amounts used by the Party for quarantine and pre-shipment applications.]

(Source: UNEP/OzL.Pro/WG.1/15/2/Add.5, pages 3 and 4 (Canada))

## V. LICENSING SYSTEM

### M. Article [ ]: Licensing system

The following paragraphs shall be added to the Protocol as Article [ ]:

1. Each Party shall, by 1 January 2000 or within three months of becoming a Party to this Amendment, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A and B [and C and E]. [The second Meeting of the Parties after entry into force of this amendment shall review the operation of the licensing system for Annex A and B substances and shall decide whether to extend the requirement for a licensing system to Annex C and E substances.] Notwithstanding the provisions contained in this paragraph, Parties may take more stringent measures than those required by this paragraph.

2. Each Party shall report to the Secretariat within six months of becoming a Party to this amendment on the establishment and operation of its licensing system.

3. The Secretariat shall periodically prepare, update and circulate to all Parties a list of countries that have reported on their licensing systems.

4. [Parties shall ban the export of controlled substances to, and import of controlled substances from, any Party that has not implemented a licensing system within three months of becoming a Party to this amendment.]

5. [Each Party, when issuing a license for export should notify the

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country of destination.]

(Source: UNEP/OzL.Pro/WG.1/15/CRP.3 (Subgroup on the licensing system, as amended by Switzerland))

#### VI. OTHER PROPOSALS

N. Article [ ]: Export of used, reclaimed and recycled ozone-depleting substances

The following paragraph shall be added to the Protocol as Article [ ]:

Commencing one year after the coming into force of this paragraph, but not before 1999, each Party that is continuing to produce new quantities of a controlled substance for domestic consumption (other than for approved essential use exemptions) after the phase-out date applicable to that Party for that substance, shall ban the export of used, recycled or reclaimed quantities of that same controlled substance. Such bans shall not apply to exports for the purpose of destruction.

(Source: UNEP/OzL.Pro/WG.1/15/CRP.7 (Australia))

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