

# **Lands, Surveys and Environment Act 1989 - Ozone Layer Protection Regulations 2006**

**SAMOA**

## **OZONE LAYER PROTECTION REGULATIONS 2006**

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**PURSUANT** to section 146(1) of the [Lands, Surveys and Environment Act 1989](#), **I MALIETOA TANUMAFILI II**, Head of State, acting on the advice of Cabinet, **HEREBY MAKE** the following Regulations:-

**DATED** this 7<sup>th</sup> day of March 2006.

signed: (Malietoa Tanumafili II)

**HEAD OF STATE**

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**REGULATIONS**

**PART 1  
PRELIMINARY**

**1. Citation and Commencement-**(1) These Regulations may be cited as the Ozone Layer Protection Regulations 2006.

(2) These Regulations shall come into force in whole or in part, upon such day or days nominated by the Minister.

(3) Notice of the commencement of these Regulations shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. Interpretation-**(1) In these Regulations, unless the context otherwise requires -

"Act" means the [Lands, Surveys and Environment Act 1989](#);

"approved storage facility" means any storage facility approved by the Chief Executive Officer for storing controlled substances;

"authorised handler" means a person licensed under these Regulations to handle controlled substances;

"authorised purchaser" means a person licensed under these Regulations to purchase controlled substances;

"authorised supplier" means a person permitted by the Chief Executive Officer under these Regulations to import, sell, offer for sale or distribute controlled substances;

"CFC" means chlorofluorocarbons and are substances in Group 1, Annex A of the Montreal Protocol;

"Chief Executive Officer" means the Chief Executive Officer of the Ministry responsible for this Act from time to time;

"code of practice" means a code of practice established under these Regulations and includes any standards, guidelines or operational procedures to manage the use of controlled substances;

"colour code" means a colour code approved by the Chief Executive Officer and used by the Ministry to indicate a controlled substance;

"controlled substance" means any substance defined as such under the Montreal Protocol and includes all recycled, reclaimed or recovered substances;

"Convention" means the Vienna Convention for the Protection of the Ozone Layer 1987, and includes any amendments to, or substitutions of that Convention that are, or will become binding on Samoa from time to time;

"equipment" means any cylinder, container, fire extinguisher, tool or article required for the purpose of retaining, recycling, reclaiming, repossessing or installing a controlled substance and includes any recovery or recycling unit;

"export" or "exportation" means to take or cause to be taken out of Samoa;

"feedstock" means any controlled substance used for the manufacture or production of other substances;

"halon" means substances in Group II, Annex A of the Montreal Protocol;

"handle" and "handling" in respect of a controlled substance mean the recovery, recycling, refilling, recharging, capturing or transporting of a controlled substance, and includes -

(a) the installation, transportation, servicing, or de-commissioning of

(i) any air-conditioning equipment (including motor vehicle air conditioning equipment);

(ii) any aerosol product;

(iii) any fire protection system;

(iv) any portable fire extinguisher;

(v) any other equipment or apparatus that uses or contains a controlled substance;

(b) the use of controlled substances for dry-cleaning; and

(c) the repossessing and reclaiming of controlled substances.

"HCFC" means hydro chlorofluorocarbons and are any substances in Group 1, Annex C of the Montreal Protocol;

"inspection" means the procuring of any substances or goods, or any books, documents, computer records, data bases or other records kept in any form for scrutiny by an Officer upon reasonable grounds for believing that any person has committed or is committing an offence against these Regulations;

"import" and "importation" means to bring or cause to be brought into Samoa;

"Minister" means the Minister responsible for this Act from time to time;

"Ministry" means the Ministry responsible for this Act from time to time;

"Officer" means

(a) any person employed in the service of the Ministry and designated as a Conservation officer;

(b) any Police officer; and

(c) any Customs officer;

"Montreal Protocol" or "Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987, attached as Schedule 1 for ease of reference expressed in these Regulations, and includes any amendments to, or substitutions of that Protocol that are, or will become, binding on Samoa from time to time;

"sale" and "sell" means every method of disposition for valuable consideration (including barter), and include -

(a) the disposition to an agent for sale on consignment;



(b) offering for sale or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting any of these things to be done;

(c) disposal by way of lottery, raffle or game of chance;

"trans-shipment" means a situation whereby a controlled substance is shipped through a third country on its way from the original exporter to the final importer - the country of origin of the controlled substance shall be regarded as the exporter and the country of final destination shall be regarded as the importer.

(2) Terms and expressions used and not defined in these Regulations made under these Regulations but defined in the Convention or the Protocol shall, unless the context otherwise requires, have the same meaning as in the Convention or the Protocol.

## **PART 2 SUPPLY, PURCHASE AND HANDLING OF CONTROLLED SUBSTANCES**

**3. Supply of controlled substances-**(1) It is unlawful for any person other than an authorised supplier to import, export, sell, offer for sale or distribute a controlled substance.

(2) Subject to regulation 8(2), no person may import, export, sell, offer for sale or distribute a controlled substance except to an authorised purchaser.

(3) Any importation, exportation, sale, offer for sale or distribution of controlled substances must be in accordance with the relevant code of practice.

(4) An authorised supplier must ensure that any controlled substance is, in the course of importation, exportation, sale or offer for sale or distribution, handled in a manner that prevents or minimizes its release into the atmosphere.

**4. Records of imports, exports and sale-**(1) An authorised supplier shall make and retain written records of all imports, exports and sale (including sales invoices) showing -

(a) the stock of controlled substances held on 31<sup>st</sup> December in each year;

(b) all controlled substances acquired during each year of operation;

(c) all controlled substances leaving the possession or control of the authorised supplier during each year;

(d) the name, address and any identification number of each authorised purchaser doing business with the authorised supplier and the name and amount of the controlled substance purchased; and

(e) the name, address and any identification number of each person, other than an authorised purchaser, to whom a controlled substance is given (whether by sale or otherwise) and the name and amount of the controlled substance so given;

(2) The records must include the names and amounts of -

(a) any controlled substances used as feedstock; and

(b) any controlled substances that have been discarded or destroyed.

(3) An authorised supplier must on or before 1<sup>st</sup> March in each year provide a written report to the Chief Executive Officer showing the matters referred to in subregulation (1).

(4) An authorised supplier must, upon being given 14 days notice in writing by an Officer, produce all relevant records for inspection.

**5. Purchase of controlled substances-**It is unlawful for any person other than an authorised purchaser to purchase a controlled substance.

**6. Authorised purchaser to keep written records-**(1) An authorised purchaser shall make and retain written records of every purchase or possession by the authorised purchaser of a controlled substance on a yearly basis.

(2) The records must include:

(a) the CFC, HCFC, halon or mixture purchased and the name and address of the authorised supplier;

(b) the name and quantity of any reclaimed controlled substance returned to the authorised purchaser and the name and address of the person who returns it;

(c) the name and quantity of any controlled substance that leaves the authorised purchaser's possession; and

(d) the name and quantity of all controlled substances held in stock as at 31<sup>st</sup> December of each year.

(3) An authorised purchaser must on or before 1<sup>st</sup> of March in each year provide a written report to the Chief Executive Officer showing the matters referred to in subregulation (2).

**7. Handling of controlled substances-**It is unlawful for any person other than a licenced handler to handle a controlled substance.

### **PART 3 LICENCES**

**8. Licences for importing, exporting or purchasing or handling controlled substances, etc-**(1) Any person may apply to the Chief Executive Officer for a licence to import, export, sell, offer for sale, distribute, purchase or handle controlled substances.

(2) The Chief Executive Officer may grant, vary, revoke or renew a licence subject to conditions which the Chief Executive Officer in his discretion may deem necessary having regard to the following:

(a) The need to protect human health and the environment from adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer; and

(b) The need to phase out ozone depleting substances as soon as possible except for essential uses; and

(c) Samoa's obligation under the Convention and the Protocol; and

(d) The technology available and whether any alternative products have been developed that may be used instead of the controlled substances referred to in the Convention and the Protocol; and

(e) Whether the applicant has knowledge and has complied with any code of practice that applies to the business of the applicant; and

(f) Whether the applicant has committed an offence against these Regulations.

(3) The Chief Executive Officer must, before granting or renewing a licence, be satisfied that the applicant:

(a) has adequate knowledge of the environmental implications of controlled substances;

(b) has adequate knowledge of these Regulations and any applicable codes of practice; and

(c) has adequate resources, equipment, systems and mechanisms to comply with these Regulations and any applicable codes of practice.

**9. Fees and forms-**(1) The Chief Executive Officer may by Notice set such fees and forms as the Chief Executive Officer deem necessary for the administration of these Regulations.

(2) Any fee or form made pursuant to subregulation (1) may be reviewed and changed by the Chief Executive Officer from time to time.

(3) Notice of any fees and any changes to such fees set under these Regulations shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**10. Issue and renewal of licences-**(1) A person who wishes to obtain a licence under these Regulations may apply to the Chief Executive Officer in the set form.

(2) A license shall be issued upon the payment of a licence fee.

(3) An applicant may be required to pass such practical examinations as the Chief Executive Officer requires before a licence is granted.

(4) Any person licensed under these regulations shall be required to display such licence in their place of operation or business.

(5) Before a licence is renewed the applicant may be required -

(a) to pass a practical examination conducted by or on behalf of the Chief Executive Officer or by an examiner approved by the Chief Executive Officer.

(b) if the applicant has not acquired an accreditation certificate to handle a controlled substance, to acquire the certificate from a formal institution, or organisation approved by the Chief Executive Officer.

(6) Each licence is valid for 12 months from the date of issue and may, subject to these Regulations be renewed upon payment of the renewal fee.

(7) Any application for the renewal of a licence must be made 2 months prior to the expiration date of the licence.

**11. Minimum requirements for obtaining a licence-**(1) A person who wishes to be licensed under these Regulations must -

(a) have at least 5 years of appropriate trade experience; and

(b) have an adequate knowledge of the code of practice; and

(c) have an accreditation certificate to handle controlled substances from a formal institution or organisation approved by the Chief Executive Officer; and

(d) have the appropriate resources, equipment, systems and mechanisms needed to comply with any licence granted or renewed under these Regulations.

(2) The Chief Executive Officer may by Notice specify:

(a) appropriate trade experience; and

(b) standards of knowledge; and



(c) the resources, equipment, systems and mechanisms; and

(d) formal institution or organisations for accreditation purposes, required by this Regulation.

**12. Monitoring of authorised licences-**(1) A person licensed under these Regulations may be required by the Chief Executive Officer to undertake refresher courses nominated by the Chief Executive Officer.

(2) The Ministry may conduct refresher courses and may charge fees for conducting refresher courses and the Chief Executive Officer may waive part or whole of the fee charged or approve the payment of fees in instalments.

(3) A person licensed under these Regulations must keep and maintain a record of all activities involving the importation, sale, distribution, purchasing or handling of controlled substances the person engages in, in addition to any obligation under Regulations 4 or 6, and must submit the record to the Ministry for inspection and verification when requested in writing by the Chief Executive Officer or a person approved in writing by the Chief Executive Officer.

#### **PART 4 MISCELLANEOUS**

**13. Labelling of equipment which contains controlled substances-**(1) A person who sells, manufactures, offers for sale or distributes any equipment that contains

any controlled substance must ensure that the equipment bears a label showing the name of the controlled substance contained in or by the equipment.

(2) The label required under subregulation (1) must:

(a) be displayed on a conspicuous part of the equipment; and

(b) be of a size that is easy to read; and

(c) must not be removed except with the approval of the Chief Executive Officer.

(3) A person who services any equipment by charging it with a controlled substance or who replaces any equipment must attach a label on a prominent part of the equipment showing:

(a) the name of the person or company that carried of the service;

(b) the date of service;

(c) the identity of the authorised purchaser;

(d) the type of substance, whether a controlled substance or not a controlled substance used in the service and any other substance used to charge the equipment.

**14. Dismantling of motor vehicles-**A person who dismantles a motor vehicle containing an air-conditioning unit that uses or contains a controlled substance must ensure that the unit is de-commissioned in accordance with the applicable code of practice.

**15. Storage and disposal of controlled substances-**(1) No person may dispose of a controlled substance except to -

(a) deliver it to an authorised supplier or authorised purchaser or to an approved storage facility; or

(b) destroy it in a manner approved by the Chief Executive Officer or in accordance with the relevant code of practice.

(2) A person who is in possession or control of a controlled substance must keep the controlled substance in a container which is approved by the Chief Executive Officer.

(3) A person must not deliver a controlled substance to an authorised supplier unless the container is clearly marked with the name and colour code of the controlled substance and where the controlled substance has been reclaimed, a warning label that the controlled substance is suspected of being adulterated.

(4) A person may charge for supplying or accepting delivery of a container for the containment or storage of controlled substances in accordance with a scale of charges set by the Chief Executive Officer and published in the Samoan and English language in the Savali and one other newspaper circulating in Samoa.

(5) No person may charge more for supplying or accepting delivery of a container for the containment or storage of controlled substances than the scale of charges referred to in subregulation (4).

**16. Halon fire-extinguishers-**(1) Every person in possession of a portable halon fire-extinguisher must deposit it with an approved storage facility for replacement with a non-halon fire extinguisher by 1<sup>st</sup> June 2006.

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(2) After 1<sup>st</sup> June 2006, it shall be unlawful for any person to possess, install or use a portable halon fire-extinguisher.

(3) The Chief Executive Officer shall not approve the installation or use of any halon fire extinguishing equipment unless there is no other acceptable alternative fire protection available.

(4) It shall be unlawful for a person to test a halon fire extinguisher system in a reckless or negligent manner that would result in the release of halon into the environment.

(5) A person must not discharge a portable or fixed halon fire extinguisher system containing halon except for the purpose of extinguishing a fire which poses a risk to life or property.

**17. Prohibited goods-**(1) Subject to Regulation 8, no person may import, manufacture, sell or offer for sale any of the following goods -

(a) a dry-cleaning machine that contains or is designed to use a controlled substance as a solvent;

(b) any aerosol spray that contains a controlled substance other than methyl bromide;

(c) any plastic foam, or any goods that contain plastic foam that contains a controlled substance; and

(d) any dehumidifier, refrigerator, freezer, air-conditioner, supermarket display case, heat pump and water cooler that contains a controlled substance.

(2) A person must not sell, offer for sale or distribute any aerosol product that contains methyl bromide unless the product -

(a) is purchased by an authorised purchaser; or

(b) is to be sold or distributed for medical or quarantine purposes; or

(c) is exempted for use under the Montreal Protocol.

**18. Refilling of automotive air-conditioners**-Every motor-vehicle garage that undertakes the refilling of automotive air-conditioners must have and use a recovery and recycling unit approved by the Chief Executive Officer, and such unit must only be operated by an authorised handler.

**19. Arrival and departure of vessels and aircraft**-(1) if an Officer considers on reasonable grounds that there has been a contravention of these Regulations by any person or in respect of any goods, the Officer may request the Chief Executive Officer of the Ministry of Revenue and Customs to prevent the importation of any goods, until the purchaser or the owner or importer of the goods, as the case may be, can show to the satisfaction of the Chief Executive Officer that there has been no contravention of these Regulations.

(2) An Officer may after obtaining a warrant, board any vessel or aircraft that has arrived or is about to depart from Samoa in order to inspect -

(a) any goods which might contain controlled substances; or

(b) documents relating to the trans-shipment of controlled substances.

**20. Codes of practice**-(1) Any person applying for a licence to handle controlled substances under Regulation 8 of these Regulations shall be required to submit a code of practice to be reviewed by the Chief Executive Officer.

(2) Where the Chief Executive Officer grants a licence and approves a code of practice submitted by an applicant, such code of practice shall be used by the authorised handler in line with the operation, or business concerned.

(3) Where any person fails to submit a code of practice, such person shall be provided by the Chief Executive Officer with a standard code of practice.

(4) Standard codes of practice may be formed and amended by the Chief Executive Officer upon consultation with relevant stakeholders from time to time, provided that where an amendment occurs, notice of such amendment shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

## **PART 5 ENFORCEMENT AND PENALTIES**

**21. Seizure of substances and goods-**(1) Any Officer may seize any controlled substances, any goods containing any controlled substance or any equipment used in connection with any controlled substance, which the Officer reasonably suspects is the subject of a breach of any provision under these Regulations.

(2) Any controlled substance, goods or equipment seized under this regulation -

(a) shall be stored at a place, and in a manner, in accordance with a direction given by the Chief Executive Officer; and

(b) may be retained until such time as the Chief Executive Officer has -

(i) been satisfied by its owner, or the person from whom it has been seized, that it is not or has not been the subject of any breach of a prohibition under these Regulations; or

(ii) been ordered by the court to release any controlled substance, goods or equipment to its owner or the owner's agent.

**22. Forfeiture of seized substances and goods-**Where any person is convicted of an offence against these Regulations, the court may order that any controlled substance, goods or equipment in relation to which the offence was committed, shall be forfeited to the State, to be disposed of in a manner determined by the Chief Executive Officer.

**23. Offences and penalties-**(1) Any person who knowingly or without lawful justification or excuse -

(a) does any act in contravention of any provision under these Regulations;

(b) aids or abets any person in contravening any provision under these Regulations;  
or

(c) conspires with any person to do any act in contravention of any provision under these Regulations,



commits an offence, and shall be liable upon conviction to a fine not exceeding 50 penalty units and in the case of continuing penalties to a fine not exceeding 1 penalty unit for every day on which the offence has continued.

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## **Schedule 1**

**The Montreal Protocol and Substances that Deplete the Ozone Layer as adjusted and/or amended in London 1990, Copenhagen 1992, Vienna 1995, Montreal 1997 and Beijing 1999.**

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## **Preamble**

The Parties to this Protocol,

*Being* Parties to the Vienna Convention for the Protection of the Ozone Layer,

*Mindful* of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

*Recognizing* that the world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

*Conscious* of the potential climatic effects of emissions of these substances,

*Aware* that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

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

*Acknowledging* that special provision is required to meet the needs of developing countries, including the provision of additional financial resources and access to relevant technologies, bearing in mind that the magnitude of funds necessary is predictable, and the funds can be expected to make a substantial difference in the world's ability to address the scientifically established problem of ozone depletion and its harmful effects,

*Noting* the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

*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 in particular the needs of developing countries,

**HAVE AGREED AS FOLLOWS:**

### **Article 1.: Definitions**

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.
  
4. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.
  
3. "Secretariat" means the Secretariat of the Convention.
  
4. "Controlled substance" means a substance in Annex A, Annex B, Annex C or Annex E to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

5. "Production" means the amount of controlled substances produced, minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".

6. "Consumption" means production plus imports of controlled substances

7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.

8. "Industrial rationalization" means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plants closures..

## **Article 2: Control Measures**

1. Incorporated in Article 2A.

2. Replaced by Article 2B.

3. Replaced by Article 2A.

4. Replaced by Article 2A.

5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2F, and Article 2H, provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall 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.

*5 bis.* Any Party not operating under paragraph 1 Article 5 may, for one or more control periods, transfer to another such Party and portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. 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.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the Secretariat, no later than the time of the transfer or addition.

1. (a) Any Parties which are Member States of a regional economic integration organisation as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article and Articles 2A to 2I provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2I.

(b) The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

(c) Such agreement will become operative only if all Member States of the regional economic integration organisation and the organisation concerned are Parties to the Protocol and have notified the Secretariat of their manner of implementation.

9 (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

(i) adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex Cc and/or Annex E should be made and, if so, what the adjustments should be; and

(ii) further adjustments and reductions of production or consumption of the controlled substances should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be;

(b) Proposals for such adjustments shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Parties at which they are proposed for adoption;

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing a majority of the Parties operating under Paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting;

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary.

10. Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

(a) whether any substances, and if so which, should be added to or removed from any annex to this Protocol, and

(b) the mechanism, scope and timing of the control measures that should apply to those substances;

11. Notwithstanding the provisions contained in this Article and Articles 2A to 2I Parties may take more stringent measures than those required by this Article and Articles 2A to 2I.

## **Article 2A: CFCs**



1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled 1986. 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, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve-month control period for these controlled substances shall run from 1 January to 31 December each year.

3 Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in twelve-month thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five 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, manually, twenty-five 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.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 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 of the controlled substances in Group I of Annex for basic domestic needs for the period 1995 to 1997 inclusive. 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.

5 Each Party shall ensure that for the twelve-month period commencing on 1 January 2003 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

7. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

8. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

9. For the purposes of calculating basic domestic needs under paragraphs 4 to 8 of this Article, the calculation of the annual average of production by a Party includes any production entitlements that it has transferred in accordance with paragraph 5 of Article 2, and excludes any production entitlements that it has acquired in accordance with paragraph 5 of Article 2.

### **Article 2B: Halons**

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, eighty per cent of its calculated level of consumption in 1986. Each party producing one or more of these substances shall, for the same period, ensure that 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.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, its calculated level of consumption of the controlled 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 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 in 1986; thereafter, it may exceed that limit by a quantity equal to the annual average of its population of the controlled substances in Group II of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. 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.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

### **Article 2C: Other fully halogenated CFCs**

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, 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, ensure that its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I 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, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five 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 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.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 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. 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, until 1 January 2003 exceed that limit by up to fifteen per cent of its calculated level of production in 1989; thereafter, it may exceed that limit by a quantity equal to eighty per cent of the annual average of its production of the controlled substances in Group I of Annex B for basic domestic needs for the period 1998 to 2000 inclusive. 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.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

#### **Article 2D: Carbon tetrachloride**

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substances in Group II 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 period, ensure that 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 1996, 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 the substance shall, for the same period, 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 to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

### **Article 2E 1,1,1 - Trichloroethane (Methyl chloroform)**

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances 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 substances shall, for the same period, ensure that 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 its calculated level of consumption of the controlled substances in Group III Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989. Each Party producing the substances shall, for the same periods, 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 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 1996, 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 period, 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 to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

### **Article 2F: Hydro chlorofluorocarbons**

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996:

(a) Two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

(b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.

2. Each Party shall ensure that for the twelve month period commencing on 1 January 2004, 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, sixty-five per cent of the sum referred to in paragraph 2 of this Article.

3. 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, thirty-five 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 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, annually, ten 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 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, annually, zero point five per cent of the sum referred to in paragraph 1 of this Article. Such consumption shall, however, be restricted to the servicing of refrigeration and air conditioning equipment existing at that date.

6. 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 in Group I of Annex C does not exceed zero.

(7) As of 1 January 1996, each Party shall endeavour to ensure that:

(a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;



(b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and

(c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

8. Each Party producing one or more of these substances shall ensure that for the twelve-month period commencing on 1 January 2004, 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, annually, the average of:

(a) The sum of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C and two point per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

(b) The sum of its calculated level of production in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of production in 1989 of the controlled substances in Group I of Annex A.

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 or Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production of the controlled substances in Group I of Annex C as defined above.

## **Article 2G: Hydrobromo fluorocarbons**

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances 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.

### **Article 2H: Methyl bromide**

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 Annex E does not exceed, annually, its calculated level of production of the substances 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 1999, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex E does not exceed, annually, seventy-five per cent of its calculated level of production of the substances 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.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex E does not exceed, annually, fifty per cent of its calculated level of production of the substances does not exceed, annually, fifty 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.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex E does not exceed, annually, per cent of its calculated level of production of the substances 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.

5. Each Party 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 substances in Annex E does not 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, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1991; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substance in Annex E for basic domestic needs for the period 1995 to 1998 inclusive. 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 uses.

*5 bis.* Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent

of the annual average of its production of the substance for basic domestic needs for the period 1995 to 1998 inclusive.

*5 ter.* 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 substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

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

### **Article 2I - Bromochloromethane**

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelve-month period thereafter,

### **Article 3: Calculation of control levels**

For the purposes of Articles 2, 2A i le 2I and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C or Annex E determine its calculated levels of:

(a) Production by:

(i) multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A, Annex B, Annex C or Annex E;

(ii) adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted.

#### **Article 4: Controlled of trade with non-Parties**

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 date 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.

1 *ter*. Within one year of the date of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Group II of Annex C from any State not party to this Protocol.

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

1 *quin*. As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of the Annex C from any State not party to this Protocol.

1 *sex* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Group III of the Annex C from any State not party to this Protocol.

2. As of 1 January 1993, each Party shall ban the import of the controlled substances in Group I of the Annex C from any State not party to this Protocol..

2. *bis* Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Annex B to any State not party to this Protocol.

2. *ter* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of any controlled substances in Group II of Annex C to any State not party to this 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.

2. *quin* As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of the Annex C from any State not party to this Protocol.

2. *sex* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Group III of the Annex C from any State not party to this Protocol.

3. By 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

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.

3. *ter* Within three years of the date 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 Group II of Annex C.

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 substances 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.

4. *bis* Within five years of the date 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 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.

4. *ter* Within five years of the date of entry into force of this paragraph, the Parties shall determine the feasibility of banning or restriction, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of 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.

5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A, B, C and E.

6. Each Party shall 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 in Annexes A, B, C and E.



7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A, B, C and E.

8. Notwithstanding the provisions of this Article, import and exports referred to in paragraphs 1 to 4 *ter* of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2I and this Article, and have submitted data to that effect as specified in Article 7.

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

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

#### **Article 4A: Control of trade with Parties**

1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substances, other than for the purpose of destruction.

2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.

### **Article 4B: Licensing**

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, 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, B, C and E.

2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.

3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.

4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

### **Article 5: Special situation of developing countries**

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 control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

1. *bis* The Parties shall, taking into account the review referred to in paragraph 8b of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

(a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group 1 of Annex C will apply to Parties operating under paragraph 1 of this Article;

(b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

(c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of controlled substances of Annex B of 0.2 kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

(a) For controlled substances under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to consumption.

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

(c) For controlled substances under Annex A, either the average of its annual calculated level of production for the period 1995 to 1997 inclusive 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 relating to production.

(d) For controlled substances under Annex B, either the average of its annual calculated level of production for the period 1998 to 2000 inclusive 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 relating to production.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2I become applicable to it, finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties, which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.

5. Developing the capacity to fulfill the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E and Article 2I, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, and their implementation by those Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and the transfer of technology as provided by Article 10A.

6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E and Article 2I, or any or obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties, which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.

7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article

8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective

implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

8 *bis*. Based on the conclusions of the review referred to in paragraph 8 above:

(a) With respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;

(b) With respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2C and 2E shall be read accordingly.

8 *ter*. Pursuant to paragraph 1 *bis* above:

(a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2016, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group 1 of Annex C does not exceed, annually, its calculated level of consumption in 2015. As of 1 January 2016 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 8 of Article 2F and, as the basis for its compliance with these control measures, it shall use the average of its calculated levels of production and consumption in 2015;

(b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2040, 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;

(c) Each Party operating under paragraph 1 of this Article shall comply with Article 2G;

(d) With regard to the controlled substance contained in Annex E;

(i) As of 1 January 2002 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 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 do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(iii) 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 do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

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

9. Decisions of the Parties referred to in paragraph 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

### **Article 6: Assessment and review of control measures**

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2I on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties.

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances.

---- in Annex B and Annexes I and II of Group C for the year 1989;

---- in Annex E, for the year 1991,



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 substances in Annexes B, C and E respectively enter into force for that Party.

3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C and E and, separately, for each substance,

- Amounts used for feedstocks,

- Amounts destroyed by technologies approved by the Parties, and

- Imports from and exports to Parties and non-Parties respectively,

for the year during which provisions concerning the substances in Annexes A, B, C and E respectively entered into force for that Party and for each year thereafter. Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications. Data shall be forwarded not later than nine months after the end of the year to which the date relate.

3 *bis*. Each Party shall provide to the Secretariat separate statistical data 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.

4. For Parties operating under the provisions of paragraph 8(a) of Article 2, the requirements in paragraph 1, 2, 3 and 3 *bis* of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organisation concerned provides data on imports and exports between the organisation and States that are not members of that Organisation.

### **Article 8: Non-compliance**

The Parties, at their first meeting shall consider and approve 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.

### **Article 9: Research, development, public awareness and exchange of information**

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

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

(b) possible alternatives to controlled substances, products containing such substances, and to products manufactured with them; and

(c) costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the Secretariat a summary of the activities it has conducted pursuant to this Article.

#### **Article 10: Financial mechanism**

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E and Article 2I, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of Article 5 of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agree incremental consists of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

(a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;

(b) Finance clearing-house functions to:

(i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;

(ii) Facilitate technical co-operation to meet their identified needs;

(iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and

(c) Finance the secretarial services of the Multilateral Fund and related support costs.

4 The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.

5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.

6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

(a) Strictly related to compliance with the provisions of this Protocol;

(b) Provides additional resources; and

(c) Meets agreed incremental costs.

7. The Parties shall decide upon the programme the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.

8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party..

9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties not so operating present and voting..

10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

### **Article 10A: Transfer of technology**

Each Party shall take every practicable step, consistent with the programme supported by the financial mechanism, to ensure:

(a) that the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5;  
and

(b) that the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

## **Article 11: Meetings of the parties**

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

(a) adopt by consensus rules of procedure for their meetings;

(b) adopt by consensus the financial rules referred to in paragraph 2 of Article 13;

(c) establish the panels and determine the terms of reference referred to in Article 6;

(d) consider and approve the procedures and institutional mechanisms specified in Article 8; and

(e) begin preparation of workplans pursuant to paragraph 3 of Article 10.

4. The functions of the meetings of the Parties shall be to:

(a) review the implementation of this Protocol;

(b) decide on any adjustments or reductions referred to in paragraph 9 of Article 2;

(c) decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;

(d) establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;

(e) review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;

(f) review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;



(g) assess, in accordance with Article 6, the control measures;

(h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any annex;

(i) consider and adopt the budget for implementing this Protocol; and

(j) consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol;

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

### **Article 12: Secretariat**

For the purposes of this Protocol, the Secretariat shall:

(a) arrange for the service meetings of the Parties as provided for in Article 11;;

(b) receive and make available, upon request by the Party, data provided pursuant to Article 7;

(c) prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

(d) notify the Parties of any request for technical assistance received pursuant to Article 10;

(e) encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;

(f) provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-party observers; and

(g) perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

### **Article 13: Financial provisions**

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

#### **Article 14: Relationship of this Protocol to the Convention**

Accept as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

#### **Article 15: Signature**

This Protocol shall be open for signature by States and by regional economic integration organisations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

#### **Article 16: Entry into force**

1. This Protocol shall enter force on 1 January 1989, provide that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organisations representing at least two-thirds of 1989 estimated global consumption of the controlled substances, and provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

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

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

### **Article 17: Parties joining after entry into force**

Subject to Article 5, any State or regional economic integration organisation which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2I and Article 4, that apply at that date to the States and regional economic integration organisations that became Parties on the date the Protocol entered into force.

### **Article 18: Reservations**

No reservations may be made to this Protocol.

### **Article 19: Withdrawal**

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 paragraph 1 of Article 2A.

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.

### **Article 20: Authentic texts**

The original of this Protocol, 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 OF THE UNDERSIGNED, BEING DULY  
AUTHORISED TO THAT EFFECT, HAVE SIGNED THIS PROTOCOL.**

**DONE AT MONTREAL THIS SIXTEENTH DAY OF  
SEPTEMBER, ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN**

### **Annex A: Controlled substances**

<b>Group</b>	<b>Substance</b>	<b>Ozone-Depleting Potential*</b>
<i>Group I</i>		
CFC13	(CFC-11)	1.0
CF2C12	(CFC-12)	1.0
C2F3C13	(CFC-113)	0.8

C2F4C12	(CFC-114)	1.0
C2F5C1	(CFC-115)	0.6
<i>Group II</i>		
CF2BrC1	(halon-1211)	3.0
CF3Br	(halon-1301)	10.0
C2F4Br2	(halon-2402)	6.0

\* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

### Annex B:- Controlled substances

Group	Substance	Ozone-Depleting Potential*
<i>Group I</i>		
CF3C1	(CFC-13)	1.0
C2FC15	(CFC-111)	1.0
C2F2C14	(CFC-112)	1.0
C3FC17	(CFC-211)	1.0
C3F2C16	(CFC-212)	1.0
C3F3C15	(CFC-213)	1.0
C3F4C14	(CFC-214)	1.0
C3F5C13	(CFC-215)	1.0
C3F6C12	(CFC-216)	1.0
C3F7C1	(CFC-217)	1.0
<i>Group II</i>		
CC14	Carbon tetrachloride	1.1
<i>Group III</i>		
C2H3C13	1,1,1-trichloroethane* (methyl chloroform)	0.1

\* This formula does not refer to 1,1,2- trichloroethane.

## Annex C: - Controlled substances

Group	Substance	Number of isomers	Ozone-Depleting Potential
CHFCl2	(HCFC-21)**	1	0.04
CHF2Cl	(HCFC-22)**	1	0.055
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
CHCl2CF3	(HCFC-123)**	-	0.02
C2HF4Cl	(HCFC-124)	2	0.02-0.04
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
C2H3F2Cl	(HCFC-142)	3	0.008-0.07
CH3CF2Cl	(HCFC-142b)**	-	0.065
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	0.02-0.09
C3HG5Cl2	(HCFC-225)	9	0.02-0.07
CF3CF2CHCl2	(HCFC-225ca)**	-	0.025
CF2ClCF2CHClF	(HCFC-225cb)**	-	0.033
C3HF6Cl5	(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
C3H3F4Cl	(HCFC-244)	12	0.009-0.14
C3H4FCl3	(HCFC-251)	12	0.001-0.01

C3H4F2C12	(HCFC-252)	16	0.005-0.04
C3H4F3C1	(HCFC-253)	12	0.003-0.03
C3H5FC1	(HCFC-261)	9	0.002-0.02
C3H5F2C1	(HCFC-262)	9	0.002-0.02
C3H6FC1	(HCFC-271)	5	0.001-0.03
<i>Group II</i>			
CHFBr2		1	1.00
CHF2Br	(HBFC-22B1)	1	0.74
CH2FBr		1	0.73
C2HFBr4		2	0.3-0.8
C2HF2Br3		3	0.5-1.8
C2HF3Br2		3	0.4-1-6
C2HF4Br		2	0.7-1.2
C2H2FBr3		3	0.1-1.1
C2H2F2Br2		4	0.2-1.5
C2H2F3Br		3	0.7-1.6
C2H3FBr2		3	0.1-1.7
C2H3F2Br		3	0.2-1.1
C2H4FBr		2	0.07-0.1
C3HFBr6		5	0.3-1.5
C3HF2Br5		9	0.2-1.9
C3HF3Br4		12	0.3-1.8
C3H4Br3		12	0.5-2.2
C3HF5Br2		9	0.9-2.0
C3HF6Br		5	0.7-3.3
C3H2FBr5		9	0.1-1.9
C3H2F2Br4		16	0.2-2.1
C3H3F3Br3		18	0.2-5.6
C3H2F4Br2		16	0.3-7.5
C3H3F2Br3		18	0.1-3.1
C3H3F3Br2		18	0.1-2.5
C3H3F4Br		12	0.3-4.4
C3H3F4Br3		12	0.03-0.3
C3H4F2Br2		16	0.1-1.0
C3H4F3Br		12	0.07-0.8
C3H5FBr2		9	0.04-0.4
C3H5F2Br		9	0.07-0.8
C3H6FBr		5	0.02-0.7



<i>Group III</i>			
CH <sub>2</sub> BrCl	bromochloromethane	1	0.12

\* 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 lowest ODP.

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

**Annex D:- A list of products \*\* containing controlled substances specified in Annex A**

	<b>Products</b>	<b>Customs code number</b>
1	Automobile and truck air conditioning units (whether incorporated in vehicles or not)	.....
2	Domestic and commercial refrigeration on air conditioning/heat pump equipment***	.....
	<b>eg:</b> Refrigerators	.....
	Freezers	.....
	Dehumidifiers	.....
	Water coolers	.....
	Ice machines	
	Air conditioning and heat units	.....

3	Aerosol products, except medical aerosols	.....
4	Portable fire extinguisher	.....
5	Insulation boards, panels and pipe covers	.....
6	Pre-polymers	

\* This Annex was adopted by the Third Meeting of the Parties in Nairobi, 21 June 1991 as required by paragraph 3 of Article 4 of the Protocol.

\*\* Though not when transported in consignments of personals or household effects or in similar non-commercial situations normally exempted from customs attention.

\*\*\* When containing controlled substances in Annex A as a refrigerant and/ or in insulating material of the product.

### **Annex E:- Controlled substance**

<b>Group</b>	<b>Substance</b>	<b>Ozone-Depleting Potential</b>
<i>Group I</i>		
CH <sub>3</sub> Br	Methyl bromide	0.6

This text contains the latest version of the Montreal Protocol on Substances that Deplete the Ozone Layer, updated to March 2000 to include the cumulative amendments to various articles adopted by the Parties at their Second, Fourth, Ninth and Eleventh Meetings. It includes also the adjustments in levels of production and consumption of the controlled substances listed in annexes A, B, C and E to the Protocol, as decided by the Parties on the basis of assessment made in

pursuance of article 6 of the Protocol at the Second, Fourth, Seventh, Ninth and Eleventh Meetings. It should be noted that while adjustments to the Protocol enter into force automatically six months after the date of official notification by the Depositary, each set of amendments is subject to ratification and enters into force and becomes binding for the Parties to such amendments only after it has been ratified by a minimum number of Parties.

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**Issued under the authority of the Regulations Ordinance 1953.**

**Date of Commencement: 1<sup>st</sup> September 2006**

**Notices - Savali: 24<sup>th</sup> August 2006**

**These Regulations are administered in the Ministry of Natural Resources and  
Environment**

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