**[Text inserted since version 1, 11 October 2016 highlighted in yellow.]**

**Decision XXVIII/--- Further Amendment of the Montreal 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 ------ to the report of the Twenty-Eighth Meeting of the Parties;

Annex: Amendment of the Montreal Protocol

Article I: Amendment

*Article 1, paragraph 4*

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

“Annex C or Annex E”

there shall be substituted:

[“Annex C, Annex E or Annex F”][“Annex C, Annex E, Annex F or Annex G”]

*Article 2, paragraph 5*

In paragraph 5 of Article 2 of the Protocol, for the words:

“and Article 2H”

there shall be substituted:

[“Articles 2H and 2J”][“Articles 2H, 2J and 2K”]

*Article 2, paragraphs 8(a), 9(a) and 11*

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

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to [2J][2K]”.

In subparagraph 9(a)(i) of Article 2 of the Protocol, after the second use of the words:

“should be;”

there shall be deleted:

“and”.

Subparagraph (a)(ii) of paragraph 9 of Article 2 of the Protocol shall be renumbered as subparagraph (a)(iii).

The following shall be added after subparagraph (a)(i) of paragraph 9 of Article 2 of the Protocol:

“Adjustments to the global warming potentials specified in Annexes C [and F] [, F and G] should be made and, if so, what the adjustments should be; and”

[*Article 2J*

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

“Article 2J: Hydrofluorocarbons

…

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 the Parties to be exempted uses.

…

Paragraphs [RELEVANT HFC CONSUMPTION OBLIGATIONS] of this Article will apply to calculated levels of production and consumption save to the extent that a high ambient temperature exemption applies based on criteria decided by the Parties.

…”]

*Article 4, paragraph 1 sept*

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

“1 sept. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex F [and Annex G] from any State not party to this Protocol.”

*Article 4, paragraph 2 sept*

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

“2 sept. Within one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substances in Annex F [and Annex G] to any State not party to this Protocol.”

*Article 4, paragraphs 5, 6 and 7*

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

“Annexes A, B, C and E”.

there shall be substituted:

[“Annexes A, B, C, E and F”][“Annexes A, B, C, E, F and G”].

*Article 4, paragraphs 8*

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

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to [2J][2K]”.

*Article 4B*

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

“2 bis. Each Party shall, by 1 January [DATE] or within three months of the date of entry into force of this paragraph for it, whichever is later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annex F [and Annex G]. Any Party operating under paragraph 1 of Article 5 that decides it is not in a position to establish and implement such a system by 1 January [DATE] may delay taking those actions until 1 January [DATE].”

*Article 5*

In paragraph 4 of Article 5 of the Protocol, for the word:

“2I”

there shall be substituted:

[“2J”][“2K”]

In paragraphs 5 and 6 of Article 5 of the Protocol, for the words:

“Article 2I”

there shall be substituted:

[“Articles 2I and 2J”][“Articles 2I, 2J, and 2K”]

In paragraph 5 of Article 5 of the Protocol, before the words

“any control measures”

there shall be inserted:

“with”

*Article 6*

In Article 6 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to [2J][2K]”.

*Article 7, paragraphs 2 and 3*

The following line shall be inserted after the line that reads “– in Annex E, for the year 1991” [,;] in paragraph 2 of Article 7 of the Protocol:

[– in Annex F, for the years [INSERT BASELINE YEARS], [and Parties operating under paragraph 1 of Article 5 shall provide such data for the year [INSERT BASELINE YEAR(S).]];]

[– in Annex G, for the years [INSERT BASELINE YEARS**]]**

In paragraphs 2 and 3 of Article 7 of the Protocol, for the words:

“C and E”

there shall be substituted:

[“C, E and F”][“C, E, F and G”].

*Article 10*

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

“ and Article 2I”

There shall be substituted:

“, Article 2I and Article 2J”

*Article 17*

In Article 17 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”.

Annex C

The following table shall replace the table for Group I in Annex C to the Protocol:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Group** | **Substance** | **Number of isomers** | **Ozone-Depleting Potential\*** | **100-Year Global Warming Potential[\*] [\*\*\*]** | |
| *Group I* |  |  |  |  |  |
| CHFCl2 | (HCFC‑21)\*\* | 1 | 0.04 | **[151]** | **[148]** |
| CHF2Cl | (HCFC‑22)\*\* | 1 | 0.055 | **[1810]** | **[1 760]** |
| CH2FCl | (HCFC‑31) | 1 | 0.02 |  |  |
| C2HFCl4 | (HCFC‑121) | 2 | 0.01–0.04 |  |  |
| C2HF2Cl3 | (HCFC‑122) | 3 | 0.02–0.08 |  |  |
| C2HF3Cl2 | (HCFC‑123) | 3 | 0.02–0.06 | **[77]** | **[79]** |
| CHCl2CF3 | (HCFC‑123)\*\* | – | 0.02 |  |  |
| C2HF4Cl | (HCFC‑124) | 2 | 0.02–0.04 | **[609]** | **[527]** |
| CHFClCF3 | (HCFC‑124)\*\* | – | 0.022 |  |  |
| C2H2FCl3 | (HCFC‑131) | 3 | 0.007–0.05 |  |  |
| C2H2F2Cl2 | (HCFC‑132) | 4 | 0.008–0.05 |  |  |
| C2H2F3Cl | (HCFC‑133) | 3 | 0.02–0.06 |  |  |
| C2H3FCl2 | (HCFC‑141) | 3 | 0.005–0.07 |  |  |
| CH3CFCl2 | (HCFC‑141b)\*\* | – | 0.11 | **[725]** | **[782]** |
| C2H3F2Cl | (HCFC‑142) | 3 | 0.008–0.07 |  |  |
| CH3CF2Cl | (HCFC‑142b)\*\* | – | 0.065 | **[2310]** | **[1 980]** |
| C2H4FCl | (HCFC‑151) | 2 | 0.003–0.005 |  |  |
| C3HFCl6 | (HCFC‑221) | 5 | 0.015–0.07 |  |  |
| C3HF2Cl5 | (HCFC‑222) | 9 | 0.01–0.09 |  |  |
| C3HF3Cl4 | (HCFC‑223) | 12 | 0.01–0.08 |  |  |
| C3HF4Cl3 | (HCFC‑224) | 12 | 0.01–0.09 |  |  |
| C3HF5Cl2 | (HCFC‑225) | 9 | 0.02–0.07 |  |  |
| CF3CF2CHCl2 | (HCFC‑225ca)\*\* | – | 0.025 | **[122]** | **[127]** |
| CF2ClCF2CHClF | (HCFC‑225cb)\*\* | – | 0.033 | **[595]** | **[525]** |
| C3HF6Cl | (HCFC‑226) | 5 | 0.02–0.10 |  |  |
| C3H2FCl5 | (HCFC‑231) | 9 | 0.05–0.09 |  |  |
| C3H2F2Cl4 | (HCFC‑232) | 16 | 0.008–0.10 |  |  |
| C3H2F3Cl3 | (HCFC‑233) | 18 | 0.007–0.23 |  |  |
| C3H2F4Cl2 | (HCFC‑234) | 16 | 0.01–0.28 |  |  |
| C3H2F5Cl | (HCFC‑235) | 9 | 0.03–0.52 |  |  |
| C3H3FCl4 | (HCFC‑241) | 12 | 0.004–0.09 |  |  |
| C3H3F2Cl3 | (HCFC‑242) | 18 | 0.005–0.13 |  |  |
| C3H3F3Cl2 | (HCFC‑243) | 18 | 0.007–0.12 |  |  |
| C3H3F4Cl | (HCFC‑244) | 12 | 0.009–0.14 |  |  |
| C3H4FCl3 | (HCFC‑251) | 12 | 0.001–0.01 |  |  |
| C3H4F2Cl2 | (HCFC‑252) | 16 | 0.005–0.04 |  |  |
| C3H4F3Cl | (HCFC‑253) | 12 | 0.003–0.03 |  |  |
| C3H5FCl2 | (HCFC‑261) | 9 | 0.002–0.02 |  |  |
| C3H5F2Cl | (HCFC‑262) | 9 | 0.002–0.02 |  |  |
| C3H6FCl | (HCFC‑271) | 5 | 0.001–0.03 |  |  |

\* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

\*\* Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

**[\*\*\* For substances for which no GWP is indicated, the default value 0 applies.]**

**[\* Source: Scientific Assessment of Ozone Depletion: 2014]**

Article II: Relationship to the 1999 Amendment

No State or regional economic integration organization may deposit an instrument of ratification, acceptance or approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Eleventh Meeting of the Parties in Beijing, 3 December 1999.

Article IV: Entry into force

1. Except as noted in paragraph 2, below, this Amendment shall enter into force on 1 January [YEAR], 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. The changes to Article 4 of the Protocol, Control of trade with non-Parties, set out in Article I of this Amendment shall enter into force on [THE DATE 5 YEARS AFTER THE A5 FREEZE DATE], provided that at least [eighty] [seventy] 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.

3. For purposes of paragraphs 1 and 2, 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.

4. After the entry into force of this Amendment, as provided under paragraphs 1 and 2, 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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |