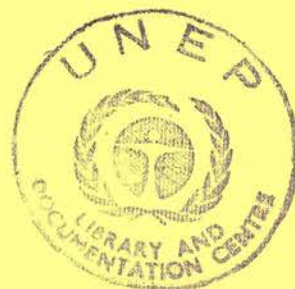


HANDBOOK
for the
MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete
THE OZONE LAYER

THIRD EDITION*

OZONE SECRETARIAT
AUGUST, 1993

* Reissued for technical reasons.



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FOREWORD

1. The conclusion in 1985 of the Vienna Convention for the Protection of the Ozone Layer, followed in 1987 by the Montreal Protocol on Substances that Deplete the Ozone Layer, was the starting point of the global co-operation for the protection of the ozone layer in the stratosphere. The two meetings held by the Parties to the Vienna Convention in 1989 and 1991 and the four meetings by the Parties to the Montreal Protocol every year from 1989 to 1992 led to significant decisions designed to implement the objectives of the Convention and Protocol. The Second and Fourth Meetings of the Parties to the Montreal Protocol adopted, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, certain adjustments and reductions of production and consumption of the controlled substances listed in Annexes A and B of the Protocol and two Amendments to the Protocol in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention.

2. This third edition of the Montreal Protocol *Handbook* updates the previous 1992 edition with the inclusion of the decisions of the Fourth Meeting in Copenhagen in November 1992. It incorporates into the Protocol the adjustments and the Amendment adopted at that meeting. It also annexes some important recent decisions of the Executive Committee of the Multilateral Fund.

3. The Copenhagen adjustments, in accordance with Article 2 paragraph 9 (d) of the Montreal Protocol, are binding on all Parties and enter into force on 22 September 1993. In the *Handbook*, these are printed in place of the text of the 1987 Protocol. The text of the 1987 Protocol, where replaced by the Adjustments, has not been reproduced.

4. The London Amendment has entered into force on 10 August 1992. In the *Handbook* the amended portions have been printed in bold print along with the version of the 1987 Montreal Protocol. The parts of the 1987 Protocol which will be no longer in force from the date of entry into force of the London Amendment for the States that have ratified the Amendment have been bracketed in square brackets. 65 Parties have ratified the London Amendment till 31 July 1993. The Copenhagen Amendment is printed in the *Handbook* in italics. Where a part of the text of the Copenhagen Amendment is to add to or replace a part of the text of the London Amendment, that part of the Copenhagen Amendment is shown in braces { }. The Copenhagen Amendment will enter into force on 1 January 1994 if at least twenty ratifications of the Amendment are deposited before that date. Otherwise, it will enter into force on the ninetieth day after the receipt of the twentieth ratification.

5. The decisions of the Parties to the Montreal Protocol at their four meetings are appended to the text of the Protocol, classified according to the respective Articles to which they relate. These decisions constitute an important supplementary body of law. In view of the close relationship between the Montreal Protocol and the Vienna Convention, the decisions of the Conference of the Parties to the Vienna Convention in Helsinki and Nairobi together with the text of the Convention have been annexed to the *Handbook*.

6. It is hoped that this *Handbook* will prove useful. It will be updated, as necessary, after each meeting of the Parties. Suggestions to improve the format or the content of the *Handbook* are welcome.

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
AS ADJUSTED AND AMENDED BY THE SECOND MEETING OF THE PARTIES
LONDON, 27-29 JUNE 1990 AND FURTHER AMENDED
BY THE THIRD MEETING OF THE PARTIES NAIROBI, 19-21 JUNE 1991
AND BY THE FOURTH MEETING OF THE PARTIES COPENHAGEN, 23-25 NOVEMBER 1992

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 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 equitably total global emissions of substances that
deplete it, with the ultimate objective of their elimination on the basis
of developments in scientific knowledge, taking into account technical and
economic considerations and bearing in mind the developmental needs of
developing countries,

Acknowledging that special provision is required to meet the needs of
developing countries [for these substances], 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 and development of science and technology] 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.
2. "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 [listed] in Annex A or in Annex B {, 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 [it] excludes, [however] any [such] controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of [the] that substance.
5. "Production" means the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties and 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 minus exports 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 plant closures.

ARTICLE 2: CONTROL MEASURES

1. (Incorporated in Article 2A as per the adjustments made in Second Meeting of the Parties in London in 1990).

2. Replaced by Article 2B.

3 and 4. Replaced in Article 2A.

5. [Any Party whose calculated level of production in 1986 of the controlled substances in Group I of Annex A was less than twenty-five kilotonnes may, for the purposes of industrial rationalization, transfer to or receive from any other Party, production in excess of the limits set out in paragraphs 1, 3 and 4 provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article. Any transfer of such production shall be notified to the secretariat, no later than the time of the transfer.]

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 2E, {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 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.

5 bis. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any 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.

8. (a) Any Parties which are Member States of a regional economic integration organization 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 2E (Articles 2A to 2H) provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2E (Articles 2A to 2H).

(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 organization and the organization 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 and/or Annex B (, Annex B, Annex C 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 [from 1986 levels] 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 [at least fifty per cent of the total consumption of the controlled substances of the Parties;] 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. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. [(a)] 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:

- (i) whether any substances, and if so which, should be added to or removed from any annex to this Protocol, and
- (ii) the mechanism, scope and timing of the control measures that should apply to those substances;

[(b) Any such decisions shall become effective, provided that it has been accepted by a two-thirds majority vote of the Parties present and voting.]

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

INTRODUCTION TO THE ADJUSTMENTS

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

(a) References in Article 2 to "this Article" and throughout the Protocol to "Article 2" shall be interpreted as references to Articles 2, 2A and 2B;

(b) References throughout the Protocol to "paragraphs 1 to 4 of Article 2" shall be interpreted as references to Articles 2A and 2B; and

(c) The reference in paragraph 5 of Article 2 to "paragraphs 1, 3 and 4" shall be interpreted as a reference to Article 2A.

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 substances in Group I of Annex A does not exceed its calculated level of consumption in 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 each twelve-month period 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, annually, 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 may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2B: HALONS

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, 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, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

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 of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, 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 of the substances does not exceed, annually, twenty-five 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 substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

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

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide 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 substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

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

1. 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 C does not exceed, annually, the sum of:

(a) Three point one 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 1 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.

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.

ARTICLE 2G: HYDROBROMOFLUOROCARBONS

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

Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.)

ARTICLE 3: CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2, 2A to 2E (2A to 2H) and 5, each Party shall, for each group of substances in Annex A or Annex B, (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 or Annex B, (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 in calculating the consumption level of the exporting Party.

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES

[1 Within one year of the entry into force of this Protocol, each Party shall ban the import of controlled substances from any State not party to this Protocol.

2. Beginning on 1 January 1993, no Party operating under paragraph 1 of Article 5 may export any controlled substance to any State not party to this Protocol.

3. Within three years of the date of entry into force of this Protocol, the Parties shall, following the procedure in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances. 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. Within five years of the entry into force of this Protocol, 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. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to it in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

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

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

2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to 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*. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Group II of Annex C to any State not party to this Protocol.

3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *bis*. Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *ter*. Within three years of the date of entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Group II of Annex C. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to 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 restricting, 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 and B and Group II of Annex C).

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 and B and Group II of Annex C).

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 and B and Group II of Annex C).

8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 1 bis, 3, 3 bis, [and] 4, and 4 bis and exports referred to Paragraphs 2 and 2 bis (and exports received 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 2E (, Article 2G) and this Article, and [has] 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 organization that has not agreed to be bound by the control measures in effect for that substance.

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 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 [within ten years of the date of entry into force of the Protocol] 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 [paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs]. [However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita. Any such Party shall be entitled to use either the average of its annual calculated level of consumption for the period of 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for its compliance with the control measures].

, 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 8 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 I 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. The Parties undertake to facilitate access to environmentally safe alternative substances and technology for Parties that are developing countries and assist them to make expeditious use of such alternatives.]

[3. The Parties undertake to facilitate bilaterally or multilaterally the provision of subsidies, aid, credits, guarantees or insurance programmes to Parties that are developing countries for the use of alternative technology and for substitute products.]

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.

(b) For controlled substances under Annex B, 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.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2E (Article 2A to 2H) 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 any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article, and their implementation by those same 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, or any or all 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 shall not be invoked against the notifying Party.

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.

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

ARTICLE 7: REPORTING OF DATA

1. Each Party shall provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.

[2 Each Party shall provide statistical data to the secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports, and exports to Parties and non-Parties, respectively, of such substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of the year to which the data relate.]

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 each of the transitional substances in Group I of Annex C, for the year 1989, 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 Annex B enter into force for that Party.

3. Each Party shall provide statistical data to the Secretariat on its annual production (as defined in paragraph 5 of Article 1), and, separately,

- amounts used for feedstocks,

- amounts destroyed by technologies approved by the Parties,
- imports and exports to Parties and non-Parties respectively,

of each of the controlled substances listed in Annexes A and B as well as of the transitional substances in Group I of Annex C, for the year during which provisions concerning the substances in Annex B entered into force for that Party and for each year thereafter. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

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

- in Annexes B and 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. Data shall be forwarded not later than nine months after the end of the year to which the data 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 paragraphs 1, 2 and 3 {in paragraphs 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 organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

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, to 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: TECHNICAL ASSISTANCE

1. The Parties shall in the context of the provisions of Article 4 of the Convention, and taking into account in particular the needs of developing countries, co-operate in promoting technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party or Signatory to this Protocol may submit a request to the Secretariat for technical assistance for the purposes of implementing or participating in the Protocol.

3. The Parties, at their first meeting, shall begin deliberations on the means of fulfilling the obligations set out in Article 9, and paragraphs 1 and 2 of this Article, including the preparation of workplans. Such workplans shall pay special attention to the needs and circumstances of the developing countries. States and regional economic integration organizations not party to the Protocol should be encouraged to participate in activities specified in such workplans.]

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 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E, 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 agreed incremental costs 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 these 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
 - (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;
- (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 a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

- (a) Strictly relates 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 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 been 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 operating under paragraph 1 of Article 5 present and voting and 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 programmes 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 other 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;

*The Article 10 in question is that of the original Protocol adopted in 1987.

- (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 **and the situation regarding transitional substances** [provided for in Article 2];*
- (h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new 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 and service meetings of the Parties as provided for in Article 11;
- (b) receive and make available, upon request by a 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 so as to facilitate the provision of such assistance;
- (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.

* The part in bold will not apply once the Copenhagen Amendment enters into force.

ARTICLE 14: RELATIONSHIP OF THIS PROTOCOL TO THE CONVENTION

Except 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 organizations 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 into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the 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 organization shall not be counted as additional to those deposited by member States of such organization.
3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

ARTICLE 17: PARTIES JOINING AFTER ENTRY INTO FORCE

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfill forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2E, {Articles 2A to 2H} and Article 4, that apply at that date to the States and regional economic integration organizations 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

For the purposes of this Protocol, the provisions of Article 19 of the Convention relating to withdrawal shall apply, except with respect to Parties referred to in paragraph 1 of Article 5. Any such 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 paragraphs 1 to 4 of Article 2. 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 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 WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED 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

<u>Group</u>	<u>Substance</u>	<u>Ozone Depleting Potential* /</u>
<hr/>		
Group I		
CFC ₁ ₃	(CFC-11)	1.0
CF ₂ Cl ₂	(CFC-12)	1.0
C ₂ F ₃ Cl ₃	(CFC-113)	0.8
C ₂ F ₄ Cl ₂	(CFC-114)	1.0
C ₂ F ₅ Cl	(CFC-115)	0.6
Group II		
CF ₂ BrCl	(halon-1211)	3.0
CF ₃ Br	(halon-1301)	10.0
C ₂ F ₄ Br ₂	(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

<u>Group</u>	<u>Substance</u>	<u>Ozone-depleting potential</u>
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Group I

CF_3Cl	(CFC-13)	1.0
C_2FCl_5	(CFC-111)	1.0
$C_2F_2Cl_4$	(CFC-112)	1.0
C_3FCl_7	(CFC-211)	1.0
$C_3F_2Cl_6$	(CFC-212)	1.0
$C_3F_3Cl_5$	(CFC-213)	1.0
$C_3F_4Cl_4$	(CFC-214)	1.0
$C_3F_5Cl_3$	(CFC-215)	1.0
$C_3F_6Cl_2$	(CFC-216)	1.0
C_3F_7Cl	(CFC-217)	1.0

Group II

CCl_4	carbon tetrachloride	1.1
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Group III

$C_2H_3Cl_3$ *	1,1,1-trichloroethane (methyl chloroform)	0.1
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* This formula does not refer to 1,1,2-trichloroethane.

Annex C
Controlled Substances

Group	Substance	Number of Isomers	Ozone Depleting Potential*
<u>Group I</u>			
	CHFC1 ₂ (HCFC-21)**	1	0.04
	CHF ₂ C1 ² (HCFC-22)**	1	0.055
	CH ₂ FC1 (HCFC-31)	1	0.02
	C ₂ HFC1 ₄ (HCFC-121)	2	0.01 - 0.04
	C ₂ HF ₂ C1 ₃ (HCFC-122)	3	0.02 - 0.08
	C ₂ HF ₃ C1 ₂ (HCFC-123)	3	0.02 - 0.06
	CHCl ₂ CF ₃ (HCFC-123)**	-	0.02
	C ₂ HF ₄ C1 (HCFC-124)	2	0.02 - 0.04
	CHFC1CF ₃ (HCFC-124)**	-	0.022
	C ₂ H ₂ FC1 ₃ (HCFC-131)	3	0.007 - 0.05
	C ₂ H ₂ F ₂ CI ₂ (HCFC-132)	4	0.008 - 0.05
	C ₂ H ₂ F ₃ C1 (HCFC-133)	3	0.02 - 0.06
	C ₂ H ₃ FC1 ₂ (HCFC-141)	3	0.005 - 0.07
	CH ₃ CFC1 ₂ (HCFC-141b)**	-	0.11
	C ₂ H ₃ F ₂ C1 (HCFC-142)	3	0.008 - 0.07
	CH ₂ CF ₂ C1 (HCFC-142b)**	-	0.065
	C ₂ H ₄ FC1 (HCFC-151)	2	0.003 - 0.005
	C ₃ HFC1 ₆ (HCFC-221)	5	0.015 - 0.07
	C ₃ HF ₂ C1 ₅ (HCFC-222)	9	0.01 - 0.09
	C ₃ HF ₃ C1 ₄ (HCFC-223)	12	0.01 - 0.08
	C ₃ HF ₄ C1 ₃ (HCFC-224)	12	0.01 - 0.09
	C ₃ HF ₅ C1 ₂ (HCFC-225)	9	0.02 - 0.07
	CF ₃ CF ₂ CHCl ₂ (HCFC-225ca)**	-	0.025
	CF ₂ CICF ₂ CHCIF (HCFC-225cb)**	-	0.033
	C ₃ HF ₆ C1 (HCFC-226)	5	0.02 - 0.10
	C ₃ H ₂ FC1 ₅ (HCFC-231)	9	0.05 - 0.09
	C ₃ H ₂ F ₂ C1 ₄ (HCFC-232)	16	0.008 - 0.10
	C ₃ H ₂ F ₃ C1 ₃ (HCFC-233)	18	0.007 - 0.23
	C ₃ H ₂ F ₄ C1 ₂ (HCFC-234)	16	0.01 - 0.28
	C ₃ H ₂ F ₅ C1 (HCFC-235)	9	0.03 - 0.52
	C ₃ H ₃ FC1 ₄ (HCFC-241)	12	0.004 - 0.09
	C ₃ H ₃ F ₂ C1 ₃ (HCFC-242)	18	0.005 - 0.13
	C ₃ H ₃ F ₃ C1 ₂ (HCFC-243)	18	0.007 - 0.12
	C ₃ H ₃ F ₄ C1 (HCFC-244)	12	0.009 - 0.14
	C ₃ H ₄ FC1 ₃ (HCFC-251)	12	0.001 - 0.01
	C ₃ H ₄ F ₂ CI ₂ (HCFC-252)	16	0.005 - 0.04
	C ₃ H ₄ F ₃ CI (HCFC-253)	12	0.003 - 0.03
	C ₃ H ₅ FC1 ₂ (HCFC-261)	9	0.002 - 0.02
	C ₃ H ₅ F ₂ CI (HCFC-262)	9	0.002 - 0.02
	C ₃ H ₆ FC1 (HCFC-271)	5	0.001 - 0.03

Group	Substance	Number of Isomers	Ozone Depleting Potential*
Group II			
	CHBr ₂	1	1.00
	CHF ₂ Br (HBFC-22B1)	1	0.74
	CH ₂ FBr	1	0.73
	C ₂ HFBr ₄	2	0.3 - 0.8
	C ₂ HF ₂ Br ₃	3	0.5 - 1.8
	C ₂ HF ₃ Br ₂	3	0.4 - 1.6
	C ₂ HF ₄ Br	2	0.7 - 1.2
	C ₂ H ₂ FBr ₃	3	0.1 - 1.1
	C ₂ H ₂ F ₂ Br ₂	4	0.2 - 1.5
	C ₂ H ₂ F ₃ Br	3	0.7 - 1.6
	C ₂ H ₃ FBr ₂	3	0.1 - 1.7
	C ₂ H ₃ F ₂ Br	3	0.2 - 1.1
	C ₂ H ₄ FBr	2	0.07 - 0.1
	C ₃ HFBr ₆	5	0.3 - 1.5
	C ₃ HF ₂ Br ₅	9	0.2 - 1.9
	C ₃ HF ₃ Br ₄	12	0.3 - 1.8
	C ₃ HF ₄ Br ₃	12	0.5 - 2.2
	C ₃ HF ₅ Br ₂	9	0.9 - 2.0
	C ₃ HF ₆ Br	5	0.7 - 3.3
	C ₃ H ₂ FBr ₅	9	0.1 - 1.9
	C ₃ H ₂ F ₂ Br ₄	16	0.2 - 2.1
	C ₃ H ₂ F ₃ Br ₃	18	0.2 - 5.6
	C ₃ H ₂ F ₄ Br ₂	16	0.3 - 7.5
	C ₃ H ₂ F ₅ Br	8	0.9 - 1.4
	C ₃ H ₃ FBr ₄	12	0.08 - 1.9
	C ₃ H ₃ F ₂ Br ₃	18	0.1 - 3.1
	C ₃ H ₃ F ₃ Br ₂	18	0.1 - 2.5
	C ₃ H ₃ F ₄ Br	12	0.3 - 4.4
	C ₃ H ₄ FBr ₃	12	0.03 - 0.3
	C ₃ H ₄ F ₂ Br ₂	16	0.1 - 1.0
	C ₃ H ₄ F ₃ Br	12	0.07 - 0.8
	C ₃ H ₅ FBr ₂	9	0.04 - 0.4
	C ₃ H ₅ F ₂ Br	9	0.07 - 0.8
	C ₃ H ₆ FBr	5	0.02 - 0.7

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

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

Annex D*

A LIST OF PRODUCTS** CONTAINING CONTROLLED
SUBSTANCES SPECIFIED IN ANNEX A
(ADOPTED IN ACCORDANCE WITH ARTICLE 4, PARAGRAPH 3)

<u>PRODUCTS</u>	<u>CUSTOMS CODE NUMBER</u>
1. Automobile and truck air conditioning units (whether incorporated in vehicles or not)
2. Domestic and commercial refrigeration and air conditioning/heat pump equipment***
e.g. Refrigerators
Freezers
Dehumidifiers
Water coolers
Ice machines
Air conditioning and heat pump 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 personal 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

<u>Group</u>	<u>Substance</u>	<u>Ozone-Depleting Potential</u>
<u>Group I</u>		
CH ₃ Br	methyl bromide	0.7

APPENDIX

DECISIONS ADOPTED BY THE MEETINGS OF THE PARTIES TO THE MONTREAL PROTOCOL
IN RESPECT OF EACH ARTICLE OF THE PROTOCOL

ARTICLE 1: DEFINITIONS

The First Meeting of the Parties decided in Dec.I/12A to agree to the following clarification of the definition of controlled substances (in bulk) in Article 1, paragraph 4 of the Montreal Protocol:

(a) Article 1 of the Montreal Protocol excludes from consideration as a "controlled substance" any listed substance, whether alone or in a mixture, which is in a manufactured product other than a container used for transportation or storage;

(b) any amount of a controlled substance or a mixture of controlled substances which is not part of a use system containing the substance is a controlled substance for the purpose of the Protocol (i.e. a bulk chemical);

(c) if a substance or mixture must first be transferred from a bulk container to another container, vessel or piece of equipment in order to realize its intended use, the first container is in fact utilized only for storage and/or transport, and the substance or mixture so packaged is covered by Article 1, paragraph 4 of the Protocol;

(d) if, on the other hand, the mere dispensing of the product from a container constitutes the intended use of the substance, then that container is itself part of a use system and the substance contained in it is therefore excluded from the definition;

(e) examples of use systems to be considered as products for the purposes of Article 1, paragraph 4 are inter alia:

(i) an aerosol can;

(ii) a refrigerator or refrigerating plant, air conditioner or air-conditioning plant, heat pump, etc;

(iii) a polyurethane prepolymer or any foam containing, or manufactured with, a controlled substance;

(iv) a fire extinguisher (wheel or hand-operated) or an installed container incorporating a release device (automatic or hand-operated);

(f) bulk containers for shipment of controlled substances and mixtures containing controlled substances to users include (numbers being illustrative), inter alia:

(i) tanks installed on board ships;

(ii) rail tank cars (10-40 metric tons);

(iii) road tankers (up to 20 metric tons);

(iv) cylinders from 0.4 kg to one metric ton;

(v) drums (5-300 kg);

(g) because containers of all sizes are used for either bulk or manufactured products, distinguishing on the basis of size is not consistent with the definition in the Protocol. Similarly, since containers for bulk or manufactured products can be designed to be rechargeable or not rechargeable, rechargeability is not sufficient for a consistent definition;

(h) if the purpose of the container is used as the distinguishing characteristic as in the Protocol definition, such CFC or halon-containing products as aerosol spray cans and fire extinguishers, whether of the portable or flooding type, would therefore be excluded, because it is the mere release from such containers which constitute the intended use.

The Second Meeting of the Parties decided in Dec.II/4 to clarify the definition of "controlled substance" in paragraph 4 of Article 1 of the Protocol so that it is understood to include the isomers of such substances except as specified in the relevant Annex.

The Fourth Meeting of the Parties decided in Dec.IV/12:

(1) that insignificant quantities of controlled substances originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from their use as process agents which are present in chemical substances as trace impurities, or that are emitted during product manufacture or handling, shall be considered not to be covered by the definition of a controlled substance contained in paragraph 4 of Article 1 of the Montreal Protocol;

(2) to urge Parties to take steps to minimize emissions of such substances, including such steps as avoidance of the creation of such emissions, reduction of emissions using practicable control technologies or process changes, containment or destruction;

(3) to request the Technology and Economic Assessment Panel:

(a) to give an estimate of the total emissions resulting from trace impurities, emission during product manufacture and handling losses;

(b) to submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol not later than 31 March 1994.

The Third Meeting of the Parties decided in Dec.III/8:

(a) to request the Technical and Economic Assessment Panel (operating under Decision II/13 of the Second Meeting of Parties to the Montreal Protocol) to compile a list of full and complete trade names; including any numerical designations of substances controlled by the Montreal Protocol and the amended Montreal Protocol, including mixtures containing controlled substances and to submit the list to the Secretariat by the end of November 1991;

(b) to request the Secretariat to distribute by the end of March 1992, the list called for in (a) above, to all the Parties to the Montreal Protocol.

The Fourth Meeting of the Parties decided in Dec.IV/10:

to note the list of trade names of controlled substances compiled by the Technology and Economic Assessment Panel and distributed by the Secretariat to all Governments in March 1992.

The First Meeting of the Parties decided in Dec.I/12B:

(a) to agree to the following clarification on the definition of "controlled substances produced" in Article 1, paragraph 5:

"Controlled substances produced" as used in Article 1, paragraph 5 is the calculated level of controlled substances manufactured by a Party. This excludes the calculated level of controlled substances entirely used as a feedstock in the manufacture of other chemicals. Excluded also from the term "controlled substances produced" is the calculated level of controlled substances derived from used controlled substances through recycling or recovery processes;

(b) each Party should establish accounting procedures to implement this definition.

The First Meeting of the Parties also decided in Dec.I/12F with regard to destruction:

(a) to agree to the following clarification of the definition of Article 1, paragraph 5 of the Protocol:

"a destruction process is one which, when applied to controlled substances, results in the permanent transformation, or decomposition of all or a significant portion of such substances";

(b) to request the Panel for Technical Assessment to address this subject for the Parties to return to it at its second and subsequent meetings with a view to determining whether it would be necessary to have a Standing Technical Committee to review and recommend for approval by the Parties methods for transformation or decomposition and to determine the amount of controlled substances that are transformed or decomposed by each method.

The Second Meeting of the Parties decided in Dec.II/11 with regard to destruction technologies:

to establish an Ad Hoc Technical Advisory Committee on Destruction Technologies and to appoint its Chairman, who shall appoint in consultation with the Secretariat up to nine other members on the basis of nomination by Parties. The members shall be experts on destruction technologies and selected with due reference to equitable geographical distribution. The Committee shall analyse destruction technologies and assess their efficiency and environmental acceptability and develop approval criteria and measurements. The Committee shall report regularly to meetings of the Parties.

The Third Meeting of the Parties noted in Dec.III/10, the constitution of the Ad Hoc Technical Advisory Committee on Destruction Technologies, established by the Second Meeting of the Parties, and requested the Committee to submit a report to the Secretariat for presentation to the Fourth Meeting of the Parties, in 1992 at least four months before the date set for that meeting.

The Fourth Meeting of the Parties decided in Dec.IV/11:

(1) to note the report of the Ad Hoc Technical Advisory Committee on Destruction Technologies and, in particular, the recommendations contained therein;

(2) to approve, for the purposes of paragraph 5 of Article 1 of the Protocol, those destruction technologies that are listed in Annex VI to the report on the work of the Fourth Meeting of the Parties which (see Annex XVI in this Handbook) are operated in accordance with the suggested minimum standards identified in Annex VII to the report of the Fourth Meeting of the Parties (see Annex XVII in this Handbook) unless similar standards currently exist domestically;

(3) to call on each Party that operates, or plans to operate, facilities for the destruction of ozone-depleting substances:

(a) to ensure that its destruction facilities are operated in accordance with the Code of Good Housekeeping Procedures set out in section 5.5 of the report of the Ad Hoc Technical Advisory Committee on Destruction Technologies, unless similar procedures currently exist domestically; and

(b) for the purposes of paragraph 5 of Article 1 of the Protocol, to provide each year, in its report under Article 7 of the Protocol, statistical data on the actual quantities of ozone-depleting substances it has destroyed, calculated on the basis of the destruction efficiency of the facility employed;

(4) to clarify that the definition of destruction efficiency relates to the input and output of the destruction process itself, not to the destruction facility as a whole;

- (5) to request the Technology and Economic Assessment Panel, drawing on expertise as necessary:
- (a) to reassess ozone-depleting substances destruction capacities;
 - (b) to evaluate emerging technology submissions;
 - (c) to prepare recommendations for consideration by the Parties to the Montreal Protocol at their annual Meeting;
 - (d) to examine means to increase the number of such destruction facilities and making available the utilization to developing countries which do not own or are unable to operate such facilities;
- (6) to list in Annex VI to the report on the work of the Fourth Meeting of the Parties approved destruction technologies;
- (7) to facilitate access and transfer of approved destruction technologies in accordance with Article 10 of the Protocol, together with provision for financial support under Article 10 of the Protocol for Parties operating under paragraph 1 of Article 5.

The First Meeting of the Parties decided in Dec.I/12H with regard to exports and imports of used controlled substances:

imports and exports of bulk used controlled substances should be treated and recorded in the same manner as virgin controlled substances and included in the calculation of a Party's consumption limits.

The Fourth Meeting of the Parties decided in Dec.IV/24:

- (1) to annul decision I/12 H of the First Meeting of the Parties, which reads "Imports and exports of bulk used controlled substances should be treated and recorded in the same manner as virgin controlled substances and included in the calculation of the Party's consumption limits";
- (2) not to take into account, for calculating consumption, the import and export of recycled and used controlled substances (except when calculating the base year consumption under paragraph 1 of Article 5 of the Protocol), provided that data on such imports and exports are subject to reporting under Article 7;
- (3) to agree to the following clarifications of the terms "recovery", "recycling" and "reclamation":
 - (a) Recovery: The collection and storage of controlled substances from machinery, equipment, containment vessels, etc., during servicing or prior to disposal;
 - (b) Recycling: The re-use of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment it often occurs "on-site";
 - (c) Reclamation: The re-processing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance. It often involves processing "off-site" at a central facility;
- (4) to urge all the Parties to take all practicable measures to prevent releases of controlled substances into the atmosphere, including, inter alia:
 - (a) to recover controlled substances in Annex A, Annex B and Annex C of the Protocol, for purposes of recycling, reclamation or destruction, that are contained in the following equipment during servicing and maintenance as well as prior to equipment dismantling or disposal:

- (i) stationary commercial and industrial refrigeration and air conditioning equipment;
 - (ii) mobile refrigeration and mobile air-conditioning equipment;
 - (iii) fire protection systems;
 - (iv) cleaning machinery containing solvents;
- (b) to minimize refrigerant leakage from commercial and industrial air-conditioning and refrigeration systems during manufacture, installation, operation and servicing;
- (c) to destroy unneeded ozone-depleting substances where economically feasible and environmentally appropriate to do so;
- (5) to urge the Parties to adopt appropriate policies for export of the recycled and used substances to Parties operating under paragraph 1 of Article 5 of the Protocol, so as to avoid any adverse impact on the industries of the importing Parties, either through an excessive supply at low prices which might introduce unnecessary new uses or harm the local industries, or through an inadequate supply which might harm the user industries;
- (6) to request the Scientific Assessment Panel to study and report, by 31 March 1994 at the latest, through the Secretariat, on the impact on the ozone layer of continued use of recycled controlled substances and of the utilization or non-utilization of available environmentally sound alternatives/substitutes and to request the Open-ended Working Group of the Parties to consider the report and to submit their recommendations to the Sixth Meeting of the Parties;
- (7) to request the Technology and Economic Assessment Panel to review and report, by 31 March 1994 at the latest, through the Secretariat, on:
- (a) the technologies for recovery, reclamation, recycling and leakage control;
 - (b) the quantities available for economically feasible recycling and the demand for recycled substances by all Parties;
 - (c) the scope for meeting the basic domestic needs of the Parties operating under paragraph 1 of Article 5 of the Protocol through recycled substances;
 - (d) the modalities to promote the widest possible use of alternatives/substitutes with a view to increasing their usage and release their reclaimed substances to Parties operating under paragraph 1 of Article 5 of the Protocol; and
 - (e) other relevant issues and to recommend policies with respect to recovery, reclamation and recycling, keeping in mind the effective implementation of the Montreal Protocol;
- (8) to request the Open-Ended Working Group of the Parties to the Protocol to consider the reports of the Scientific Assessment Panel and the Technology and Economic Assessment Panel and any recommendations in this regard made by the Executive Committee and submit their recommendations to the Sixth Meeting of the Parties, in 1994.

The First Meeting of the Parties decided in Dec.I/12D to agree to the following clarification of the definition of "industrial rationalization" in Article 1, paragraph 8 and Article 2, paragraphs 1 to 5 of the Protocol:

in interpreting the definition of industrial rationalization, it is not possible for one country to increase its production without a corresponding reduction of production in another country.

ARTICLE 2, 2A-2H: CONTROL MEASURES

The First Meeting of the Parties decided in Dec.1/12G to agree to the following clarification of Article 2, paragraph 6 of the Protocol:

(a) paragraphs 1 to 4 of Article 2 of the Protocol freeze and then reduce annual production and therefore do not allow any increase of such production under Article 2, paragraph 6.

(b) since the object and purpose of the Protocol is to significantly reduce the production and use of CFCs and halons, neither Article 2, paragraph 6 nor any other provision allows an increase in production to be exported to non-Parties so that the reduction in global consumption is not obtained in accordance with the object of the Protocol.

(c) only countries that notify the Secretariat that the facilities were under construction or contracted prior to 16 September 1987, provided for in national legislation prior to 1 January 1987 and completed by 31 December 1990 were allowed to operate under Article 2, paragraph 6.

The First Meeting of the Parties decided in Dec.I/12C to agree to the following clarification of the term "basic domestic needs" in Articles 2 and 5 of the Protocol:

"Basic domestic needs" referred to in Articles 2 and 5 of the Protocol should be understood as not to allow production of products containing controlled substances to expand for the purpose of supplying other countries.

The Second Meeting of the Parties decided in Dec.II/1 to adopt in accordance with the procedure laid down in paragraphs 4 and 9 of Article 2 of the Montreal Protocol the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in Annex I to the report on the work of the Second Meeting of the Parties.

The Second Meeting of the Parties decided in Dec.II/3 with regard to halons to establish an ad hoc working group of experts to investigate, and make recommendations to the Fourth Meeting of the Parties in 1992 on the availability of substitutes for halons, the need to define essential uses of halons, methods of implementation and, if there is such a need, the identification of such uses.

The Third Meeting of the Parties decided in Dec.III/1(a):

(a) to bring to the attention of the Parties to the Montreal Protocol the fact that the Adjustments to the Protocol adopted at the Second Meeting of the Parties came into effect on 7 March 1991 and to urge them to adopt the necessary measures to comply with the adjusted control measures.

The Third Meeting of the Parties decided in Dec.III/12

(b) taking into account the London Resolution on transitional substances (Annex VII to the report of the Second Meeting of the Parties to the Montreal Protocol) [See Annex III in this Handbook] to identify the specific areas where transitional substances are required to facilitate the earliest possible phase-out of controlled substances, taking into account environmental, technological and economic factors, where no other more environmentally suitable alternatives are available. The quantities likely to be needed for those areas of application currently served by transitional substances shall both be assessed;

(c) to request the assessment panels to identify the transitional substances with the lowest potential for ozone depletion required for those areas and suggest, if possible, a technically and economically feasible timetable, indicating associated costs, for the elimination of transitional substances;

(d) to request the assessment panels to submit their reports in time for their consideration by the Open-Ended Working Group with a view to their submission for consideration by the Fourth Meeting of the Parties;

(e) to endorse Decision II/2, paragraph 2, of the Second Meeting of the Conference of the Parties to the Vienna Convention.

The Fourth Meeting of the Parties decided in Dec. IV/2:

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

The Fourth Meeting of the Parties decided in Dec. IV/3:

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

The Fourth Meeting of the Parties decided in Dec. IV/25:

(1) to apply the following criteria and procedure in assessing an essential use for the purposes of control measures in Article 2 of the Protocol:

(a) that a use of a controlled substance should qualify as "essential" only if:

(i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and

(ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;

(b) that production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

(i) all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and

(ii) the controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances;

(c) that production, if any, for essential use, will be in addition to production to supply the basic domestic needs of the Parties operating under paragraph 1 of Article 5 of the Protocol prior to the phase-out of the controlled substances in those countries;

(2) to request each of the Parties to nominate, in accordance with the criteria approved in paragraph 1 (a) of the present decision, any use it considers "essential", to the Secretariat at least six months for halons and nine months for other substances prior to each Meeting of the Parties that is to decide on this issue;

(3) to request the Technology and Economic Assessment Panel and its Technical and Economic Options Committee to develop, in accordance with the criteria in paragraphs 1 (a) and 1 (b) of the present decision, recommendations on the nominations, after consultations with experts as necessary, regarding:

(a) the essential use (substance, quantity, quality, expected duration of essential use, duration of production or import necessary to meet such essential use);

(b) economically feasible use and emission controls for the proposed essential use;

(c) sources of already produced controlled substances for the proposed essential use (quantity, quality, timing); and

(d) steps necessary to ensure that alternatives and substitutes are available as soon as possible for the proposed essential use;

(4) to request the Technology and Economic Assessment Panel, while making its recommendations to take into account the environmental acceptability, health effects, economic feasibility, availability, and regulatory status of alternatives and substitutes;

(5) to request the Technology and Economic Assessment Panel to submit its report, through the Secretariat, at least three months before the Meeting of the Parties in which a decision is to be taken. The subsequent reports will also consider which previously qualified essential uses should no longer qualify as essential;

(6) to request the Open-ended Working Group of the Parties to consider the report of the Technology and Economic Assessment Panel and make its recommendations to the Fifth Meeting of the Parties for halons and at the Sixth Meeting for all other substances for which an essential use is proposed;

(7) that essential use controls will not be applicable to Parties operating under paragraph 1 of Article 5 of the Protocol until the phase-out dates applicable to those Parties.

The Fourth Meeting of the Parties decided in Dec. IV/26:

(1) to urge Parties to encourage recovery, recycling and reclamation of halons in order to meet the needs of all Parties, particularly those operating under paragraph 1 of Article 5 of the Protocol;

(2) to call upon Parties importing recovered or recycled substances in Group II of Annex A to apply, when deciding on the use of those substances, the essential-use criteria set out in the 1991 report of the Halons Technical Options Committee. The purpose of these criteria is to minimize the use of halons in non-essential applications;

(3) to request the Technology and Economic Assessment Panel (Halons Technical Options Committee) to undertake the following activities, and to report to the Secretariat and to request the Open-ended Working Group of the Parties to consider the report and submit its recommendations to the Fifth Meeting of the Parties:

(a) evaluation and comparison of existing and proposed recycled halon bank management programmes and identify possible means of further facilitating international recycled halon bank management;

(b) identification of simple mechanisms to distinguish between virgin and recycled halons;

(c) investigation of appropriate technical standards and means to certify halons as suitable for re-use;

(d) investigation of possible legal and institutional barriers to the international trade in recovered and recycled halons;

(e) investigation of means to avoid the export of halons:

(i) that are unsuitable for reclamation or recycling; and

(ii) in quantities that would encourage excessive dependence by the recipient countries;

(f) investigation of the practical application of technologies to reclaim severely contaminated halons;

(4) to request the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to function as a clearing-house for information relevant to international halon bank management and further request the Centre to liaise with and coordinate its activities with the implementing agencies designated under the Financial Mechanism to encourage Parties to provide pertinent information to the above-mentioned clearing-house.

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES

The Second Meeting of the Parties decided in Dec.II/15 to continue the work of the Open-Ended Working Group of the Parties and to extend its mandate to consider, if necessary and in particular, the following topic:

(d) problems arising under the trade provisions of the Protocol, in respect of both trade between Parties and trade with non-Parties including issues related to free-trade zones; and to make recommendations to the Third Meeting of the Parties.

The Third Meeting of the Parties decided in Dec.III/16 to encourage the Parties to inform the Secretariat of the implementation of Article 4 of the Protocol.

The Fourth Meeting of the Parties decided in Dec.IV/17 A:

(1) to take note of the information provided by some Parties on the implementation of Article 4 of the Protocol and to encourage further those Parties that have not yet done so to provide the information to the Secretariat as soon as possible;

(2) to clarify, as follows, the situation of Parties that have not ratified the London Amendment:

(a) under paragraph 2 of Article 4 of the Protocol, the export ban on Annex A substances shall apply only to any State not party to the Montreal Protocol of 1987;

(b) under paragraph 2 bis of Article 4 of the Protocol, the export ban on Annex B substances shall commence only on 10 August 1993.

The Fourth Meeting of the Parties decided in Dec.IV/17 B:

that the exceptions provided for in paragraph 8 of Article 4 of the 1990 London Amendment to the Montreal Protocol should apply to Colombia, a country not yet Party to the Protocol, from 1 January 1993 until the date on which the Protocol and its Amendment enter into force for Colombia, bearing in mind that Colombia is in full compliance with Article 2, Articles 2A to E, and Article 4 of the Protocol and the amended Protocol and has submitted data to that effect to this Meeting and, previously, to the Ozone Secretariat, as specified in Article 7 of the amended Protocol.

The Fourth Meeting of the Parties decided in Dec.IV/17 C:

(1) recalling that paragraph 8 of Article 4 of the Protocol permits a Meeting of the Parties to determine that a State not party to the Protocol is in full compliance with Articles 2, 2A to 2E and Article 4 of the Protocol and therefore is not to be subject to the trade controls specified in that Article, to determine provisionally, pending a final decision at the Fifth Meeting of the Parties, that any State not party to the Protocol which:

(a) has by 31 March 1993 notified the Secretariat that it is in full compliance with Articles 2, 2A to 2E and Article 4 of the Protocol;

(b) has by 31 March 1993 submitted supporting data to that effect to the Secretariat as specified in Article 7 of the Protocol;

is in compliance with the relevant provisions of the Protocol and may be exempt, between that time and the Fifth Meeting of the Parties, from the trade controls in paragraphs 2 and 2 bis of Article 4 of the Protocol;

(2) to request the Secretariat to transmit any such data received to the Implementation Committee and to the Parties;

(3) that a final decision on the position of such States will be taken at the Fifth Meeting of the Parties, taking account of any comment on the data of these States that the Implementation Committee may make.

The Fourth Meeting of the Parties decided in Dec.IV/16:

(1) to take note of the entry into force of Annex D to the Protocol on 27 May 1992;

(2) to note that Singapore intends to remove its objection with respect to the products classified under items 1, 2 (with regard to domestic refrigerators and freezers), 4, 5 and 6 of Annex D;

(3) to adopt the conclusions of the note regarding the Harmonized System customs code numbers for the products listed in Annex D of the amended Montreal Protocol, as contained in document UNEP/OzL.Pro.4/3.

ARTICLE 5: SPECIAL SITUATION OF DEVELOPING COUNTRIES

The First Meeting of the Parties decided in Dec.I/12E with regard to clarification of the term "developing countries":

the following countries shall be considered developing countries for the purposes of the Protocol: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives,, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Romania, Rwanda, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

The Second Meeting of the Parties decided in Dec.II/10 concerning data of developing countries:

to ask the Secretariat to determine from the data available to it the exact quantities of the controlled substances required by developing countries operating under paragraph 1 of Article 5 and the possible sources of supply to assist developed countries to authorize their companies to produce the additional amounts needed within the percentages authorized by Article 2 and Articles 2A to 2E of the Protocol;

to request the Secretariat to publish in its annual report on data an updated list of developing countries which, on the basis of complete data submissions, are considered to be operating under paragraph 1 of Article 5. The Secretariat shall also publish a list of developing countries that, having submitted incomplete or estimated data, appear to qualify as Parties operating under paragraph 1 of Article 5. In accordance with the provisions of Article 5 of the Protocol, no Party will be eligible for paragraph 1 of Article 5 treatment until it submits complete data to the Secretariat establishing that its annual calculated per capita level of consumption is below 0.3 kg.

The Third Meeting of the Parties decided in Dec.III/3 (d) to endorse the recommendation on the categorization of the developing countries under paragraph 1 of Article 5:

"In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1), the recommendation contained in paragraph 14 (e) of the report of the Ad Hoc Group of Experts on the Reporting of Data (UNEP/OzL.Pro/WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under Article 5, paragraph 1: Bahrain, Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under Article 5, paragraph 1."

The Third Meeting of the Parties also decided in Dec.III/5:

- (a) to consider the requests by States for classification as developing countries on an individual basis as and when they come;
- (b) to accept the classification of Turkey as a developing country for the purposes of the Montreal Protocol, noting that Turkey is classified as a developing country by the World Bank, OECD and UNDP;
- (c) to request the Open-Ended Working Group of the Parties to study and fully define the criteria which will be applied in the future in case of applications for classification as a developing country for the purpose of the Montreal Protocol, and to submit a report for consideration to the Fourth or Fifth Meeting of the Parties.

The Third Meeting of the Parties also decided in Dec.III/6 to encourage the participation of representatives of developing countries in meetings of assessment panels, the Committee on Destruction Technologies, the Bureau and working groups and in any other meetings convened under the Montreal Protocol and to provide, as far as possible, financial assistance for such participation.

The Third Meeting of the Parties further decided in Dec.III/13 with respect to further adjustments to and amendments of the Montreal Protocol:

(b) to review all relevant articles of the Montreal Protocol in order to consider the possible consequences of a country which is operating under Article 5, paragraph 1 of the Protocol, exceeding the consumption ceiling of 0.3 kilograms per capita specified in that Article;

(c) to discuss measures including possible amendments to the Protocol to clarify the situations of such a Party with respect to the Article 2 control measures and in particular to specify:

- the base year which should apply to such a Party for the purpose of the reduction schedule;

- the stage of the reduction schedule with which it should be in compliance;
- what (if any) period should be allowed to the Party to enable it to comply fully with the control measures;

(d) to consider the possible implications of a Party losing its Article 5(1) status if it is at the time a member of the Executive Committee of the Interim Multilateral Fund.

The Fourth Meeting of the Parties decided in Dec.IV/29:

1. to note with appreciation the report: "Meeting of the needs of Article 5 Parties for controlled substances during the grace and phase-out periods", prepared by the Executive Committee of the Interim Multilateral Fund for the Implementation of the Montreal Protocol;
2. to request the Executive Committee to update its report and submit it to the Seventh Meeting of the Parties to the Montreal Protocol, in 1995, through the Secretariat, before 31 December 1994;
3. to request Parties to take note of the Executive Committee's report and to take the necessary steps, consistent with the provisions of the Protocol, to promote an adequate supply of controlled substances in order to meet the needs of the Parties operating under paragraph 1 of Article 5 of the Protocol.

The Fourth Meeting of the Parties decided in Dec.IV/7:

to note that the Open-ended Working Group recommended that no criteria for future classification as a developing country for the purpose of the Montreal Protocol be adopted by the Meeting of the Parties and that the Parties should consider individually applications by Parties for classification as developing countries as and when such applications are made.

The Fourth Meeting of the Parties decided in Dec.IV/8:

to encourage further the participation of representatives of developing countries in all meetings organized under the Montreal Protocol and to provide financial assistance for such participation in the 1993 and 1994 budgets.

The Fourth Meeting of the Parties decided in Dec.IV/15:

to clarify, as follows, the situation whereby a developing country operating under paragraph 1 of Article 5 of the Protocol exceeds the consumption limits set in that Article:

Where a developing country operating under paragraph 1 of Article 5 of the Protocol exceeds the maximum level of consumption for controlled substances set in that Article, the Parties shall consider the situation on a case-by-case basis when requested to do so by the developing country. The procedure on non-compliance adopted by the Fourth Meeting of the Parties (Annex IV to the report of the Fourth Meeting of the Parties) would enable the Implementation Committee to address such a situation with a view to securing an amicable solution and to make appropriate recommendations to the Meeting of the Parties regarding, inter alia, such measures as reduction schedules and technical and financial assistance.

ARTICLE 6: ASSESSMENT AND REVIEW OF CONTROL MEASURES

The First Meeting of the Parties decided in Dec.I/3 to endorse the establishment, in accordance with Article 6 of the Montreal Protocol, of the following four review panels:

- (a) Panel for Scientific Assessment,
- (b) Panel for Environmental Assessment,
- (c) Panel for Technical Assessment,
- (d) Panel for Economic Assessment.

The First Meeting of the Parties also decided in Dec.I/10 to request the Panel for Scientific Assessment to give full consideration to ODPs, greenhouse-warming potential and atmospheric life-time of the various atmospheric constituents whether controlled or not, and advise the Parties as to the environmental characteristics, both currently and in the light of projections of future production and emission, of all relevant atmospheric constituents. In this regard, particular attention should be paid to potential substitutes for the presently controlled substances, particularly HCFC 22. Similarly, the importance of methyl chloroform and carbon tetrachloride in controlling the volume of atmospheric ozone should be quantified.

The First Meeting of the Parties further decided in Dec.I/5 to establish an Open-ended Working Group inter alia to:

- (a) review the report of the four panels referred in Decision 3 above, and integrate them into one synthesis report;
- (b) based on (a) above, and taking into account the views expressed at the First Meeting of the Parties to the Montreal Protocol, prepare draft proposals for any amendments to the Protocol which would be needed. Such proposals are to be circulated to the Parties in accordance with Article 9 of the Vienna Convention for the Protection of the Ozone Layer.

The Second Meeting of the Parties decided in Dec.II/15 to continue the work of the Open-Ended Working Group of the Parties and to extend its mandate to consider, if necessary and in particular, the following topics:

- (a) Further elaboration of any remaining details of the various components of the Financial Mechanism;
- (b) Identification of the most appropriate modalities for the transfer of technologies designed for the protection of the ozone layer;
- (c) Co-operation with Parties that are developing countries for the implementation of the Protocol; and
- (d) Problems arising under the trade provisions of the Protocol, in respect of both trade between Parties and trade with non-Parties including issues related to free-trade zones; and to make recommendations to the Third Meeting of the parties.

The Second Meeting of the Parties also decided in Dec.II/13 with regard to assessment panels:

to request the Technology Review Panel to assess, in accordance with Article 6, the earliest technically feasible dates and the costs for reductions and total phase-out of 1,1,1-trichloromethane (methyl chloroform) and to report its findings in time for consideration by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at that Fourth Meeting;

to request the Secretariat to convene members of each of the four assessment panels established by the First Meeting of the Parties to review new information and to consider its inclusion in supplementary reports in time for consideration by the Fourth Meeting of the Parties, subject to a review of their mandate in the context of Article 2, paragraph 9, at the Third Meeting of the Parties;

to request the Technology Review Panel to include in its work:

- (a) an evaluation of the need for transitional substances in specific applications;
- (b) an analysis of the quantity of controlled substances required by Parties operating under paragraph 1 of Article 5 for their basic domestic needs, both at present and in the future, and the likely availability of such supplies; and
- (c) a comparison of the toxicity, flammability, energy efficiency implications and other environmental and safety considerations of chemical substitutes, along with an analysis of the likely availability of substitutes for medical uses;

to request the Scientific Assessment Panel to include in its work:

- (a) an evaluation of the ozone-depletion potential, other possible ozone layer impacts, and global warming potential of chemical substitutes (e.g. HCFCs and HFCs) for controlled substances;
- (b) an evaluation of the likely ozone-depletion potential of "other halons" that might be produced in significant quantities; and
- (c) an analysis of the anticipated impact on the ozone layer of the revised control measures reflecting the changes adopted at the Second Meeting of the Parties taking into account the current level of global participation in the Protocol;

to instruct the Scientific Assessment Panel to prepare estimated data on the impacts on the ozone layer of engine emissions from high-altitude aircraft, heavy rockets and space shuttles;

to undertake efforts to encourage broad participation in all assessment panels by experts from developing countries.

The Third Meeting of the Parties decided in Dec.III/11:

- (a) to recall Article 5, paragraphs 5 and 6 of the Amendment to the Montreal Protocol adopted by Decision II/2 of the Parties at its Second Meeting and reiterate the mandate of the Open-Ended Working Group of the Parties in accordance with Decision II/15 and request that this work be intensified;
- (b) should the results obtained by the assessment panels suggest the need to adjust or amend the Protocol, the Working Group would make recommendations in time for consideration by the next meeting of the Parties;
- (c) to endorse the selection of Mexico and the United Kingdom as co-Chairmen of the Open-Ended Working Group.

The Third Meeting of the Parties also decided in Dec.III/12:

- (a) to request the Assessment Panels and in particular the Technology and Economic Assessment Panel to evaluate, without prejudice to Article 5 of the Montreal Protocol, the implications, in particular for developing countries, of the possibilities and difficulties of an earlier phase-out of the controlled substances, for example of the implications of a 1997 phase-out.

The Fourth Meeting of the Parties decided in Dec.IV/13:

- (1) to note with appreciation the work done by the Panels for Ozone Scientific Assessment, Environmental Effects Assessment, and Technology and Economic Assessment in their reports of November-December 1991;
- (2) to request the Technology and Economic Assessment Panel and its Technical and Economic Options Committees to report annually to the Open-ended Working Group of the Parties to the Montreal Protocol the technical progress in reducing the use and emissions of controlled substances and assess the use of alternatives, particularly their direct and indirect global-warming effects;

(3) to request the three assessment panels to update their reports and submit them to the Secretariat by 30 November 1994 for consideration by the Open-ended Working Group and by the Seventh Meeting of the Parties to the Montreal Protocol. These assessments should cover all major facets discussed in the 1991 assessments with enhanced emphasis on methyl bromide. The scientific assessment should also include an evaluation of the impact of sub-sonic aircraft on ozone;

(4) to encourage the panels to meet once a year to enable the co-chairpersons of the panels to bring to the notice of the meetings of the Parties to the Montreal Protocol, through the Secretariat, any significant developments which, in their opinion, deserve such notice.

The Fourth Meeting of the Parties decided in Dec.IV/23:

(1) to request the Scientific Assessment Panel and the Technology and Economic Assessment Panel to assess the following, in accordance with Article 6 of the Protocol, and to submit their combined report, through the Secretariat, by 30 November 1994 at the latest, to the Seventh Meeting of the Parties:

(a) abundance of methyl bromide in the atmosphere and the proportion of anthropogenic emissions within this abundance of methyl bromide and the ozone-depleting potential of methyl bromide;

(b) methodologies to control emissions into the atmosphere from the various current uses of methyl bromide and the technical and economic feasibility and the likely results of such controls;

(c) availability of chemical and non-chemical substitutes for the various current uses of methyl bromide; their cost-effectiveness; the incremental costs of such substitutes, technological and economic feasibility of substitution for various uses and the benefits to the protection of the ozone layer by such substitution, taking into account the particular social, economic, geographic and agricultural conditions of different regions and, specifically, the developing countries;

(2) to request the Open-ended Working Group of the Parties to the Montreal Protocol to consider this report and submit its recommendations to the Seventh Meeting of the Parties in 1995;

The Fourth Meeting of the Parties decided in Dec.IV/27:

to request the Technology and Economic Assessment Panel to study the feasibility, in accordance with paragraph 4 of Article 4 of the Protocol, 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 of the Protocol and to report its findings, by 31 March 1993, to the Secretariat with a view to their consideration at the Fifth Meeting of the Parties in 1993.

The Fourth Meeting of the Parties decided in Dec.IV/28:

to request the Technology and Economic Assessment Panel to study and report, through the Secretariat, by 31 March 1994 at the latest, on a list of products containing controlled substances from Annex B to enable the Sixth Meeting of the Parties, in 1994, to consider the elaboration of such a list as an annex to the Protocol, in accordance with paragraph 3 bis of Article 4 of the Protocol.

The Fourth Meeting of the Parties decided in Dec.IV/30:

(1) to request the Technology and Economic Assessment Panel:

(a) to evaluate alternative substances and technologies to the application for HCFCs as refrigerant and as insulation gas in rigid foam;

(b) to identify other applications for HCFCs, if any, where other more environmentally suitable alternatives or technologies are not available; and

(c) to submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol no later than 31 March 1994;

(2) to request the Open-ended Working Group to consider the report of the Technology and Economic Assessment Panel with respect to HCFCs; to consider the possible need for specific provisions for the implementation of the regulation on the applications for HCFCs, taking into account the special circumstances of Parties operating under paragraph 1 of Article 5 of the Protocol; and to make any appropriate recommendations for consideration by the Parties at their Meeting in 1994 and following subsequent reviews taking place under Article 6 of the Protocol;

(3) to ensure that, notwithstanding the new status of HCFCs as controlled substances, the incremental costs to Parties operating under paragraph 1 of Article 5 of the Protocol of making the transition from CFCs to HCFCs consistent with the regulation on the applications for HCFCs will continue to be met by the Fund and to request the Executive Committee to function in the light of this decision;

(4) to request the Executive Committee to estimate, on an ongoing basis, the amount of HCFCs required by Parties operating under paragraph 1 of Article 5 of the Protocol and to recommend the methods of meeting such needs in full, simultaneously with the exercise to estimate the amounts of controlled substances needed, as well as to estimate the production available to meet those needs, as requested by the Open-ended Working Group at its seventh meeting.

ARTICLE 7: REPORTING OF DATA

The First Meeting of the Parties decided in Dec.I/11 with regard to report and confidentiality of data:

(a) that each Party is required to report its annual production, imports and exports of each individual controlled substance;

(b) that Parties submitting data on controlled substances deemed to be confidential by that Party shall, in submitting the data to the Secretariat, require a guarantee that the data will be treated with professional secrecy and maintained confidential;

(c) that the Secretariat in preparing reports on data of controlled substances shall aggregate the data from several Parties in such a way as to ensure that data from Parties deemed to be confidential is not disclosed. The Secretariat shall also publish total data aggregated over all Parties for each individual controlled substance;

(d) that Parties wishing to exercise their rights under Article 12, paragraph b of the Protocol may have access from the Secretariat to confidential data from other Parties, provided that they send an application in writing guaranteeing that such data will be treated with professional secrecy and not disclosed or published in any way;

(e) that data submitted under Article 7 shall when necessary be made available on a confidential basis to resolve disputes under Article 11 of the Convention.

The Second Meeting of the Parties decided in Dec.II/9:

to establish an *ad hoc* group of experts to consider the reasons leading to the difficulties faced by some countries in reporting data as required by Article 7 of the Protocol and to recommend possible solutions to the Parties concerned and to report on its progress to the Third Meeting of the Parties; and

to confirm that any data on consumption of the controlled substances that are submitted to the Secretariat as required by Article 7 of the Protocol are not to be confidential.

The Second Meeting of the Parties also decided in Dec.II/12 to agree with the recommendations adopted by the Customs Co-operation Council that all member administrations take actions to reflect the adopted subheadings in their national statistical nomenclatures as soon as possible, and to ask the Secretariat to inform the Council that the Parties, having determined that additional subheadings for individual chemicals controlled by the Montreal Protocol would be useful in their efforts to protect the ozone layer, request the assistance of the Council in this regard.

The Third Meeting of the Parties decided in Dec.III/3:

(a) to note the progress made by the Implementation Committee and to urge strongly that the Parties that have not yet done so should submit without delay the data required by the Montreal Protocol;

(b) that those States, not forming part of a regional economic integration organization, which had reported data jointly in the past should submit separate data in the future, and do so, if appropriate, in the context of Decision III/7(a);

(c) that the period for data reporting is 1 January to 31 December (Article 7, paragraph 2) and that the control period is 1 July to 30 June (Article 2, paragraph 1) and to request the Parties to report the data for both periods;

(e) to confirm the positions of Hungary, Japan, Norway, Trinidad and Tobago, and Uganda as members of the Implementation Committee for one further year and to select Cameroon, Chile, Thailand, U.S.A. and U.S.S.R. for a two year period.

The Third Meeting of the Parties further noted in Dec.III/7:

(a) the report of the Ad Hoc Group of Experts on the Reporting of Data and the suggestions that it contains, especially the recommendation that developing countries should inform the Secretariat of any difficulties they face in reporting data, and invited any party experiencing such difficulties to inform the Secretariat, so that suitable measures can be taken to rectify the situation;

(b) developing countries with a per capita consumption figure which the Secretariat estimates at below 0.3 kilograms should be able to meet their obligation to report 1986 data by informing the Secretariat that they accept its estimate (UNEP/OzL.Pro/WG.2/1/4, paragraph 14(e)).

On formats for reporting data under the amended Protocol, the Third Meeting of the Parties decided in Dec.III/9 to adopt the revised formats for reporting data as contained in Annex V of the report of the Third Meeting of the Parties.

The Third Meeting of the Parties also decided in Dec.III/13 regarding further adjustments to and amendments of the Montreal Protocol to request the Open-Ended Working Group of the Parties, to consider the following proposal which is aimed at possibly amending the Montreal Protocol and to submit a report on this proposal to the Fourth Meeting of the Parties:

(a) Article 7, paragraph 5 (of the amended Protocol): "In cases of trans-shipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import."

The Fourth Meeting of the Parties decided in Dec.IV/9:

- (1) to note with satisfaction that all the Parties that reported data met or exceeded their obligations for control measures under Article 2 of the Protocol;
- (2) to urge all Parties that have not reported their data to the Secretariat to do so as soon as possible;
- (3) to encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, inter alia, that data shall be provided not later than nine months after the end of the year to which the data relate;
- (4) to urge all Parties to insert further subdivisions to the recommended Harmonized System subheadings so that imports and exports of each of the substances listed in the annexes of the Protocol as well as each of the mixtures containing these substances can be accurately monitored in order to facilitate reporting of data under Article 7 of the Protocol.

The Fourth Meeting of the Parties decided in Dec.IV/14:

to clarify Article 7 of the amended Protocol so that it is understood to mean that, in cases of transshipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import.

ARTICLE 8: NON-COMPLIANCE

The First Meeting of the Parties decided in Dec.I/8:

- (a) to establish an open-ended ad hoc Working Group of Legal Experts to develop and submit to the Secretariat by 1 November 1989 appropriate proposals for consideration and approval by the Parties at their Second Meeting on procedures and institutional mechanisms for determining non-compliance with the provisions of the Montreal Protocol and for the treatment of Parties that fail to comply with its terms;
- (b) to invite Parties and signatories to submit to the Secretariat by no later than 22 May 1989 any comments or proposals they wish to see reflected in the working documents of the ad hoc working group;
- (c) to urge the Parties to provide within the next three months on a voluntary basis, the necessary funds for the ad hoc working group's meeting.

The Second Meeting of the Parties decided in Dec.II/5:

to adopt, on an interim basis, the procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for treatment of Parties found to be in non-compliance, as follows:

NON-COMPLIANCE PROCEDURE

1. If one or more Parties have reservations regarding another Party's implementation of its obligations under the Protocol, those concerns may be addressed in writing to the Secretariat. Such a submission shall be supported by corroborating information.
2. The Party whose implementation is at issue is to be given the submission and a reasonable opportunity to reply. Such reply and information in support thereof is to be submitted to the Secretariat and to the Parties involved. The Secretariat shall then transmit the submission, the reply and the information provided by the Parties, to the Implementation Committee referred to in paragraph 3, which shall consider the matter as soon as practicable.
3. An Implementation Committee is hereby established. It shall consist of five Parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. Outgoing Parties may also be re-elected for one immediate consecutive term. At the first election, two Parties shall be elected for a one-year term.
4. The Committee shall meet as necessary to perform its functions.
5. The functions of the Committee shall be to receive, consider and report on:
 - (a) Any submission made by one or more Parties in accordance with paragraphs 1 and 2;
 - (b) Any information or observations forwarded by the Secretariat in connection with the preparation of the report referred to in Article 12 (c) of the Protocol.
6. The Committee shall consider the submissions, information and observations referred to in paragraph 5 with a view to securing an amicable resolution of the matter on the basis of respect for the provisions of the Protocol.
7. The Committee shall report to the Meeting of the Parties. After receiving a report by the Committee the Parties may, taking into consideration the circumstances of the case, decide upon and call for steps to bring about full compliance with the protocol, including measures to assist the Party's compliance with the Protocol, and to further the Protocol's objectives.
8. The Parties involved in a matter referred to in paragraph 5 shall inform, through the Secretariat, the Meeting of the Parties of the results of proceedings taken under Article 11 of the Convention regarding possible non-compliance, about implementation of those results and about implementation of any decision of the Parties pursuant to paragraph 7.
9. The Meeting of the Parties may, pending completion of proceedings initiated under Article 11 of the Convention, issue an interim call and/or recommendations.
10. The Meeting of the Parties may request the Committee to make recommendations to assist the Meeting's consideration of cases of possible non-compliance.
11. The members of the Committee and any Party involved in its deliberations shall protect the confidentiality of information they receive in confidence.

The Second Meeting of the Parties also decided in Dec.II/5 to extend the mandate of the open-ended Ad hoc Working Group of Legal Experts to elaborate further procedures on non-compliance and terms of reference for the Implementation Committee and to present the results for review by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at the Fourth Meeting.

The Third Meeting of the Parties decided in Dec.III/2 to

(a) request the Ad hoc Working Group of Legal Experts on the Non-compliance Procedure with the Montreal Protocol, when elaborating further the procedures on non-compliance, to:

(i) identify possible situations of non-compliance with the Protocol;

(ii) develop an indicative list of advisory and conciliatory measures to encourage full compliance;

(iii) reflect the role of the Implementation Committee as an advisory and conciliatory body bearing in mind that the recommendation of the Implementation Committee on Non-compliance Procedure must always be referred to the meeting of the Parties for final decision;

(iv) reflect the possible need for legal interpretation of the provisions of the Protocol;

(v) draw up an indicative list of measures that might be taken by a meeting of the Parties in respect of Parties that are not in compliance with the Protocol, bearing in mind the need to provide all assistance possible to countries, particularly developing countries, to enable them to comply with the Protocol;

(vi) endorse the conclusion of the Ad Hoc Working Group of Legal Experts that the judicial and arbitral settlement of disputes provided for in Article 11 of the Vienna Convention and the Non-compliance Procedure pursuant to Article 8 of the Montreal Protocol were two distinct and separate procedures (UNEP/OzL.Pro/WG.3/2/3);

(b) adopt the following timetable for finalization of the draft non-compliance procedures for consideration by the Fourth Meeting of the Parties to the Protocol:

October 1991:	Meeting of the <u>Ad hoc Working Group of Legal Experts</u> to complete the draft procedures for endorsement by the Parties;
November 1991:	Submission of draft non-compliance procedures to the Ozone Secretariat;
December 1991:	Circulation of draft non-compliance procedures to the Parties;

The Third Meeting of the Parties also decided in Dec.III/17 with respect to the amendment procedure of the Vienna Convention, to request the Ad Hoc Working Group of Legal Experts on Non-compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention.

The Fourth Meeting of the Parties decided in Dec.IV/5:

(1) to note with appreciation the work of the Ad Hoc Working Group of Legal Experts on Non-Compliance with the Montreal Protocol;

(2) to adopt the non-compliance procedure, as set out in Annex IV to the report of the Fourth Meeting of the Parties (see Annex VII in this Handbook);

(3) to adopt the indicative list of measures that might be taken in respect of non-compliance, as set out in Annex V to the report of the Fourth Meeting of the Parties (see Annex VIII in this Handbook);

(4) to accept the recommendation that there is no need to expedite the amendment procedure under Article 9 of the Vienna Convention for the Protection of the Ozone Layer;

(5) to adopt the view that the responsibility for legal interpretation of the Protocol rests ultimately with the Parties themselves.

The Fourth Meeting of the Parties decided in Dec.IV/6:

to confirm the positions of Cameroon, Chile, Russian Federation, Thailand and the United States as members of the Implementation Committee for one further year, and to select Argentina, Austria, Bulgaria, Republic of Korea and Uganda for a two-year period.

ARTICLE 10: FINANCIAL MECHANISM

24. The First Meeting of Parties decided in Dec.I/4 to consider the following elements as the first components for the workplans required by Articles 9 and 10 of the Protocol:

- (a) dissemination of the reports of the panels for scientific, environmental, technical, and economic assessments, as well as the synthesis report, and their follow-up;
- (b) regular updating of the panel reports, taking into account in particular the developments in the fields of production of environmentally sound substitutes or alternative technological solutions to the use of CFCs or halons;
- (c) development of a programme, which will include workshops, demonstration projects, training courses, the exchange of experts and the provision of consultants on control options, taking into account the special needs of developing countries, for the consideration by the Parties at their second meeting;
- (d) preparation of a study of retrofit technologies applicable to existing manufacturing facilities that produce controlled substances or products made with or containing such substances, to be presented to the Parties for their consideration at their Second Meeting;
- (e) facilitation of the production and wide dissemination of material for public information;
- (f) exploration of specific ways of promoting exchange and transfer of environmentally sound substitutes and alternative technologies;
- (g) initiatives to support activities in programmes of international organizations and financing agencies that could contribute towards implementing the provisions of the Protocol, and defining means by which the Secretariat can initiate concrete contacts with the appropriate international organizations, programmes and financing agencies for this purpose.

The First Meeting of the Parties also decided in Dec.I/13 with regard to assistance to developing countries:

- (a) to recognize the urgent need to establish international financial and other mechanisms to implement Article 5, paragraphs 2 and 3, in conjunction with Articles 9 and 10 of the Montreal Protocol and to enable developing countries to meet the requirements of the present and a future strengthened Protocol, thereby addressing the ozone depletion and related problems.
- (b) to establish an open-ended working group of the Contracting Parties to develop modalities for such mechanisms, including adequate international funding mechanisms which do not exclude the possibility of an international Fund and to report the results of their deliberations to the Conference of the Parties at its Second Meeting in 1990.

The Second Meeting of the Parties decided in Dec.II/8 to establish for the three-year period from 1 January 1991 to 31 December 1993 or until such time as the Financial Mechanism is established, an Interim Financial Mechanism according to the following:

1. The Interim Financial Mechanism is established for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of the Montreal protocol to enable their compliance with the control measures set out in Articles 2A to 2E of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties, in order to enable their compliance with the control measures of the Protocol.

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 these identified needs;

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

(iv) facilitate and monitor other multilateral, regional and bilateral co-operation available to 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 President of the Second Meeting of the Parties shall ensure that the Executive Committee establishes, with effect from 1 January 1991, an "Interim Multilateral Fund for the Implementation of the Montreal Protocol" and draws up the financial regulations and rules of the Fund.

6. The Parties hereby 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. It is established for a three-year period. Before the end of that three-year period, the terms of reference of the Executive Committee shall be reviewed by the meeting of the Parties. 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. The terms of reference of the Executive Committee are attached as Appendix II to this decision.

7. 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 twenty per cent and consistent with any criteria specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation as a minimum:

- (a) strictly relates to compliance with the provisions of the Protocol;
- (b) provides additional resources; and
- (c) meets agreed incremental costs.

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

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

10. Decisions by the Parties under this decision shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing at least a majority of the Parties operating under paragraph 1 of Article 5 present and voting and at least a majority of the Parties not so operating present and voting.

11. The Financial Mechanism set out in this decision is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

12. References to dollars (\$) in this decision are to United States dollars.

The Second Meeting of the Parties also decided in Dec.II/8A to adopt the provisional budget for the Fund Secretariat as attached in Annex V of the report on the work of the Second Meeting of the Parties and to request the Executive Committee of the Parties to present to the Third Meeting of the Parties a revised version of the budget in the light of the experience gained during its implementation.

The Second Meeting of the Parties further decided in Dec.II/8B to accept the offer of Canada:

- (a) to host the Executive Committee meetings as necessary during the interim period;
- (b) to support participation of developing countries in those meetings; and
- (c) to assume the administrative costs of those initiatives.

The Third Meeting of the Parties decided in Dec.III/19 with regard to financial mechanism to request the Open-Ended Working Group of the Parties to review the indicative list of the categories of incremental costs adopted by the Parties in Decision II/8 and, taking into account the experience gained by the Executive Committee, to develop an indicative list of categories of incremental costs required by paragraph 1 of Article 10 of the Montreal Protocol as amended by the Second Meeting of the Parties. The list so developed should be submitted for consideration by the Fourth Meeting of the Parties.

The Third Meeting of the Parties decided in Dec.III/22 with respect to the Executive Committee of the Multilateral Fund:

- (a) to adopt the revised 1991 budget for the Fund Secretariat;
- (b) to endorse the Rules of Procedure as contained in Annex VI to the Report of the Third Meeting of the Parties;
- (c) to adopt the budget for 1992, included in the three-year budget for the Fund Secretariat;
- (d) to endorse the proposal to raise the total amount of the Interim Multilateral Fund by US\$40 million to US\$200 million over the three-year period 1991-1993;
- (e) to adopt a revised scale of contributions set out in Annex X to the report of the Third Meeting of the Parties;
- (f) to endorse the selection of Mexico to act as Chairman and of the United States of America to act as Vice-Chairman for the second year of the Executive Committee.

The Fourth Meeting of the Parties decided in Dec.IV/18:

I

1. to establish the Financial Mechanism, including the Multilateral Fund provided for in Article 10 of the Montreal Protocol as amended at the Second Meeting of the Parties;
2. to make the Multilateral Fund operative from 1 January 1993 and to transfer to it any resources remaining in the Interim Multilateral Fund on that date;
3. to set the total contributions to the Fund for 1993 at \$US 113.34 million and to commit to a replenishment of the Fund in order to meet on grant or concessional terms the requirements of Parties operating under paragraph 1 of Article 5 of the Protocol, in respect of agreed incremental costs as indicated by the figures \$US 340-500 million for 1994-1996. The total contribution to the Fund for 1994 will not be less than the commitments for 1993;
4. to establish the Executive Committee;
5. to adopt the terms of reference for the Multilateral Fund and for the Executive Committee, as set out in Annex IX and Annex X, respectively, to the report of the Fourth Meeting of the Parties (see Annexes X and XI in this Handbook);
6. to endorse the recommendations of the Executive Committee contained in paragraph 108 of UNEP/OzL.Pro/ExCom/8/29 and to approve the indicative list of the categories of incremental costs, as set out in Annex VIII to the report of the Fourth Meeting of the Parties, in accordance with paragraph 1 of Article 10 of the amended Protocol (see Annex XII in this Handbook);
7. to call on the Executive Committee to continue to operate under the agreements, procedures and guidelines applicable to the Interim Multilateral Fund;
8. to accept with appreciation the offer of Canada to host the Secretariat of the Multilateral Fund on the same terms as they hosted the Secretariat of the Interim Multilateral Fund and to locate the Secretariat at Montreal, Canada;

II

1. to request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, in the light of its terms of reference, and drawing on the various reports and assessments it has at its disposal, and with the cooperation and assistance of the implementing agencies, and independent advice as appropriate or necessary, to submit to the Open-ended Working Group of the Parties at its next meeting a report comprising:

(a) A report on the operation of the Financial Mechanism since 1 January 1991;

(b) Its three-year plan and budget (as required by paragraph 10 (b) of its terms of reference) based on:

(i) The needs of Parties operating under paragraph 1 of Article 5 of the Protocol;

(ii) The capacity and performance of the implementing agencies; and

(iii) The strategies and projects to be implemented by Parties operating under paragraph 1 of Article 5 of the Protocol;

2. to request the Open-ended Working Group to assess the report of the Executive Committee and to make recommendations, as appropriate, to the Fifth Meeting of the Parties;

3. to request the Open-ended Working Group to make a recommendation to the Fifth Meeting of the Parties on the level of replenishment for the Multilateral Fund for the period 1994-1996, in the light of:

(a) Decisions made by the Fourth Meeting of the Parties on this issue;

(b) The report prepared by the Executive Committee;

(c) Other assessments on the level of resources needed for the period 1994-1996 available to the Open-Ended Working Group;

(d) The status of commitments and disbursements of the Financial Mechanism;

4. to evaluate and review, by 1995, the Financial Mechanism established by Article 10 of the Protocol and section I of the present decision, with a view to ensuring its continued effectiveness, taking into account chapters 9, 33 and 34, and all other relevant chapters, of Agenda 21 as adopted by the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992.

The Fourth Meeting of the Parties decided in Dec.IV/20:

1. to adopt the revised budgets for 1992 and 1993, and the budget for 1994 for the Fund Secretariat, as set out in Annex XIII to the report of the Fourth Meeting of the Parties;

2. to urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex XIV to the report of the Fourth Meeting of the Parties;

3. to adopt the scale of contributions for the Multilateral Fund as set out in Annex XIV to the report of the Fourth Meeting of the Parties (see Annex XV in this Handbook);

4. to endorse the selection of Canada, France, Japan, Netherlands, Norway, Russian Federation and United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Brazil, Egypt, Ghana, Jordan, Malaysia, Mauritius and Venezuela as members representing Parties operating under paragraph 1 of Article 5, for one year;

5. to endorse the selection of the United States of America to act as Chairman and of Malaysia to act as Vice-Chairman of the Executive Committee for one year.

The Fourth Meeting of the Parties decided in Dec.IV/21:

1. to note the formal request that Hungary, Bulgaria and Poland have made for guidance because of the temporary difficulties they may face in making 1991, 1992 and 1993 contributions in convertible currency to the Multilateral Fund;

2. to encourage such Parties, with the assistance of the Executive Committee and the Fund Secretariat, urgently to make every effort to explore and identify possible ways and means of making contributions in kind;

3. to encourage those Parties, and other Parties not operating under paragraph 1 of Article 5 of the Protocol to consider possibilities for addressing the situation in case it is not possible for such contributions to be made in kind;

4. to request the Executive Committee to report on this matter to the Fifth Meeting of the Parties.

ARTICLE 11: MEETINGS OF THE PARTIES

The First Meeting of the Parties to the Montreal Protocol was held in Helsinki, Finland from 2 to 5 May 1989 in conjunction with the first meeting of the Conference of the Parties to the Convention, which was held in Helsinki from 26 to 28 April 1989;

The Second Meeting of the Parties was held in London from 27 to 29 June 1990. According to Dec.II/20 of the Second Meeting of the Parties, the Third Meeting of the Parties convened from 19 to 21 June 1991 in conjunction with and at the same venue (Nairobi) as the second meeting of the Conference of the Parties to the Vienna Convention;

The Third Meeting of the Parties held in Nairobi on 19-21 June 1991 decided in Dec.III/18 to convene the Fourth Meeting of the Parties to the Montreal Protocol in September or October 1992 in Denmark.

The Fourth Meeting of the Parties decided in Dec.IV/31:

to convene the Fifth Meeting of the Parties to the Montreal Protocol in October/November 1993.

The First Meeting of the Parties decided in Dec.I/1 to adopt the Rules of Procedure for Meetings of the Parties to the Montreal Protocol (see Annex XXII in this Handbook).

The First Meeting of the Parties decided in Dec.I/5 to establish an Open-Ended Working Group of the Parties to the Montreal Protocol, inter alia, to prepare draft proposals for any amendments to the Protocol which would be needed. Such proposals are to be circulated to the Parties in accordance with Article 9 of the Vienna Convention for the Protection of the Ozone Layer.

The Second Meeting of the Parties decided in Dec.II/2 to adopt in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in Annex II to the report on the work of the Second Meeting of the Parties.

The Third Meeting of the Parties decided in Dec. III/9 to adopt the revised formats for reporting data under the amended Montreal Protocol, as contained in Annex V of the report of the Third Meeting of the Parties (Annex D in this Handbook).

The Fourth Meeting of the Parties decided in Dec.IV/4:

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

The Fourth Meeting of the Parties decided in Dec.IV/22:

to take note of the reports of the first and second meetings of the Bureau of the Third Meeting of the Parties to the Montreal Protocol, contained in document UNEP/OzL.Pro.3/Bur/1/3 and UNEP/OzL.Pro.3/Bur/2/3.

ARTICLE 13: FINANCIAL PROVISIONS

The First Meeting of the Parties decided in Dec.I/14 with regard to financial arrangements:

- A.
- (a) to establish a United Nations Trust Fund in accordance with the Financial Regulations and Rules of the United Nations and in accordance with the General Procedures governing operations of the Fund of the United Nations Environment Programme;
 - (b) the Protocol Trust Fund shall be administered by the Executive Director of UNEP and shall finance expenditures approved by the parties and shall receive the contributions of Parties to the Protocol;
 - (c) to that end the Meeting requests the Executive Director to secure the necessary consents of the Secretary General of the United Nations and the Governing Council of UNEP;
 - (d) to adopt the terms of reference of the Trust Fund in Annex II of the report of the First Meeting of the Parties;
 - (e) the contributions of the Parties shall be in the form of voluntary contributions according to the formula in Annex III of the report of the First Meeting of the Parties;
 - (f) the Meeting calls on all Parties to pay their contributions to the Trust Fund in advance of the period to which they relate;
 - (g) to approve a total budget of US\$1,580,000 for the biennium 1990-1991;
- B. The States non-Parties and the non-Contributing parties to the Trust Fund are encouraged to make voluntary contributions to the Trust Fund.

The Second Meeting of the Parties decided in Dec.II/17 with regard to the budget to adopt the system of rolling biennial budgets, and to approve a total revised budget of \$3,400,000 for 1990, a total revised budget for 1991 of \$2,423,000 and a total budget for 1992 of \$2,225,000.

The Third Meeting of the Parties decided in Dec.III/21 regarding budgets and financial matters:

- (a) to request the Secretariat to submit as soon as possible to all Parties certified and audited accounts of the Montreal Protocol Trust Fund for the expenditures under the Fund for 1990 financial year;
- (b) to request the Secretariat to submit to the Parties the certified and audited accounts for 1989 of the Interim Ozone Secretariat;
- (c) to request the Secretariat to submit certified and audited accounts for subsequent years prior to regular meetings of the Parties;
- (d) to emphasize that expenditures incurred due to recommendations by the Bureau should only be met either within the budget adopted by the Parties for that year or by other additional contributions made towards these expenditures;
- (e) to emphasize that it is essential to avoid increases in already adopted budgets in the years which they relate;
- (f) to urge all Parties to pay their outstanding contributions promptly and to also pay their future contributions promptly and in full in accordance with the terms of reference and the formula for contributions as attached to Annex II to the report of the Third Meeting of the Parties;
- (g) to adopt the final budget for 1992 of US\$2,278,645, and for 1993 of US\$2,398,990.

The Fourth Meeting of the Parties decided in Dec. IV/19:

- (1) to note the financial reports on the Trust Fund for the Montreal Protocol for 1990 and 1991, and on the Secretariat for the Vienna Convention and the Montreal Protocol;
- (2) to urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex XI to the report of the Fourth Meeting of the Parties;
- (3) to adopt the revised budgets for 1992 of US\$2,862,855 and for 1993 of US\$2,702,390, and the proposed budget for 1994 of US\$3,369,090, as set out in Annex XII to the report of the Fourth Meeting of the Parties;
- (4) to extend the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer from 31 March 1993 to 31 March 1995.

ARTICLE 15: SIGNATURE

See Annex V in this Handbook for a list of States and regional economic integration organizations that have signed, ratified or acceded to the Protocol through 31 July 1993.

ARTICLE 16: ENTRY INTO FORCE

The Third Meeting of the Parties noted in Dec.III/1(b), that only two States have so far ratified the Amendment, adopted at the Second Meeting of the Parties to the Protocol and urged all States to ratify that Amendment in view of the fact that twenty instruments of ratification, approval or acceptance are required for it to come into force on 1 January 1992.

The Fourth Meeting of the Parties decided in Dec.IV/1:

to invite the attention of the Parties to the Montreal Protocol to the entry into force, on 10 August 1992, of the Amendment to the Protocol adopted by the Second Meeting of the Parties and to urge all Parties that have not yet ratified the said Amendment to do so.

ARTICLE 19: WITHDRAWAL

The Second Meeting of the Parties decided in Dec.II/6 to agree that the phrase "at any time after four years of assuming the obligations" in Article 19 should be understood to mean at any time after four years after a Party's obligation to comply became operative.

ANNEX I

HELSINKI DECLARATION
ON THE PROTECTION OF THE OZONE LAYER

2 May 1989

The Governments and the European Communities
represented at the First Meetings of the Parties
to the Vienna Convention and the Montreal Protocol

Aware of the wide agreement among scientists that depletion of the ozone layer will threaten present and future generations unless more stringent control measures are adopted

Mindful that some ozone depleting substances are powerful greenhouse gases leading to global warming

Aware also of the extensive and rapid technological development of environmentally acceptable substitutes for the substances that deplete the ozone layer and the urgent need to facilitate the transfer of technologies of such substitutes especially to developing countries

ENCOURAGE all states that have not done so to join the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol

AGREE to phase out the production and the consumption of CFCs controlled by the Montreal Protocol as soon as possible but not later than the year 2000 and for that purpose to tighten the timetable agreed upon in the Montreal Protocol taking due account of the special situation of developing countries

AGREE to both phase out halons and control and reduce other ozone-depleting substances which contribute significantly to ozone depletion as soon as feasible

AGREE to commit themselves, in proportion to their means and resources, to accelerate the development of environmentally acceptable substituting chemicals, products and technologies

AGREE to facilitate the access of developing countries to relevant scientific information, research results and training and to seek to develop appropriate funding mechanisms to facilitate the transfer of technology and replacement of equipment at minimum cost to developing countries.

ANNEX II

DECLARATION BY AUSTRALIA, AUSTRIA, BELGIUM, CANADA, DENMARK
FINLAND, FEDERAL REPUBLIC OF GERMANY, LIECHTENSTEIN, NETHERLANDS,
NEW ZEALAND, NORWAY, SWEDEN AND SWITZERLAND, LONDON, 27-29 JUNE 1990

"THE HEADS OF DELEGATIONS OF THE ABOVE GOVERNMENTS REPRESENTED AT THE
SECOND MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL,

"CONCERNED of the recent scientific findings on severe depletion of ozone
layer of both Southern and Northern Hemispheres,

"MINDFUL that all CFCs are also powerful greenhouse gases leading to
global warming,

"CONVINCED of the availability of more environmentally suitable
alternative substances or technologies, and

"CONVINCED of the need to further tighten control measures of CFCs beyond
the Protocol adjustments agreed by the Parties to the Montreal Protocol,

"DECLARE

"Their firm determination to take all appropriate measures to phase-out
the production and consumption of all fully halogenated
chlorofluorocarbons controlled by the Montreal Protocol, as adjusted and
amended, as soon as possible but not later than 1997."

ANNEX III

RESOLUTION BY THE GOVERNMENTS AND THE EUROPEAN COMMUNITIES
REPRESENTED AT THE SECOND MEETING OF THE
PARTIES TO THE MONTREAL PROTOCOL

The Governments and the European Communities represented at the Second Meeting of the Parties to the Montreal Protocol

Resolve:

I. Other halons not listed in Annex A, Group II, of the Montreal Protocol ("Other halons")

1. To refrain from authorizing or to prohibit production and consumption of fully halogenated compounds containing one, two or three carbon atoms and at least one atom each of bromine and fluorine, and not listed in Group II of Annex A of the Montreal Protocol (hereafter called "other halons"), which are of such a chemical nature or such a quantity that they would pose a threat to the ozone layer;
2. To refrain from using other halons except for those essential applications where other more environmentally suitable alternative substances or technologies are not yet available; and
3. To report to the Secretariat to the Protocol estimates of their annual production and consumption of such other halons;

II. Transitional substances

1. To apply the following guidelines to facilitate the adoption of transitional substances with a low ozone-depleting potential, such as hydrochlorofluorocarbons (HCFCs), where necessary, and their timely substitution by non-ozone depleting and more environmentally suitable alternative substances or technologies:
 - (a) Use of transitional substances should be limited to those applications where other more environmentally suitable alternative substances or technologies are not available;
 - (b) Use of transitional substances should not be outside the areas of application currently met by the controlled and transitional substances, except in rare cases for the protection of human life or human health;
 - (c) Transitional substances should be selected in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations;
 - (d) Emission control systems, recovery and recycling should, to the degree possible, be employed in order to minimize emissions to the atmosphere;
 - (e) Transitional substances should, to the degree possible, be collected and prudently destroyed at the end of their final use;
2. To review regularly the use of transitional substances, their contribution to ozone depletion and global warming, and the availability of alternative products and application technologies, with a view to their replacement by non-ozone depleting and more environmentally suitable alternatives and as the scientific evidence requires: at present, this should be no later than 2040 and, if possible, no later than 2020;

III. 1,1,1-trichloromethane (methyl chloroform)

1. To phase out production and consumption of methyl chloroform as soon as possible;
2. To request the Technology Review Panel to investigate the earliest technically feasible dates for reductions and total phase-out; and

3. To request the Technology Review Panel to report their findings to the preparatory meeting of the Parties with a view to the consideration by the Meeting of the Parties, not later than 1992;

IV. More stringent measures

1. To express appreciation to those Parties that have already taken measures more stringent and broader in scope than those required by the Protocol;
2. To urge adoption, in accordance with the spirit of paragraph 11 of Article 2 of the Protocol, of such measures in order to protect the ozone layer.

ANNEX IV

STATEMENT MADE BY THE HEADS OF DELEGATIONS REPRESENTING
THE GOVERNMENTS OF SWEDEN, FINLAND, NORWAY,
SWITZERLAND, AUSTRIA, GERMANY AND DENMARK
AT THE THIRD MEETING OF THE PARTIES

"We, the heads of delegations of Sweden, Finland, Norway, Switzerland, Austria, Germany and Denmark, believe that the recent analysis of the state of the stratospheric ozone layer calls for the adoption of more stringent control measures at the Fourth Meeting of the Parties in 1992.

We are also of the opinion that the substitution of the controlled substances with transitional substances must be as moderate and temporary as possible.

We note that the London resolution urges the adoption, in accordance with the spirit of the paragraph 11 of Article 2 of the Protocol, of more stringent measures in order to protect the Ozone Layer.

Because of this we express our firm determination to phase-out the production and the consumption of CFCs, halons and carbon tetrachloride controlled by the Montreal Protocol, as soon as possible but not later than the year 1997 and to phase-out 1,1,1-trichloromethane (methyl chloroform) as soon as possible but not later than the year 2000. We also think it is necessary to tighten the timetable agreed upon in the Montreal Protocol taking due account of the special situation of developing countries.

We are also determined to limit by no later than 1995 the use of transitional substances (HCFCs) to specific key applications where other more environmentally suitable alternative substances or technologies are not available, and to phase-out their use in those areas as soon as technically feasible."

ANNEX V

I. Status of ratification of the 1987 Montreal Protocol
on Substances that Deplete the Ozone Layer as on 31 July 1993 ^{v/}

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into Force</u>
Algeria		20.10.1992(Ac)	18.1.1993
Antigua and Barbuda		3.12.1992(Ac)	3.3.1993
Argentina ^{III/}	29.6.1988	18.9.1990(R)	16.12.1990
Australia	8.6.1988	19.5.1989(R)	17.8.1989
Austria	29.8.1988	3.5.1989(R)	1.8.1989
Bahamas		4.5.1993(Ac)	2.8.1993
Bahrain ^{7/}		27.4.1990(Ac)	26.7.1990
Bangladesh		2.8.1990(Ac)	31.10.1990
Barbados		16.10.1992(Ac)	14.1.1993
Belarus	22.1.1988	31.10.1988(At)	1.1.1989
Belgium	16.9.1987	30.12.1988(R)	30.3.1989
Benin		1.7.1993(Ac)	29.9.1993
Botswana		4.12.1991(Ac)	2.3.1992
Brazil		19.3.1990(Ac)	17.6.1990
Brunei Darussalam		27.5.1993(Ac)	25.8.1993
Bulgaria		20.11.1990(Ac)	18.2.1991
Burkina Faso	14.9.1988	20.7.1989(R)	18.10.1989
Cameroon		30.8.1989(Ac)	28.11.1989
Canada	16.9.1987	30.6.1988(R)	1.1.1989
Central African Republic		29.3.1993(Ac)	27.6.1993

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into Force</u>
Chile ^{6/}	14.6.1988	26.3.1990 (R)	24.6.1990
China		14.6.1991 (Ac)	12.9.1991
Congo	15.9.1988		
Costa Rica		30.7.1991 (Ac)	28.10.1991
Cote d'Ivoire		5.4.1993 (Ac)	4.7.1993
Croatia		8.10.1991 (Sc)	8.10.1991
Cuba		14.7.1992 (Ac)	12.10.1992
Cyprus		28.5.1992 (Ac)	26.8.1992
Denmark ^{1/}	16.9.1987	16.12.1988 (R)	1.1.1989
Dominica		31.3.1993 (Ac)	29.6.1993
Ecuador		30.4.1990 (Ac)	29.7.1990
Egypt	16.9.1987	2.8.1988 (R)	1.1.1989
El Salvador		2.10.1992 (Ac)	31.12.1992
Fiji		23.10.1988 (Ac)	21.1.1990
Finland	16.9.1987	23.12.1988 (R)	1.1.1989
France	16.9.1987	28.12.1988 (Ap)	1.1.1989
Gambia		25.7.1990 (Ac)	23.10.1990
Germany ^{2/12/}	16.9.1987	16.12.1988 (R)	1.1.1989
Ghana	16.9.1987	24.7.1989 (R)	22.10.1989
Greece	29.10.1987	29.12.1988 (R)	29.3.1989
Grenada		31.3.1993 (Ac)	29.6.1993
Guatemala		7.11.1989 (Ac)	5.2.1990

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Guinea		25.6.1992 (Ac)	23.9.1992
Hungary		20.4.1989 (Ac)	19.7.1989
Iceland		29.8.1989 (Ac)	27.11.1989
India		19.6.1992 (Ac)	17.9.1992
Indonesia	21.7.1988	26.6.1992 (Ac)	24.9.1992
Iran (Islamic Republic of)		3.10.1990 (Ac)	1.1.1991
Ireland	15.9.1988	16.12.1988 (R)	1.1.1989
Israel ^{8/} ₋	14.1.1988	30.6.1992 (R)	28.9.1992
Italy	16.9.1987	16.12.1988 (R)	1.1.1989
Jamaica		31.3.1993 (Ac)	29.6.1993
Japan	16.9.1987	30.9.1988 (At)	1.1.1989
Jordan		31.5.1989 (Ac)	30.8.1989
Kenya	16.9.1987	9.11.1988 (R)	7.2.1989
Kiribati		7.1.1993 (Ac)	7.4.1993
Korea, Republic of		27.2.1992 (Ac)	27.5.1992
Kuwait		23.11.1992 (Ac)	21.2.1993
Lebanon		31.3.1993 (Ac)	29.6.1993
Libyan Arab Jamahiriya		11.7.1990 (Ac)	9.10.1990
Liechtenstein		8.2.1989 (Ac)	8.5.1989
Luxembourg	29.1.1988	17.10.1988 (R)	15.1.1989
Malawi		9.1.1991 (Ac)	9.4.1991

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Malaysia		29.8.1989(Ac)	27.11.1989
Maldives	12.7.1988	16.5.1989(R)	14.8.1989
Malta	15.9.1988	29.12.1988(R)	1.1.1989
Marshall Islands		11.3.1993(Ac)	9.6.1993
Mauritius ^{14/}		18.8.1992(Ac)	16.11.1992
Mexico	16.9.1987	31.3.1988(Ac)	1.1.1989
Monaco		12.3.1993(Ac)	10.6.1993
Morocco	7.1.1988		
Netherlands ^{3/}	16.9.1987	16.12.1988(At)	1.1.1989
New Zealand ^{4/}	16.9.1987	21.7.1988(R)	1.1.1989
Nicaragua		5.3.1993(Ac)	3.6.1993
Niger		9.10.1992(Ac)	7.1.1993
Nigeria		31.10.1988(Ac)	29.1.1989
Norway	16.9.1987	24.6.1988(R)	1.1.1989
Pakistan		18.12.1992(Ac)	18.3.1993
Panama	16.9.1987	3.3.1989(R)	1.6.1989
Papua New Guinea		27.10.1992(Ac)	25.1.1993
Paraguay		3.12.1992(Ac)	3.3.1993
Peru		31.3.1993(Ac)	29.6.1993
Philippines	14.9.1988	17.7.1991(R)	15.10.1991
Poland		13.7.1990(Ac)	11.10.1990
Portugal	16.9.1987	17.10.1988(R)	15.1.1989

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Romania		27.1.1993 (Ac)	27.4.1993
Russian Federation ^{13/}	29.12.1987	10.11.1988 (At)	1.1.1989
Saint Kitts and Nevis		10.8.1992 (Ac)	8.11.1992
Saint Lucia		28.7.1993 (Ac)	26.10.1993
Samoa		21.12.1992 (Ac)	21.3.1993
Saudi Arabia		1.3.1993 (Ac)	30.5.1993
Senegal	16.9.1987	6.5.1993 (R)	4.8.1993
Seychelles		6.1.1993 (Ac)	6.4.1993
Singapore		5.1.1989 (Ac)	5.4.1989
Slovakia		28.5.1993 (Sc)	28.5.1993
Slovenia		6.7.1992 (Sc)	6.7.1992
Solomon Islands		17.6.1993 (Ac)	15.9.1993
South Africa		15.1.1990 (Ac)	15.4.1990
Spain	21.7.1988	16.12.1988 (R)	1.1.1989
Sri Lanka		15.12.1989 (Ac)	15.3.1990
Sudan		29.1.1993 (Ac)	29.4.1993
Swaziland		10.11.1992 (Ac)	8.2.1993
Sweden	16.9.1987	29.6.1988 (R)	1.1.1989
Switzerland	16.9.1987	28.12.1988 (R)	1.1.1989
Syrian Arab Republic		12.12.1989 (Ac)	12.3.1990
Tanzania, United Republic of		16.4.1993 (Ac)	15.7.1993
Thailand	15.9.1988	7.7.1989 (R)	5.10.1989

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Togo	16.9.1987	25.2.1991(R)	25.5.1991
Trinidad and Tobago		28.8.1989(Ac)	26.11.1989
Tunisia		25.9.1989(Ac)	24.12.1989
Turkey		20.9.1991(Ac)	19.12.1991
Tuvalu		15.7.1993(Ac)	13.10.1993
Uganda	15.9.1988	15.9.1988(R)	1.1.1989
Ukraine	18.2.1988	20.9.1988(At)	1.1.1989
United Arab Emirates		22.12.1989(Ac)	22.3.1990
United Kingdom ^{5/9/10/15}	16.9.1987	16.12.1988(R)	1.1.1989
U.S.A.	16.9.1987	21.4.1988(R)	1.1.1989
Uruguay		8.1.1991(Ac)	8.4.1991
Uzbekistan		18.5.1993(Sc)	18.5.1993
Venezuela	16.9.1987	6.2.1989(R)	7.5.1989
Yugoslavia		3.1.1991(Ac)	3.4.1991
Zambia		24.1.1990(Ac)	24.4.1990
Zimbabwe		3.11.1992(Ac)	1.2.1993
EEC	16.9.1987	16.12.1988(Ap)	16.3.1989
TOTAL	46	122	

R = Ratification
 Ac = Accession
 Ap = Approval
 At = Acceptance
 Sc = Succession

Notes

The Montreal Protocol on Substances that Deplete the Ozone Layer was adopted in Montreal on 16 September 1987 and entered into force on 1 January 1989 as at least 11 instruments of ratification, acceptance, approval or accession representing two thirds of the estimated 1986 global consumption of the controlled substances had been deposited.

In a letter dated 18 December 1991 to the Depositary, Denmark expressed reservation on the application of the Montreal Protocol to the Faroe Islands. In the same letter, Denmark lifted the earlier reservation on the application of the Protocol to Greenland.

In a letter accompanying the instrument, the Government of the Federal Republic of Germany declared that the Protocol shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany. In the same letter Denmark lifted the earlier reservation on the application of the Montreal Protocol to Greenland.

For the Kingdom in Europe, the Netherlands Antilles and Aruba.

The Protocol shall not apply to the Cook Islands and Niue.

On behalf of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Jersey, the Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena and Dependencies, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands.

Upon ratification, the Government of Chile made the following declaration:

(Chile) rejects the declaration made by the United Kingdom of Great Britain and Northern Ireland upon ratification, as it concerns the Chilean Antarctic Territory, including the corresponding maritime zones, (Chile) reaffirms once more its sovereignty over the said territory including its maritime areas, as defined by Supreme Decree No. 1747 of 6 November 1940.

Upon accession, the Government of Bahrain declared that the accession shall in no way constitute recognition of Israel or be a cause for establishment of any relations of any kind therewith.

On 18 July 1990, the following objection was received by the Depositary from the Government of Israel:

"The Government of the State of Israel has noted that the instrument of accession of Bahrain to the above-mentioned Convention and Protocol contains a declaration in respect of Israel.

In view of the Government of the State of Israel such declaration, which is explicitly of a political character, is incompatible with the purposes and objectives of the Convention and Protocol and cannot in any way affect whatever obligations are binding upon Bahrain under general international law or under particular conventions.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Bahrain an attitude of complete reciprocity".

Notes

On 2 August 1990, the following objection was received by the Depositary from the Government of the United Kingdom of Great Britain and Northern Ireland:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to British sovereignty over the British Antarctic Territory. In this respect, the Government of the United Kingdom would draw attention to the provisions of Article IV of the Antarctic Treaty of 1 December 1959, to which both Chile and the United Kingdom are parties.

For the above reasons, the Government of the United Kingdom rejects the Chilean declaration".

By a communication received on 30 August 1990, the Government of the United Kingdom of Great Britain and Northern Ireland has notified that the Convention and Protocol shall extend to the Bailiwick of Guernsey for whose international relations the Government of the United Kingdom is responsible.

The extensions to said territory took effect on the date of receipt of said communication, i.e. 30 August 1990.

Ratification was received with the following reservations from Argentina:

The Argentine Republic rejects the ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer effected by the Government of the United Kingdom of Great Britain and Northern Ireland on 16 December 1988, communicated by the Secretary-General of the United Nations in depositary notification C.N.301.1988.TREATIES-16, with respect to the Islas Malvinas (Falkland Islands), South Georgia and the South Sandwich Islands and their surrounding maritime spaces, and reaffirms its sovereignty over those islands, which form an integral part of its national territory.

The Argentine Republic recalls that the United Nations General Assembly adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25 recognizing the existence of a sovereignty dispute and requesting the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Islas Malvinas (Falkland Islands), in accordance with the Charter of the United Nations.

The Argentine Republic also rejects the reference to the so-called 'British Antarctic Territory' and reaffirms its legitimate rights of territorial sovereignty over the Argentine Antarctic Sector, comprising the territory between 25° and 74° West Longitude and 60° South Latitude and the South Pole, and its coastal jurisdiction in the Antarctic under international law. Those rights, which are based on historical and geographical titles, are safeguarded by Article IV of the Antarctic Treaty.

UNEP received a note verbale on 1 October 1990, from the Permanent Representative of the Federal Republic of Germany to UNEP that through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign state. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of Germany. The applicable dates of ratification and entry into force are those of the Federal Republic of Germany.

The German Democratic Republic had acceded to the Protocol on 25 January 1989.

Notes

UNEP received a note on 31 December 1991, from the Permanent Representative of the Russian Federation to UNEP that the Russian Federation continues the membership of the former Union of Soviet Socialist Republics in all conventions, agreements and other international legal instruments concluded in its framework or under its auspice.

Upon accession the Government of Mauritius made the following declaration:

"The Republic of Mauritius rejects the ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer effected by the Government of the United Kingdom of Great Britain and Northern Ireland on 16 December 1988, communicated by the Secretary-General of the United Nations in depository notification C.N.301.1988.TREATIES-16 in respect of the British Indian Ocean Territory namely Chagos Archipelago and reaffirms its sovereignty over the Chagos Archipelago, which form an integral part of its national territory."

On 27 January 1993, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication with respect to the declarations made by Mauritius upon the latter's accession to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to British sovereignty over the British Indian Ocean Territory and their consequent right to extend the application of the above Convention and Protocol to it. Accordingly the Government of the United Kingdom do not accept or regard as having any legal effect the declarations made by the Government of the Republic of Mauritius."

II. Status of ratification of the London Amendment to the Montreal Protocol
as at 31 July 1993 ^{b/}

	<u>Ratification</u>	<u>Entry into Force</u>
Algeria	20.10.1992 (Ac)	18.1.1993
Antigua and Barbuda	23.2.1993 (Ac)	24.5.1993
Argentina	4.12.1992 (R)	4.3.1993
Australia	11.8.1992 (Ap)	9.11.1992
Austria	11.12.1992 (R)	11.3.1993
Bahamas	4.5.1993 (Ac)	2.8.1993
Bahrain ^{4/}	23.12.1992 (Ac)	23.3.1993
Brazil	1.10.1992 (At)	30.12.1992
Cameroon	8.6.1992 (Ac)	6.9.1992
Canada	5.7.1990 (Ac)	10.8.1992
Chile	9.4.1992 (Ac)	10.8.1992
China	14.6.1991 (Ac)	10.8.1992
Denmark ^{2/}	20.12.1991 (Ac)	10. 8.1992
Dominica	31.3.1993 (Ac)	29.6.1993
Ecuador	23.2.1993 (R)	24.5.1993
Egypt	13.1.1993 (R)	13.4.1993
Finland	20.12.1991 (Ac)	10.8.1992
France	12.2.1992 (Ap)	10.8.1992
Germany	27.12.1991 (R)	10.8.1992

	<u>Ratification</u>	<u>Entry into force</u>
Ghana	24.7.1992 (R)	22.10.1992
Greece	11.5.1993 (R)	9.8.1993
Guinea	25.6.1992 (Ac)	23.9.1992
Iceland	16.6.1993 (Ac)	14.9.1993
India	19.6.1992 (Ac)	17.9.1992
Indonesia	26.6.1992 (R)	24.9.1992
Ireland	20.12.1991 (Ac)	10.8.1992
Israel	30.6.1992 (R)	28.9.1992
Italy	21.2.1992 (Ap)	10.8.1992
Jamaica	31.3.1993 (Ac)	29.6.1993
Japan	4.9.1991 (Ac)	10.8.1992
Korea, Republic of	10.12.1992 (Ac)	10.3.1993
Lebanon	31.3.1993 (Ac)	29.6.1993
Luxembourg	20.5.1992 (R)	18.8.1992
Malaysia	16.6.1993 (Ac)	14.9.1993
Maldives	31.7.1991 (R)	10.8.1992
Marshall Islands	11.3.1993 (Ac)	9.6.1993
Mauritius	20.10.1992 (Ac)	18.1.1993
Mexico	11.10.1991 (At)	10.8.1992
Monaco	12.3.1993 (Ac)	10.6.1993
Netherlands ^{1/}	20.12.1991 (Ac)	10.8.1992

	<u>Ratification</u>	<u>Entry into force</u>
New Zealand	1.10.1990(Ac)	10.8.1992
Norway	18.11.1991(R)	10.8.1992
Pakistan	18.12.1992(Ac)	18.3.1993
Papua New Guinea	4.5.1993(Ac)	2.8.1993
Paraguay	3.12.1992(Ac)	3.3.1993
Peru	31.3.1993(Ac)	29.6.1993
Portugal	24.11.1992(R)	22.2.1993
Romania	27.1.1993(Ac)	27.4.1993
Russian Federation	13.1.1992(Ac)	10.8.1992
Saudi Arabia	1.3.1993(Ac)	30.5.1993
Senegal	6.5.1993(R)	4.8.1993
Seychelles	6.1.1993(Ac)	6.4.1993
Singapore	2.3.1993(Ac)	31.5.1993
Slovenia	8.12.1992(At)	8.3.1993
South Africa	12.5.1992(Ac)	10.8.1992
Spain	19.5.1992(Ac)	17.8.1992
Sri Lanka	16.6.1993(Ac).	14.9.1993
Sweden	2.8.1991(R)	10.8.1992
Switzerland	16.9.1992(R)	14.12.1992
Tanzania, United Republic of	16.4.1993(Ac)	15.7.1993

	<u>Ratification</u>	<u>Entry into force</u>
Thailand	25.6.1992 (R)	23.9.1992
Tunisia	15.7.1993 (Ac)	13.10.1993
United Kingdom ^{3/}	20.12.1991 (R)	10.8.1992
U.S.A.	18.12.1991 (R)	10.8.1992
Venezuela	29.7.1993 (R)	27.10.1993
EEC	20.12.1991 (Ap)	10.8.1992
Total	66	

Notes

The London Amendment to the Montreal Protocol was adopted at London on 29 June 1990 and entered into force on 10 August 1992.

Several corrections had been proposed to the Spanish text of the Amendment to the Protocol, and receiving no objection within 90 days of the depositary notification, the United Nations Secretary-General, as Depositary, has caused the following corrections to be effected as of 20 June 1991 (page and sections references correspond with Annex II to the Report of the Second Meeting of the Parties, UNEP/OzL.Pro.2/3):

1. Page 3, section H, seventh line
After "artículo 5 insert "presentes y votantes",
2. Page 5, first line
Instead of "cincuenta" read "quince,"
3. Page 9, paragraph 6, fourth line
Instead of "todas" read "la totalidad de".

By a communication received on 16 March 1992 the Netherlands notified the Depositary of territorial application of the Amendment to Aruba.

In a letter dated 18 December 1991 to the Depositary, Denmark expressed reservation to the application of the Amendment to the Montreal Protocol to the Faroe Islands.

In respect of Great Britain and Northern Ireland and Gibraltar.

Upon accession the Government of Bahrain made the following declaration:

"The acceptance by the State of Bahrain of the said Amendments shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith".

III. Status of ratification of the Copenhagen Amendment to the Montreal Protocol as on 31 July 1993 ^d

	<u>Ratification</u>	<u>Entry into force</u>
Antigua and Barbuda	19.7.1993(Ac)	
Bahamas	4.5.1993(Ac)	
Marshall Islands	24.5.1993(Ac)	
New Zealand	4.6.1993(R)	
Total	4	

Notes

The Copenhagen Amendment to the Montreal Protocol was adopted at Copenhagen on 25 November 1992 and shall enter into force on 1 January 1994, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment are deposited by States or regional economic integration organizations that are Parties to the Protocol.

ANNEX VI

LIST OF RELEVANT PUBLICATIONS

1. The Ozone Layer: UNEP/GEMS Environment No. 2, UNEP, 1987.
2. Report of the International Ozone Trends Panel: 1988, Volumes I and II, WMO Global Ozone Research and Monitoring Project Report No. 18, 1988.
3. Scientific Assessment of Stratosphere Ozone: 1989, Volumes I and II, WMO Global Ozone Research and Monitoring Project Report No. 20, 1989.
4. Technical Progress on Protecting the Ozone Layer: Report of the Technology Review Panel, UNEP Technology Review, June 30, 1989.
5. Technical Progress on Protecting the Ozone Layer: Halon Fire Extinguishing Agents, UNEP Technical Options Committee, June 30, 1989.
6. Technical Progress on Protecting the Ozone Layer: CFCs for Aerosols, Sterilants and Miscellaneous Uses Technical Options Report, UNEP Technical Options Committee, June 1989.
7. Technical Progress on Protecting the Ozone Layer: Refrigeration, Air Conditioning and Heat Pumps, Technical Options Report, UNEP Technical Options Committee, June 30, 1989.
8. Technical Progress on Protecting the Ozone Layer: Electronics, Degreasing and Dry Cleaning Solvents, Technical Options Report, UNEP Technical Options Committee, June 30, 1989.
9. Technical Progress on Protecting the Ozone Layer: Flexible and Rigid Foams, Technical Options Report, UNEP Technical Options Committee, June 30, 1989.
10. Economic Panel Report, UNEP, July 1989.
11. Final Report of the Halons - Technical Options Committee, UNEP, August 11, 1989.
12. Environmental Effects Panel Report, UNEP, November 1989.
13. Reducing the Consumption of Ozone Depleting Substances in India: Phase I: The Cost of Complying with the Montreal Protocol, Touche Ross Management Consultants, February 1990.
14. Action on Ozone, UNEP, 1990.
15. Ozone Depletion and its Effects: Tropical Focus, International Conference on Tropical Ozone and Atmospheric Change, Penang, Malaysia, February 1990.
16. Report of a United Nations Development Programme Mission to Investigate Ozone Layer Protection in China, Beijing, 28 May 1990.
17. Mexico's Strategy on Ozone Layer Protection, A Case Study on the Costs of Implementing the Montreal Protocol, Mexico, June 1990.
18. Costs to Egypt of Protecting the Stratospheric Ozone Layer, Egypt Case Study, June 1990.
19. Ozone Layer Protection: Kenya Case Study on Costs and Strategies, 29 October, 1990.

20. Report of the First Meeting of the Ozone Research Managers of the Parties to the Vienna Convention for the Protection of the Ozone Layer, WMO Global Ozone Research and Monitoring Project Report No. 23, 13-15 March 1991.
21. Chile: Strategy on Ozone Layer Protection, A Case Study on the Cost of Implementing the Montreal Protocol, May 1991.
22. Report by the Technical Options Committee on Aerosol Products, Sterilants Miscellaneous Uses and Carbon Tetrachloride, December 1991.
23. Report of the Halons Technical Options Committee, December 1991.
24. Report by the Technical Options Committee on Flexible and Rigid Foams, December 1991.
25. Report by the Technical Options Committee on Refrigeration, Air Conditioning and Heat Pumps, December 1991.
26. Report of the Economic Options Committee, December 1991.
27. Report of the Technology and Economic Assessment Panel, December 1991.
28. Scientific Assessment of Ozone Depletion, WMO, 1991.
29. Environmental Effects of Ozone Depletion: 1991 Update, UNEP/WMO, November 1991.
30. Report by the Technical Options Committee on Solvents, Coatings and Adhesives, December 1991.
31. OzonAction Programme, UNEP IE/PAC, 1992.
32. OzonAction Information Clearinghouse Access Procedures, UNEP IE/PAC, 1992
33. Protecting the Ozone Layer Volume 1: Refrigerants, UNEP IE/PAC, 1992.
34. Protecting the Ozone Layer Volume 2: Solvents, Coatings and Adhesives. UNEP IE/PAC, 1992.
35. Protecting the Ozone Layer Volume 3: Fire Extinguishing Substances, UNEP IE/PAC, 1993.
36. Protecting the Ozone Layer Volume 4: Foams UNEP IE/PAC, 1992.
37. Protecting the Ozone Layer Volume 5: Aerosols, Sterilants, Carbon Tetrachloride & Miscellaneous Uses, UNEP IE PAC, 1992.
38. Workshop Report: Regional Workshop on the Implementation of the Montreal Protocol for Asia and the Pacific, UNEP IE/PAC, 1991.
39. Preliminary List of Manufacturers of Refrigerant Recycling, Recovery, and Reclaim Equipment, UNEP IE PAC, December 1992.
40. Workshop Report: Regional Workshop on the Implementation of the Montreal Protocol for Latin-America and the Caribbean, UNEP IE/PAC, 1992.
41. Workshop Report: Regional Workshop on the Implementation of the Montreal Protocol for Africa, UNEP IE PAC, 1993.

42. Workshop Report: ASEAN-UNEP Workshop on Ozone Depleting Substances, UNEP IE/PAC, October 1992.
43. Training Course Report: First Regional Training Course on Refrigeration (Africa), UNEP IE/PAC, 1993.
44. Training Materials: First Regional Training Course on Refrigeration (Africa), UNEP IE/PAC, 1993.
45. Report of the Technology and Economic Assessment Panel, July 1993.
46. Recommendations of the Halons Technical Options Committee on Nominations for Essential Use Production/Consumption Exemptions and International Bank Management of Halons, July 1993.
47. Action on Ozone, Second edition, UNEP, 1993.
48. OzonAction Newsletter. Quarterly publication, UNEP IE/PAC.
49. Reports of the Meetings of the Executive Committee (10 Meetings of the Multilateral Fund till 1 July 1993)
50. Reports of the Meetings of the Parties to the Montreal Protocol (4 meetings, 1989-1992).
51. Reports of the Meetings of the Conference of the Parties to the Vienna Convention (2 meetings 1989, 1992).
52. Reports of the Implementation Committee (6 meetings, 1991-1993).
53. Reports of the Secretariat on Data submitted by the Parties under Articles 4, 7 and 9.

Annex VII

NON-COMPLIANCE PROCEDURE

The following procedure has been formulated pursuant to Article 8 of the Montreal Protocol. It shall apply without prejudice to the operation of the settlement of disputes procedure laid down in Article 11 of the Vienna Convention.

1. If one or more Parties have reservations regarding another Party's implementation of its obligations under the Protocol, those concerns may be addressed in writing to the Secretariat. Such a submission shall be supported by corroborating information.

2. The Secretariat shall, within two weeks of its receiving a submission, send a copy of that submission to the Party whose implementation of a particular provision of the Protocol is at issue. Any reply and information in support thereof are to be submitted to the Secretariat and to the Parties involved within three months of the date of the despatch or such longer period as the circumstances of any particular case may require. The Secretariat shall then transmit the submission, the reply and the information provided by the Parties to the Implementation Committee referred to in paragraph 5, which shall consider the matter as soon as practicable.

3. Where the Secretariat, during the course of preparing its report, becomes aware of possible non-compliance by any Party with its obligations under the Protocol, it may request the Party concerned to furnish necessary information about the matter. If there is no response from the Party concerned within three months or such longer period as the circumstances of the matter may require or the matter is not resolved through administrative action or through diplomatic contacts, the Secretariat shall include the matter in its report to the Meeting of the Parties pursuant to Article 12 (c) of the Protocol and inform the Implementation Committee accordingly.

4. Where a Party concludes that, despite having made its best, bona fide efforts, it is unable to comply fully with its obligations under the Protocol, it may address to the Secretariat a submission in writing, explaining, in particular, the specific circumstances that it considers to be the cause of its non-compliance. The Secretariat shall transmit such submission to the implementation Committee which shall consider it as soon as practicable.

5. An Implementation Committee is hereby established. It shall consist of 10 Parties elected by the meeting of the Parties for two years, based on equitable geographical distribution. Outgoing Parties may be re-elected for one immediate consecutive term. The Committee shall elect its own President and Vice-President. Each shall serve for one year at a time. The Vice-President shall, in addition, serve as the rapporteur of the Committee.

6. The Implementation Committee shall, unless it decides otherwise, meet twice a year. The Secretariat shall arrange for and service its meetings.

7. The functions of the Implementation Committee shall be:

(a) To receive, consider and report on any submission in accordance with paragraphs 1, 2 and 4;

(b) To receive, consider and report on any information or observations forwarded by the Secretariat in connection with the preparation of the reports referred to in Article 12 (c) of the Protocol and on any other information received and forwarded by the Secretariat concerning compliance with the provisions of the Protocol.

(c) To request, where it considers necessary, through the Secretariat, further information on matters under its consideration;

(d) To undertake, upon the invitation of the Party concerned, information-gathering in the territory of that Party for fulfilling the functions of the Committee;

(e) To maintain, in particular for the purposes of drawing up its recommendations, an exchange of information with the Executive Committee of the Multilateral Fund related to the provision of financial and technical cooperation, including the transfer of technologies to Parties operating under Article 5, paragraph 1, of the Protocol.

8. The Implementation Committee shall consider the submissions, information and observations referred to in paragraph 7 with a view to securing an amicable solution of the matter on the basis of respect for the provisions of the Protocol.

9. The Implementation Committee shall report to the Meeting of the Parties, including any recommendations it considers appropriate. The report shall be made available to the Parties not later than six weeks before their meeting. After receiving a report by the Committee the Parties may, taking into consideration the circumstances of the matter, decide upon and call for steps to bring about full compliance with the Protocol, including measures to assist the Parties' compliance with the Protocol, and to further the Protocol's objectives.

10. Where a Party that is not a member of the Implementation Committee is identified in a submission under paragraph 1, or itself makes such a submission, it shall be entitled to participate in the consideration by the Committee of that submission.

11. No Party, whether or not a member of the Implementation Committee, involved in a matter under consideration by the Implementation Committee, shall take part in the elaboration and adoption of recommendations on that matter to be included in the report of the Committee.

12. The Parties involved in a matter referred to in paragraphs 1, 3 or 4 shall inform, through the Secretariat, the Meeting of the Parties of the results of proceedings taken under Article 11 of the Convention regarding possible non-compliance, about implementation of those results and about implementation of any decision of the Parties pursuant to paragraph 9.

13. The Meeting of the Parties may, pending completion of proceedings initiated under Article 11 of the Convention, issue an interim call and/or recommendations.

14. The Meeting of the Parties may request the Implementation Committee to make recommendations to assist the Meeting's consideration of matters of possible non-compliance.

15. The members of the Implementation Committee and any Party involved in its deliberations shall protect the confidentiality of information they receive in confidence.

16. The report, which shall not contain any information received in confidence, shall be made available to any person upon request. All information exchanged by or with the Committee that is related to any recommendation by the Committee to the Meeting of the Parties shall be made available by the Secretariat to any Party upon its request; that Party shall ensure the confidentiality of the information it has received in confidence.

Annex VIII

INDICATIVE LIST OF MEASURES THAT MIGHT BE TAKEN BY A MEETING OF
THE PARTIES IN RESPECT OF NON-COMPLIANCE WITH THE PROTOCOL

- A. Appropriate assistance, including assistance for the collection and reporting of data, technical assistance, technology transfer and financial assistance, information transfer and training.
- B. Issuing cautions.
- C. Suspension, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, of specific rights and privileges under the Protocol, whether or not subject to time limits, including those concerned with industrial rationalization, production, consumption, trade, transfer of technology, financial mechanism and institutional arrangements.

ANNEX IX

NON-CONFIDENTIAL DATA REGARDING CONTROLLED SUBSTANCES

Analysis of 1986 data

1. A database has been set up to store the data reported by the Parties and to permit easy access to it, as well as analysis of this material. The following analysis is based on the information currently possessed by the Secretariat.

1. 1986 consumption of controlled substances

2. Estimated total world consumption.

The estimated total world consumption for 1986 is approximately 1,172,000 tonnes, the exact figure being 1,171,976 tonnes. This figure includes the data reported by Parties and non-Parties, as well as the estimates made by UNEP for a number of countries.

3. Comparison with total world consumption estimated for the purpose of entry into force of the Protocol.

The estimated total world consumption figure for the purpose of entry into force of the Protocol was 1,140,000 tonnes, as reported in the Note by the Executive Director to the First Meeting of the Parties, Helsinki, 2-5 May 1989 (UNEP/OzL.Pro.1/2). The current estimated total consumption of the controlled substances is approximately 32,000 tonnes more than the estimated figure for the entry into force. This difference results from the fact that, since the entry into force of the Protocol, several UNEP estimates have been superseded by actual reported data.

4. Consumption of controlled substances by Parties and non-Parties in 1986.

Table 1 shows the breakdown of the 1986 estimated total world consumption (1,171,976 tonnes) into consumption of controlled substances by Parties and non-Parties and by developed and developing countries. The figures include the UNEP estimates that have not been superseded by actual reported data.

Table 1. Consumption of controlled substances by Parties and non-Parties (1986)

	Parties	Percentage of world consumption	Non-parties	Percentage of world consumption
Developed countries	1 022 781	87.3	7 766	0.6
Developing countries	66 486	5.7	74 943	6.4
Total	1 089 267	a/93.0	82 709	b/ 7.0

a/ The total estimated consumption by the Parties of 1,089,267 tonnes consists of reported figures totalling 1,074,797 tonnes and UNEP estimated figures totalling 14,470 tonnes.

b/ The total estimated consumption by non-Parties of 82 709 tonnes consists of reported figures and UNEP estimated figures.

5. Consumption of controlled substances reported by the Parties for 1986

Table 2 shows the 1986 consumption levels of the controlled substances as reported by a total of 40 Parties. Because of a number of cases of joint reporting, these 40 reports provide consumption data for a total of 54 States Parties to the Protocol.

Table 2. Consumption of controlled substances reported by the Parties (1986)

	Substances	Actual consumption	ODP	ODP weighted consumption
<u>Group I</u>	CFC-11:	354 100	1.0	354 100
	CFC-12:	426 635	1.0	426 635
	CFC-113:	210 901	0.8	168 721
	CFC-114:	16 344	1.0	16 344
	CFC-115:	10 672	0.6	6 403
	AGG. GR.I	25 793		*
TOTAL	1 044 445			*
<u>Group II</u>	Halon-1211:	11 430	3.0	34 290
	Halon-1301:	11 463	10.0	114 630
	Halon-2402:	2 989	6.0	17 934
	AGG. GR.II:	1 783		*
TOTAL	27 665			*
AGG. GR.I & II:		2 687		*
GRAND TOTAL:	1 074 797			*

Key:

- AGG.GR. I = Total of the figures from the Parties which, for Group I substances, reported only an aggregated consumption figure.
- AGG.GR.II = Total of the figures from the Parties which, for Group II substances, reported only an aggregated consumption figure.
- AGG.GR.I & II = Total of the figures from the Parties which reported only an aggregated consumption figure for Group I and II substances together.
- * = The figure cannot be determined, since some Parties have not reported data on individual substances.

6. Consumption of controlled substances according to regional groups for 1986.

Table 3 shows the breakdown of reported 1986 consumption of controlled substances by regional groups, based on the data reported by the 40 Parties.

Table 3 Consumption of controlled substances by Parties according to regional groups (1986)*

Substances	Africa	Asia and Pacific	Western Europe and others	Eastern Europe	Latin America and the Caribbean	TOTAL
<u>Group I</u>						
CFC-11:	4 800	29 757	269 779	43 541	6 223	354 100
CFC-12:	5 045	41 553	283 849	80 252	15 936	426 635
CFC-113:	972	63 670	119 906	25 022	1 331	210 901
CFC-114:	500	2 244	12 722	725	153	16 344
CFC-115:	551	477	9 284	255	105	10 672
AGG.GR.I:	5 928	3 425	0	7 249	9 191	25 793
TOTAL	17 796	141 126	695 540	157 044	32 939	1 044 445
<u>Group II</u>						
Halon-1211:	580	479	8 590	1 704	77	11 430
Halon-1301:	115	1 948	7 737	1 579	84	11 463
Halon-2402:	0	35	280	2 673	1	2 989
AGG.GR.II:	51	504	0	1 140	88	1 783
TOTAL	746	2 966	16 607	7 096	250	27 665
AGG.GR.I & II:	300	1 888	499	0	0	2 687
GRAND TOTAL	18 842	145 980	712 646	164 140	33 189	1 074 797

Key:

- AGG.GR.I = Total of the figures from the Parties which, for Group I substances, reported only an aggregated consumption figure.
- AGG.GR.II = Total of the figures from the Parties which, for Group II substances, reported only an aggregated consumption figure.
- AGG.GR.I & II = Total of the figures from the Parties which reported only an aggregated consumption figure for Group I and II substances together.
- * = The figures for the respective regions include the data from the following Parties:

Africa: Egypt, Kenya, South Africa, Togo and Tunisia

Asia and the Pacific: Bahrain, Bangladesh, Japan, Malaysia, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, United Arab Emirates, and Jordan.

Western Europe and Other States: EEC (comprises the 12 member States: Belgium, Denmark, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and UK. The underlined States have reported data separately, but only the EEC data are added in the total figures to avoid double counting), Austria, Finland, Malta, Norway, Sweden, Switzerland (includes Liechtenstein), Australia, New Zealand, USA and Canada.

Eastern Europe: USSR (includes Byelorussian SSR and Ukrainian SSR) German Democratic Republic, Czechoslovakia, Hungary, and Yugoslavia.

Latin America and the Caribbean: Brazil, Chile, Ecuador, Guatemala, Mexico, Panama, Venezuela, Argentina and Uruguay.

2. 1986 production of controlled substances

7. Total world production of controlled substances. The total world production of the controlled substances for 1986 reported to date is 1,148,585 tonnes, or approximately 1,149,000 tonnes. This figure includes the production figures reported by the Parties and the non-Parties. In theory, total production should equal total consumption. However, since not all producers have reported their figures, the total 1986 production currently reported by Parties and non-parties is 23,391 tonnes less than the world estimated total consumption.

8. Production of controlled substances reported by the Parties. The total of the 1986 production figures reported to date by Parties is 1,143,329 tonnes, or approximately 1,143,000 tonnes. This constitutes 99.5 per cent of the reported global production. The following 13 Parties have reported that they are producers of the controlled substances and have provided production figures:

Argentina, Australia, Brazil, Canada, Czechoslovakia, German Democratic Republic, Japan, Mexico, South Africa, USSR, United States, Venezuela and EEC (France, Netherlands, Spain and UK, which are member States of EEC, have reported their own production figures separately).

9. Table 4 shows the production of each controlled substance as reported by these 13 Parties which, taking into account the joint reporting by some States Parties, covers 26 States Parties to the Protocol.

Table 4. Production of controlled substances reported by Parties (1986)

Substances		Production (tonnes)
<u>Group I</u>		
	CFC-11:	392 114
	CFC-12:	472 644
	CFC-113:	221 518
	CFC-114:	17 241
	CFC-115:	11 110
TOTAL		1 114 627
<u>Group II</u>		
	Halon-1211:	13 378
	Halon-1301:	11 599
	Halon-2402:	3 724
TOTAL		28 701
GRAND TOTAL		1 143 329

10. Production of controlled substances by the non-Parties. The total 1986 production reported by the non-Parties is 5,256 tonnes, or approximately 5,000 tonnes. This constitutes 0.5 per cent of the estimated global production.

3. 1986 imports and exports of controlled substances

11. The import and export figures reported by the Parties have been totalled for each regional group and these totals are shown in Table 5 below. It should be noted that the reported import and export data are incomplete and that the figures do not indicate trade between the regional groups.

4. Population data for 1986

12. The population data necessary for determining per capita consumption for each Party for the year 1986 are taken from the Demographic Yearbook for that year published by the United Nations Statistical Office, Department of International Economic and Social Affairs. This publication provides estimates of mid-year population for all countries in the world in 1986.

Table 5. Imports and exports of controlled substances reported by the Parties and totalled for each regional group (1986)

Substances	Africa	Asia and Pacific	Western Europe and others	Eastern Europe	Latin America and the Caribbean	TOTAL					
Group I											
	Imports	Exports	Imports	Exports	Imports	Exports					
CFC-11	0	2 591	4 703	17 588	56 980	5 887	160	40	233	26 106	62 066
CFC-12	0	5 052	3 345	18 854	67 594	6 322	1 120	265	968	30 493	73 027
CFC-113	0	13 405	7 284	9 997	29 130	880	0	1 331	0	12 613	36 414
CFC-114	0	292	66	638	2 539	125	0	154	1	1 209	2 606
CFC-115	0	115	14	4 723	5 923	5	0	115	10	4 958	5 947
AGG.GR.I	7 595	27	3 425	0	0	7 249	0	3 048	49	21 317	76
TOTAL 7 595	2711 880	15 412	51 800	162 166	20 468	1 280	4 953	1 961696	180 136		
Group II											
Halon-1211	0	0	509	293	2 124	5 949	1 004	0	77	0	3 714
Halon-1301	0	0	365	754	1 348	1 773	479	0	84	0	2 276
Halon-2402	0	0	0	675	51	120	2113	1	0	73	808
AGG.GR.II	746	0	504	0	0	1 140	0	88	0	2 478	0
TOTAL	746	0	1 378	1 722	3 523	7 842	2 644	13	250	0	8 541
AGG.GR.I & II	0	0	258	0	499	0	0	0	0	0	757
GRAND TOTAL 8 341	27	13 516	17 134	55 822	170 008	23 112	1 293	5 203	1 251	105 994	189 713

Key: AGG.GR.I

Total of the figures from the Parties which, for Group I substances, reported only an aggregated import/export figure.

AGG.GR.II

Total of the figures from the Parties which, for Group II substances, reported only an aggregated import/export figure.

AGG.GR.I & II

Total of the figures from the Parties which reported only an aggregated import/export figure for Group I and II substances together.

C I .	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	1851.43	9410.00	-80.32	0.00	0.24
BELGIUM									
A I	0.00	0.00	0.00	0.00	9985 1991 estimate DESD/UN)				
A II	0.00	0.00	0.00	0.00					
SUB-TOTAL	0.00	0.00	0.00	0.00					
BULGARIA									
A I	0.00	0.00	0.00	0.00	8975 1991 estimate DESD/UN)	2180.00	-28.62	0.17	0.00
A II	0.00	0.00	0.00	0.00	16.00	0.00	0.00	0.00	0.00
B II	0.00	0.00	0.00	0.00	330.00	825.00	-60.00	0.04	0.00
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	1902.00	3005.00	-36.71	0.00	0.21
CANADA									
A I	8330.00	19525.00	19525.00	19525.00	26993 1991 estimate DESD/UN)	19958.20	-55.81	0.33	0.06
A II	0.00	0.00	0.00	0.00	8819.40	3218.00	-48.97	0.06	0.00
SUB-TOTAL	8330.40	19525.00	19525.00	19525.00	10461.40	23176.20	-54.86	0.39	0.00

Party (Group)	Substances (Group)	Production (Tonnes)	Baseline Production (Tonnes)		Percentage Change	Consumption (Tonnes)		Percentage Change	Baseline Consumption (Tonnes)		Percentage Change	Per Capita Consumption (Kilograms)
			Production (Tonnes)	Percentage Change		Consumption (Tonnes)	Percentage Change		Consumption (Tonnes)	Percentage Change		
DENMARK												
	A I	0.00	0.00	(Population: 0.00)	0.00	5170	1991 data by Denmark					
	A II	0.00	0.00	0.00								
	B I	0.00	0.00	0.00								
	B II	0.00	0.00	0.00								
	B III	0.00	0.00	0.00								
	C I	0.00	0.00	0.00								
	SUB-TOTAL	0.00	0.00	0.00								
EEC												
	A I			(Population: 345249)	1991 estimate	DES/UN						0.44
	A II				150640.00	302477.20						0.10
	SUB-TOTAL				186060.00	343470.20						0.54
FINLAND												
	A I	0.00	0.00	(Population: 4995)	1991 estimate	DES/UN						0.24
	A II	0.00	0.00		1198.60	3301.00						0.07
	B II	0.00	0.00		362.00	598.00						0.01
	B III	0.00	0.00		74.80	88.00						0.01
	C I	0.00	0.00		63.90	89.00						0.00
	SUB-TOTAL	0.00	0.00		1699.30	4076.00						0.34
FRANCE												
	A I	25329.00	73157.00	(Population: 56965)	1991 estimate	DES/UN						
	A II	4202.00	4318.00									
	SUB-TOTAL	29531.00	77475.00									
GERMANY												
	A I	65326.00	125579.00	(Population: 79877)	1991 estimate	DES/UN						
	A II	2744.00	3775.00									
	SUB-TOTAL	68070.00	129354.00									
GREECE												
	A I	5987.00	14040.00	(Population: 10153)	1991 estimate	DES/UN						
	C I	2365.00	1374.00									
	SUB-TOTAL	8352.00	15414.00									
HUNGARY												
	A I	0.00	0.00	(Population: 10532)	1991 estimate	DES/UN						0.20
	A II	0.00	0.00		2055.00	5468.00						0.10
	B II	0.00	0.00		1030.00	1883.00						0.07
	B III	0.00	0.00		770.00	825.00						0.00
	C I	0.00	0.00		20.00	25.00						0.00
	SUB-TOTAL	0.00	0.00		3875.00	8201.00						0.37

Party (Group)	Substances Production (Tonnes)	Baseline Production (Tonnes)	Percentage Change	Consumption (Tonnes)	Baseline Consumption (Tonnes)	Percentage Change	Per Capita Consumption (Kilograms)
ICELAND							
A I	0.00	0.00	(Population: 0.00)	257	195.12	-52.12	0.36
A II	0.00	0.00	0.00	93.42	80.90	-67.37	0.10
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	119.82	276.02	-56.59	0.47
IRELAND							
A I	0.00	0.00	(Population: 0.00)	3493	1991 estimate	DES/UN	
A II	0.00	0.00	0.00				
SUB-TOTAL	0.00	0.00	0.00				
JAPAN							
A I	111693.00	131658.00	(Population: -15.16)	124018	1991 estimate	DES/UN	0.71
SUB-TOTAL	111693.00	131658.00	-15.16	88436.40	118134.00	-25.14	0.71
LIECHTENSTEIN							
A I	0.00	0.00	(Population: 0.00)	28	1991 estimates	DES/UN	0.68
A II	0.00	0.00	0.00	18.98	0.00	0.00	0.04
C I	0.00	0.00	0.00	1.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	19.98	0.00	0.00	0.71
NEW ZEALAND							
A I	0.00	0.00	(Population: 0.00)	3423	1991 estimate	DES/UN	0.22
A II	0.00	0.00	0.00	752.47	2088.00	-63.96	0.00
SUB-TOTAL	0.00	0.00	0.00	3.07	490.00	-99.37	0.22
NORWAY							
A I	0.00	0.00	(Population: 0.00)	4267	1991 estimate	DES/UN	0.10
A II	0.00	0.00	0.00	414.40	1313.00	-68.44	0.21
B I	0.00	0.00	0.00	879.00	1411.00	-37.70	0.00
B II	0.00	0.00	0.00	1.00	0.00	0.00	0.00
B III	0.00	0.00	0.00	2.20	3.30	-33.33	0.00
C I	0.00	0.00	0.00	98.00	88.40	10.86	0.02
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
POLAND							
A I	0.00	0.00	(Population: 0.00)	38307	1991 estimate	DES/UN	0.07
A II	0.00	0.00	0.00	2562.40	6656.00	-61.50	0.02
SUB-TOTAL	0.00	0.00	0.00	828.00	3900.00	-78.77	0.09
SUB-TOTAL							
				3390.40	105556.00	-67.88	

Party (Group)	Substances Production (Tonnes)	Baseline Production (Tonnes)		Percentage Change	Consumption (Tonnes)	Baseline Consumption (Tonnes)		Percentage Change	Per Capita Consumption (Kilograms)
		Production (Tonnes)	Production (Tonnes)			Consumption (Tonnes)	Consumption (Tonnes)		
SWEDEN									
		(Population:	8610	1991	estimate	DESD/UN)			
A I	0.00	0.00	1118.68	0.00	4962.00	-77.46	0.13		
A II	0.00	0.00	259.00	0.00	1831.00	-85.85	0.03		
B II	0.00	0.00	4.29	0.00	176.00	-97.56	0.00		
B III	0.00	0.00	103.00	0.00	134.00	-23.13	0.01		
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
SUB-TOTAL	0.00	0.00	1484.97	0.00	7103.00	-79.09	0.17		
SWITZERLAND									
		(Population:	6763	1991	estimate	DESD/UN)			
A I	0.00	0.00	2185.96	0.00	7960.00	-72.54	0.32		
A II	0.00	0.00	351.80	0.00	1050.00	-66.50	0.05		
B II	-30.00	0.00	0.00	0.00	1.87	-100.00	0.00		
B III	-150.00	0.00	240.00	0.00	348.30	31.09	0.04		
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
SUB-TOTAL	-180.00	0.00	2777.76	0.00	9360.17	-70.32	0.41		
UNITED KINGDOM									
		(Population:	57560	1991	estimate	DESD/UN)			
A I	58390.00	106129.00		-44.98					
A II	3735.00	5500.00		-32.09					
SUB-TOTAL	62125.00	111629.00		-44.35					
UNITED STATES OF AMERICA									
		(Population:	252524	1991	estimate	DESD/UN)			
A I	164079.00	328760.00		-50.09					
A II	5630.00	7949.00		-29.17					
SUB-TOTAL	169709.00	336709.00		-49.60					
			157391.20		305963.60	-48.56	0.62		
			33453.00		57803.00	-42.13	0.13		
			190844.20		363766.60	-47.54	0.76		
TOTAL	465115.40	837167.00	502330.20	-44.44	924488.29	-45.66	0.46		

PARTIES OPERATING UNDER ARTICLE 5

Party (Group)	Substances Production (Tonnes)	Baseline Production (Tonnes)	Percentage Change	Consumption (Tonnes)	Baseline Consumption (Tonnes)	Percentage Change	Per Capita Consumption (Kilograms)
BAHRAIN							
A I	0.00	0.00	(Population: 0.00)	516 1991 data by Bahrain 122.28	113.00	8.21	0.24
A II	0.00	0.00	0.00	24.68	11.19	120.55	0.05
SUB-TOTAL	0.00	0.00	0.00	146.96	124.19	18.33	0.28
CHINA							
A I	25649.00	11600.00	(Population: 121.11)	1179698 1991 data by China 43252.00	19418.00	122.74	0.04
A II	3530.00	2510.00	40.64	19569.00	12250.00	59.75	0.02
B III	506.00	0.00	0.00	63.20	816.60	-92.26	0.00
SUB-TOTAL	29685.00	14110.00	110.38	62884.20	31668.00	98.57	0.05
COTE D'IVOIRE							
A I	0.00	0.00	(Population: 0.00)	12436 1991 estimate DESD/UN 257.50	168.40	52.91	0.02
A II	0.00	0.00	0.00	19.00	5.00	280.00	0.00
SUB-TOTAL	0.00	0.00	0.00	276.50	173.40	59.46	0.02
CROATIA							
A I	0.00	0.00	(Population: 0.00)	0)	370.00	-41.08	0.00
A II	0.00	0.00	0.00	218.00	280.00	-34.29	0.00
B I	0.00	0.00	0.00	184.00	144.00	-62.50	0.00
B II	0.00	0.00	0.00	54.00	144.00	-62.50	0.00
B III	0.00	0.00	0.00	2.20	333.30	-99.34	0.00
C I	0.00	0.00	0.00	52.40	84.90	-38.28	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				510.60	1212.20	-57.88	0.00
ECUADOR							
B II	0.00	0.00	(Population: 0.00)	10900 1991 estimate DESD/UN 0.68	1.90	-64.16	0.00
B III	0.00	0.00	0.00	1.17	0.63	87.36	0.00
SUB-TOTAL	0.00	0.00	0.00	1.85	2.53	-26.70	0.00
EGYPT							
A I	0.00	0.00	(Population: 0.00)	54842 1991 estimate DESD/UN 544.00	2803.40	-80.59	0.01
B II	0.00	0.00	0.00	36.30	0.00	0.00	0.00
B III	0.00	0.00	0.00	20.00	0.00	0.00	0.00
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	600.30	2803.40	-78.59	0.01

Party (Group)	Substances Production (Tonnes)	Baseline Production (Tonnes)		Percentage Change	Consumption (Tonnes)	Baseline Consumption (Tonnes)		Percentage Change	Per Capita Consumption (Kilograms)
		Production (Tonnes)	Production (Tonnes)			Consumption (Tonnes)	Consumption (Tonnes)		
GHANA									
		(Population: 15484 1991 estimate DESD/UN)							
A I	0.00	0.00	0.00	0.00	106.60	89.60	18.97	0.01	0.01
A II	0.00	0.00	0.00	0.00	3.60	4.50	-20.00	0.00	0.00
B II	0.00	0.00	0.00	0.00	2.20	0.55	300.00	0.00	0.00
B III	0.00	0.00	0.00	0.00	5.00	5.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	117.40	99.65	17.81	0.00	0.01
JAMAICA									
		(Population: 2443 1991 estimate DESD/UN)							
A I	0.00	0.00	0.00	0.00	350.07	196.07	78.54	0.14	0.14
A II	0.00	0.00	0.00	0.00	59.19	0.00	0.00	0.02	0.02
SUB-TOTAL	0.00	0.00	0.00	0.00	409.26	196.07	108.73	0.17	0.17
JORDAN									
		(Population: 4147 1991 estimate DESD/UN)							
A I	0.00	0.00	0.00	0.00	545.00	301.50	80.76	0.13	0.13
A II	0.00	0.00	0.00	0.00	210.00	48.00	337.50	0.05	0.05
B I	0.00	0.00	0.00	0.00	0.20	0.25	-20.00	0.00	0.00
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	755.20	349.75	115.93	0.00	0.18
MALAWI									
		(Population: 9986 1991 estimate DESD/UN)							
A I	0.00	0.00	0.00	0.00	23.10	14.00	65.00	0.00	0.00
A II	0.00	0.00	0.00	0.00	5.10	3.60	41.67	0.00	0.00
B II	0.00	0.00	0.00	0.00	0.01	0.01	0.00	0.00	0.00
B III	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	28.21	17.61	60.18	0.00	0.00
MALAYSIA									
		(Population: 18342 1991 estimate DESD/UN)							
A I	0.00	0.00	0.00	0.00	3829.28	2190.20	74.84	0.21	0.21
A II	0.00	0.00	0.00	0.00	268.30	1650.00	-83.74	0.01	0.01
B III	0.00	0.00	0.00	0.00	270.14	0.00	0.00	0.01	0.01
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	4367.72	3840.20	13.74	0.00	0.24
MALTA									
		(Population: 359 1991 data by Malta)							
A I	0.00	0.00	0.00	0.00	85.17	286.84	-70.31	0.24	0.24
A II	0.00	0.00	0.00	0.00	16.99	18.40	-7.66	0.05	0.05
SUB-TOTAL	0.00	0.00	0.00	0.00	102.16	305.24	-66.53	0.28	0.28

Party (Group)	Substances Production (Tonnes)	Baseline Production (Tonnes)	Percentage Change	Consumption (Tonnes)	Baseline Consumption (Tonnes)	Percentage Change	Per Capita Consumption (Kilograms)
PHILIPPINES							
A I	0.00	0.00	0.00	2023.20	4299.00	-52.94	0.03
A II	0.00	0.00	0.00	89.00	60.00	48.33	0.00
B II	0.00	0.00	0.00	324.28	220.00	47.40	0.01
B III	0.00	0.00	0.00	1.04	90.00	-98.85	0.00
C I	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	2437.52	4669.00	-47.79	0.04
SRI LANKA							
A I	0.00	0.00	0.00	17440	17440	0.00	0.00
A II	0.00	0.00	0.00	65.08	215.04	-69.74	0.00
B II	0.00	0.00	0.00	27.30	29.50	-7.46	0.00
B III	0.00	0.00	0.00	5.67	0.00	0.00	0.00
C I	0.00	0.00	0.00	0.25	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	98.30	244.54	-59.80	0.01
THAILAND							
A I	0.00	0.00	0.00	55393	55393	0.00	0.14
A II	0.00	0.00	0.00	7904.00	2300.00	243.65	0.01
B II	0.00	0.00	0.00	420.00	60.00	600.00	0.00
B III	0.00	0.00	0.00	27.50	68.20	-59.68	0.01
C I	0.00	0.00	0.00	715.00	576.60	24.00	0.00
SUB-TOTAL	0.00	0.00	0.00	9066.50	3004.80	201.73	0.16
TUNISIA							
A I	0.00	0.00	0.00	8227	8227	0.00	0.13
A II	0.00	0.00	0.00	1055.00	584.00	80.65	0.00
B II	0.00	0.00	0.00	20.00	3.00	566.67	0.00
B III	0.00	0.00	0.00	1.10	11.55	-90.48	0.00
C I	0.00	0.00	0.00	1.00	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	1077.10	598.55	79.95	0.13
TURKEY							
A I	0.00	0.00	0.00	57166	57166	0.00	0.06
A II	0.00	0.00	0.00	3223.20	4122.00	-21.80	0.00
SUB-TOTAL	0.00	0.00	0.00	201.00	125.00	60.80	0.00
				3424.20	4247.00	-19.37	0.06
URUGUAY							
A I	0.00	0.00	0.00	3112	3112	0.00	0.13
A II	0.00	0.00	0.00	416.15	322.78	28.93	0.00
B II	0.00	0.00	0.00	9.50	35.00	-72.86	0.01
B III	0.00	0.00	0.00	27.50	0.00	0.00	0.00
C I	0.00	0.00	0.00	0.80	0.00	0.00	0.00
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				453.95	357.78	26.88	0.15

Party (Group)	Substances Production (Tonnes)	Baseline Production (Tonnes)	Percentage Change	Consumption (Tonnes)	Percentage Change	Baseline Consumption (Tonnes)	Percentage Change	Per Capita Consumption (Kilograms)
VENEZUELA								
A I	3709.60	4400.00	(Population: -15.69	3036.50	19753	3879.60	1991	0.15
A II	0.00	0.00	0.00	243.90	estimate	324.00	DESD/UN)	0.01
B II	-5429.10	0.00	0.00	0.00	3879.60	62.04	-21.73	0.00
B III	0.00	0.00	0.00	112.56	324.00	22.35	-24.72	0.00
C I	1865.20	0.00	0.00	0.00	62.04	0.00	-100.00	0.01
SUB-TOTAL	145.70	4400.00	-96.69	3392.96	22.35	4287.99	403.62	0.00
					0.00		0.00	0.17
					0.00		-20.87	
YUGOSLAVIA								
B I	0.00	0.00	(Population: 0.00	2.93	23890	0.00	1991	0.00
B II	0.00	0.00	0.00	320.46	estimate	343.20	DESD/UN)	0.01
B III	0.00	0.00	0.00	0.67	343.20	110.00	-6.63	0.00
C I	0.00	0.00	0.00	0.00	110.00	0.00	-99.39	0.00
SUB-TOTAL	0.00	0.00	0.00	324.06	0.00	453.20	0.00	0.00
					0.00		-28.49	0.01
TOTAL	29830.70	18510.00	61.16	90474.95	58655.10	54.25	0.06	

Key: * In thousands of inhabitants

** Department of Economic and Social Development/United Nations

Annex X

TERMS OF REFERENCE FOR THE MULTILATERAL FUND

A. Establishment

1. A Multilateral Fund is established.

B. Roles of the implementing agencies

2. Under the overall guidance and supervision of the Executive Committee in the discharge of its policy-making functions:

(a) Implementing agencies shall be requested by the Executive Committee, in the context of country programmes developed to facilitate compliance with the Protocol, to cooperate with and assist the Parties within their respective areas of expertise; and

(b) Implementing agencies shall be invited by the Executive Committee to develop an inter-agency agreement and specific agreements with the Executive Committee acting on behalf of the Parties.

3. Implementing agencies shall apply only those considerations relevant to effective and economically efficient programmes and projects which are consistent with any criteria adopted by the Parties.

4. Specifically:

(a) The United Nations Environment Programme shall be invited by the Executive Committee to cooperate and assist in political promotion of the objectives of the Protocol, as well as in research, data gathering and the clearing-house functions;

(b) The United Nations Development Programme and such other agencies which, within their areas of expertise, may be able to assist shall be invited by the Executive Committee to cooperate and assist in feasibility and pre-investment studies and in other technical assistance measures;

(c) The World Bank shall be invited by the Executive Committee to cooperate and assist in administering and managing the programme to finance the agreed incremental costs;

(d) Other agencies, in particular regional development banks, shall also be invited by the Executive Committee to cooperate with and assist it in carrying out its functions.

5. The Executive Committee shall draw up reporting criteria and shall invite the implementing agencies to report regularly to it in accordance with those criteria.

6. The Executive Committee shall invite the implementing agencies, in fulfilling their responsibilities in respect of the Multilateral Fund, to consult each other regularly. It shall also invite the heads of the agencies or their representatives to meet at least once a year to report on their activities and consult on cooperative arrangements.

7. The implementing agencies shall be entitled to receive support costs for the activities they undertake, having reached specific agreements with the Executive Committee.

C. Budget and contributions

8. The Multilateral Fund shall be financed in accordance with Paragraph 6 of Article 10 of the amended Protocol. In addition, contributions may be made by countries not Party to the Protocol, and by other governmental, intergovernmental, non-governmental and other sources.
9. The contributions referred to in paragraph 6 of Article 10 of the amended Protocol are to be based on the scale of contributions decided by the annual Meeting of the Parties. Bilateral and, in particular cases, regional cooperation by a country not operating under paragraph 1 of Article 5 may, according to criteria adopted by the Parties, be considered as a contribution to the Multilateral Fund up to a total of twenty per cent of the total contribution by that Party as decided by the annual Meetings of the Parties.
10. All contributions other than the value of bilateral and agreed regional cooperation referred to in paragraph 9 above shall be in convertible currency or, in certain circumstances, in kind and/or in national currency.
11. Contributions from States that become Parties not operating under paragraph 1 of Article 5 after the beginning of the financial period of the mechanism shall be calculated on a *pro rata* basis for the balance of the financial period.
12. Contributions not immediately required for the purposes of the Multilateral Fund shall be invested under the authority of the Executive Committee and any interest so earned shall be credited to the Multilateral Fund.
13. Budget estimates, setting out the income and expenditure of the Multilateral Fund prepared in United States dollars, shall be drawn up by the Executive Committee and submitted to the regular meetings of the Parties to the Protocol.
14. The proposed budget estimates shall be dispatched by the Fund Secretariat to all Parties to the Protocol at least sixty days before the date fixed for the opening of the regular meeting of the Parties to the Protocol at which they are to be considered.
15. Resources remaining in the Interim Multilateral Fund shall be transferred to the Multilateral Fund established under the financial mechanism.

D. Administration

16. The World Bank shall be invited by the Executive Committee to cooperate with and assist it in administering and managing the programme to finance the agreed incremental costs of Parties operating under paragraph 1 of Article 5. Should the World Bank accept this invitation, in the context of an agreement with the Executive Committee, the President of the World Bank shall be the Administrator of this programme, which shall operate under the authority of the Executive Committee.
17. The Executive Committee shall encourage the involvement of other agencies, in particular the regional development banks, in carrying out its functions effectively in relation to the programme to finance the agreed incremental costs.
18. The Fund Secretariat operating under the Chief Officer, co-located with the United Nations Environment Programme (UNEP) at Montreal, Canada, shall assist the Executive Committee in the discharge of its functions. The Multilateral Fund shall cover Secretariat costs, based on regular budgets to be submitted for decision by the Executive Committee.
19. In the event that the Chief Officer of the Fund Secretariat anticipates that there may be a shortfall in resources over the financial period as whole, he shall have discretion to adjust the budget approved by the Parties so that expenditures are at all times fully covered by contributions received.

20. No commitments shall be made in advance of the receipt of contributions, but income not spent in a budget year and unimplemented activities may be carried forward from one year to the next within the financial period.

21. At the end of each calendar year, the Chief Officer of the Fund Secretariat shall submit to the Parties accounts for the year. The Chief Officer shall also, as soon as practicable, submit the audited accounts for each period so as to coincide with the accounting procedures of the implementing agencies.

22. The Fund Secretariat and the implementing agencies shall cooperate with the Parties to provide information on funding available for relevant projects, to secure the necessary contacts and to coordinate, when requested by the interested Party, projects financed from other sources with activities financed under the Protocol.

23. The financing of activities or other costs, including resources channelled to third party beneficiaries, shall require the concurrence of the recipient Governments concerned. Recipient Governments shall, where appropriate, be associated with the planning of projects and programmes.

24. Nothing shall preclude a beneficiary Party operating under paragraph 1 of Article 5 from applying for its requirements for agreed incremental costs solely from the resources available to the Multilateral Fund.

Annex XI

TERMS OF REFERENCE OF THE EXECUTIVE COMMITTEE

1. The Executive Committee of the Parties is established 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 under the Financial Mechanism.
2. The Executive Committee shall consist of seven Parties from the group of Parties operating under paragraph 1 of Article 5 of the Protocol and seven Parties from the group of Parties not so operating. Each group shall select its Executive Committee members. The members of the Executive Committee shall be formally endorsed by the Meeting of the Parties.
3. The Chairman and Vice-Chairman shall be selected from the fourteen Executive Committee members. The office of Chairman is subject to rotation, on an annual basis, between the Parties operating under paragraph 1 of Article 5 and the Parties not so operating. The group of Parties entitled to the chairmanship shall select the Chairman from among their members of the Executive Committee. The Vice-Chairman shall be selected by the other group from within their number.
4. Decisions by the Executive Committee shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be taken by a two-thirds majority of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 and a majority of the Parties not so operating present and voting.
5. The meetings of the Executive Committee shall be conducted in those official languages of the United Nations required by members of the Executive Committee. Nevertheless, the Executive Committee may agree to conduct its business in one of the United Nations official languages.
6. Costs of Executive Committee meetings, including travel and subsistence of Committee participants from Parties operating under paragraph 1 of Article 5, shall be disbursed from the Multilateral Fund as necessary.
7. The Executive Committee shall ensure that the expertise required to perform its functions is available to it.
8. The Executive Committee shall meet at least twice a year.
9. The Executive Committee shall adopt other rules of procedure on a provisional basis and in accordance with paragraphs 1 to 8 of the present terms of reference. Such provisional rules of procedure shall be submitted to the next annual meeting of the Parties for endorsement. This procedure shall also be followed when such rules of procedure are amended.
10. The functions of the Executive Committee shall include:
 - (a) To develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources;
 - (b) To develop the plan and budget for the Multilateral Fund, including allocation of Multilateral Fund resources among the agencies identified in Paragraph 5 of Article 10 of the Amended Protocol;
 - (c) To supervise and guide the administration of the Multilateral Fund;
 - (d) To develop the criteria for project eligibility and guidelines for the implementation of activities supported by the Multilateral Fund;

(e) To review regularly the performance reports on the implementation of activities supported by the Multilateral Fund;

(f) To monitor and evaluate expenditure incurred under the Multilateral Fund;

(g) To consider and, where appropriate, approve country programmes for compliance with the Protocol and, in the context of those country programmes, assess and where applicable approve all project proposals or groups of project proposals where the agreed incremental costs exceed \$500,000;

(h) To review any disagreement by a Party operating under paragraph 1 of Article 5 with any decision taken with regard to a request for financing by that Party of a project or projects where the agreed incremental costs are less than \$500,000;

(i) To assess annually whether the contributions through bilateral cooperation, including particular regional cases, comply with the criteria set out by the Parties for consideration as part of the contributions to the Multilateral Fund;

(j) To report annually to the meeting of the Parties on the activities exercised under the functions outlined above, and to make recommendations as appropriate;

(k) To nominate, for appointment by the Executive Director of UNEP, the Chief Officer of the Fund Secretariat, who shall work under the Executive Committee and report to it; and

(l) To perform such other functions as may be assigned to it by the Meeting of the Parties.

Annex XII

INDICATIVE LIST OF CATEGORIES OF INCREMENTAL COSTS

1. The evaluation of requests for financing incremental costs of a given project shall take into account the following general principles:

(a) The most cost-effective and efficient option should be chosen, taking into account the national industrial strategy of the recipient party. It should be considered carefully to what extent the infrastructure at present used for production of the controlled substances could be put to alternative uses, thus resulting in decreased capital abandonment, and how to avoid deindustrialization and loss of export revenues;

(b) Consideration of project proposals for funding should involve the careful scrutiny of cost items listed in an effort to ensure that there is no double-counting;

(c) Savings or benefits that will be gained at both the strategic and project levels during the transition process should be taken into account on a case-by-case basis, according to criteria decided by the Parties and as elaborated in the guidelines of the Executive Committee;

(d) The funding of incremental costs is intended as an incentive for early adoption of ozone protecting technologies. In this respect the Executive Committee shall agree which time scales for payment of incremental costs are appropriate in each sector.

2. Incremental costs that once agreed are to be met by the financial mechanism include those listed below. If incremental costs other than those mentioned below are identified and quantified, a decision as to whether they are to be met by the financial mechanism shall be taken by the Executive Committee consistent with any criteria decided by the Parties and elaborated in the guidelines of the Executive Committee. The incremental recurring costs apply only for a transition period to be defined. The following list is indicated:

(a) Supply of substitutes

(i) Cost of conversion of existing production facilities:

- cost of patents and designs and incremental cost of royalties;
- capital cost of conversion;
- cost of retraining of personnel, as well as the cost of research to adapt technology to local circumstances;

(ii) Costs arising from premature retirement or enforced idleness, taking into account any guidance of the Executive Committee on appropriate cut-off dates:

- of productive capacity previously used to produce substances controlled by existing and/or amended or adjusted Protocol provisions; and
- where such capacity is not replaced by converted or new capacity to produce alternatives;

(iii) Cost of establishing new production facilities for substitutes of capacity equivalent to capacity lost when plants are converted or scrapped, including:

- cost of patents and designs and incremental cost of royalties;
- capital cost;
- cost of training, as well as the cost of research to adapt technology to local circumstances;

- (iv) Net operational cost, including the cost of raw materials;
- (v) Cost of import of substitutes;
- (b) Use in manufacturing as an intermediate good
 - (i) Cost of conversion of existing equipment and product manufacturing facilities;
 - (ii) Cost of patents and designs and incremental cost of royalties;
 - (iii) Capital cost;
 - (iv) Cost of retraining;
 - (v) Cost of research and development;
 - (vi) Operational cost, including the cost of raw materials except where otherwise provided for;
- (c) End use
 - (i) Cost of premature modification or replacement of user equipment;
 - (ii) Cost of collection, management, recycling, and, if cost effective, destruction of ozone-depleting substances;
 - (iii) Cost of providing technical assistance to reduce consumption and unintended emission of ozone-depleting substances.

ANNEX XIII

CRITERIA FOR PROJECTS UNDER THE MULTILATERAL FUND

I. FRAMEWORK FOR ACTIVITIES SUPPORTED BY THE FUND

I.1 COUNTRY PROGRAMMES

1. The Executive Committee shall invite each Party operating under paragraph 1 of Article 5 and wishing to receive support from the Multilateral Fund to develop a country programme¹ and projects in accordance with paragraph 10(g) of the Terms of Reference of the Executive Committee.

2. The country programme is expected to contain inter alia:

(a) a review of recent production, imports, applications and use of controlled substances by the main producers, users, and consumers. Where information is available it would be useful to indicate links to multinational producers or users;

(b) a description of the institutional framework governing controlled substances - (Government agencies, collaborating NGO's, consumer groups, industry associations);

(c) a description of policy framework, regulatory and incentive systems;

(d) a description of government and industry activities in response to the Protocol;

(e) a statement of strategy for implementation of the Protocol, indicating the respective roles of Government, supporting multilateral and bilateral agencies;

(f) an action plan encompassing investment and technical assistance projects, pre-investment studies, and any additional policy analysis required;

(g) a timetable for each activity, and for action plan review;

(h) a budget and financing programme for the above activities.

3. In developing its country programme and/or individual projects, a Party may request technical assistance, other services and support from the implementing agencies within their respective areas of expertise and within the context of work programmes approved by the Executive Committee.

4. A Party operating under paragraph 1 of Article 5 shall submit its country programme to the Executive Committee for its consideration and approval in accordance with paragraph 10(g) of Appendix II of Annex IV to the Report of the Second Meeting of the Parties.

5. A country programme approved by the Executive Committee shall serve as a basis for project preparation and further co-operation between the Party and the implementing agencies. However, individual projects prepared prior to the completion of a country programme shall also qualify for funding if consistent with project eligibility criteria (see section II) approved by the Executive Committee.

1) A number of countries have already initiated or completed national or country studies which contain some of the elements of a country programme. Updated country studies containing the elements listed in paragraph 2a-h shall constitute a country programme.

I.2 WORK PROGRAMMES

1. The Executive Committee shall invite implementing agencies and other appropriate agencies depending on their expertise, to develop work programmes in cooperation with recipient countries in order to receive support from the Multilateral Fund.

2. Work programmes should specify:

- (a) types of activities and projects on which agreement has been reached between the implementing agency and the concerned Party;
- (b) types of activities and projects which must be sufficiently defined to allow the Executive Committee to review and monitor these activities;
- (c) means of coordinating with other implementing agencies;
- (d) time frame for action;
- (e) expected outcomes; and
- (f) estimated budget by major categories and fiscal quarters.

3. The Executive Committee shall approve work programmes based on project eligibility criteria, on an annual basis and review progress under these programmes semi-annually.

4. The implementation of any aspect of the Work Programme shall be subject to the availability of funds. In the event of a shortage of available funds the Executive Committee shall provide guidance to the implementing agencies concerning priorities for implementation (see section III).

5. Each implementing agency is responsible for implementation and supervision of projects within its work programme. The agency shall report to the Executive Committee annually on the progress of the work programmes.

I.3 PROJECT APPROVALS

1. Project proposals where the agreed incremental costs exceed \$500,000 shall be considered and approved by the Executive Committee.

2. Project proposals where the agreed incremental costs are less than \$500,000 shall be approved by the implementing agencies within the context of an approved work programme and after confirmation by the Fund Secretariat on the availability of funds and contributions in-kind.

3. Project proposals not developed in cooperation with implementing agencies shall be submitted to the Secretariat for transmittal to the appropriate implementing agencies for inclusion in their next work programme.

II. PROJECT ELIGIBILITY CRITERIA

This section proposes interim project eligibility criteria based on decision II/8 and Annex I of the Second Meeting of the Parties. These criteria will be clarified in the process of preparing country studies and in project-specific review and approval between the Parties and implementing agencies. This is therefore intended to be a flexible document and shall be reviewed after one year experience following its adoption.

II.1 CRITERIA

(1) Financial and technical assistance from the Multilateral Fund shall be available only to Parties operating under Article 5, paragraph 1 of the Montreal Protocol and in compliance with the requirements of the Protocol. Such assistance shall be available only to facilitate compliance with the control measures set out in Articles 2A to 2E of the Protocol (decision II/8, paragraph

- 1) and to finance the incremental costs incurred in meeting these requirements.
- (2) All projects² must receive approval of the requesting Party's government.
- (3) Financial assistance for capital investment projects shall be available for categories of agreed incremental costs identified in decision II/8, Appendix I of Annex IV of the Report of the Second Meeting of the Parties³ (Attached as Appendix I of this report). Assistance for other categories of agreed incremental costs associated with capital investment projects requires approval of the Executive Committee.
- (4) Projects other than capital investment projects shall also qualify for assistance under the Fund (e.g. technical assistance and clearing house functions).
- (5) Financial and technical assistance shall be available for projects that are cost-effective and based on environmentally sound alternative technologies or substitutes to the substances restricted by the Protocol, taking into account the national industrial strategy of the recipient Party (decision II/8 Appendix I, paragraph 1(a) of Annex IV of the Report of the Second Meeting of the Parties).

III. GUIDELINES FOR SETTING PRIORITIES

1. Projects with potential for the most cost-effective and efficient reduction in the emission of controlled substances.
2. Projects involving broad geographic balance.
3. Projects with ease of replication and technology transfer to other Parties operating under Article 5, paragraph 1.
4. Projects with the highest potential reduction of controlled substances in the shortest period of time in terms of global impact.

IV. GRANTS, LOANS, AND IN-KIND SUPPORT

1. All technical assistance and pre-investment activities shall be provided in the form of grants or, in certain circumstances, in-kind support.
2. At the request of Article 5, paragraph 1 countries, in-kind support can be provided in the form of expert personnel, technology, technical documentation and training.
3. Assistance for investment projects shall generally be provided in the form of grants. However, where the investment project has a short payback period (i.e. 1-2 years), financing may take the form of highly concessional loans. If an implementing agency believes that a highly concessional loan is appropriate for a particular project, it shall recommend this action at the next meeting of the Executive Committee. The Executive Committee shall make the final decision on the terms of assistance.

V. REQUIREMENTS FOR REPORTING TO THE EXECUTIVE COMMITTEE

This section outlines the criteria for reporting by the implementing agencies to the Executive Committee based on the Terms of Reference of the Executive Committee and of the Multilateral Fund, Appendices II and IV of Annex 4 of the Report, respectively, to decision II/8.

2) The term "projects" is used to describe any activity qualifying for assistance under the Fund. A project could include, inter alia, training, technical assistance, pre-investment studies, country programme preparation, technology development or capital investments to modify or establish a manufacturing facility.

3) Further refinement over time will be needed to implement the terms of reference adopted in London defining incremental costs.

V.1 REPORTING BY THE SECRETARIAT

The Chief Officer of the Secretariat shall submit to the Executive Committee semi-annual reports covering budget and financial issues. The Chief Officer shall also report when necessary, on the Secretariat activities during the reporting period, including those requiring action by the Executive Committee:

- a - revision of current year's budget for the Secretariat;
- b - proposals for subsequent year's budget for the Secretariat;
- c - report on contributions, fund disbursements and investments;
- d - report on contributions through bilateral and regional cooperation;
- e - annual assessment of bilateral cooperation;
- f - operational policies and guidelines of the Fund;
- g - three-year plan and budget for the Fund; and
- h - performance reports and assessments of implementing agencies and their activities.

A summary of these shall be submitted to the meeting of the Parties.

V.2 REPORTING BY THE IMPLEMENTING AGENCIES

The implementing agencies shall submit to the Executive Committee through the Secretariat:

- a - annual reports on implementation activities of prior approved work programmes and activities related to country programmes;
- b - semi-annual progress reports;
- c - reports on disagreements by requesting countries which require Executive Committee review;
- d - revision of the current year's budget where necessary and the following year's budget and workplan; and
- e - report on interagency work programme and coordination of activities.

V.2.1 Reporting by UNDP

- a - report on status of UNDP activities related to country programmes including the activities of field offices;
- b - periodic progress reports on projects;
- c - annual report on income and expenditures for the previous years and;
- d - final report after completion and/or termination of each project.

V.2.2 Reporting by UNEP

- a - report on training, country studies, political promotion and communication efforts and clearing house activities; and
- b - annual audited reports on the income and expenditures of the multilateral fund.

V.2.3 Reporting by the World Bank

- a - report on activities related to country programmes and on project proposals or groups of project proposals including those which require Executive Committee approval; and
- b - final report on operations financed by the Fund.

V.2.4. Other Implementing Agencies (e.g. Regional Banks)

Other implementing agencies who undertake projects financed from the Fund shall be required to report as appropriate based on the nature of these activities.

INDICATIVE LIST OF CATEGORIES OF INCREMENTAL COSTS*

1. The evaluation of requests for financing incremental costs of a given project shall take into account the following general principles:

(a) The most cost-effective and efficient option should be chosen, taking into account the national industrial strategy of the recipient party. It should be considered carefully to what extent the infrastructure at present uses, thus resulting in decreased capital abandonment, and how to avoid the industrialization and loss of expert revenues;

(b) Consideration of project proposals for funding should involve the careful scrutiny of cost items listed in an effort to ensure that there is no double-counting;

(c) Savings or benefits that will be gained at both the strategic and project levels during the transition process should be taken into account on a case-by-case basis, according to criteria decided by the Parties and as elaborated in the guidelines of the Executive Committee;

(d) The funding of incremental costs is intended as an incentive for early adoption of ozone protecting technologies. In this respect the Executive Committee shall agree which time scales for payment of incremental costs are appropriate in each sector.

2. Incremental costs that once agreed are to be met by the financial mechanism include those listed below. If incremental costs other than those mentioned below are identified and quantified, a decision as to whether they are to be met by the financial mechanism shall be taken by the Executive Committee consistent with any criteria decided by the Parties and elaborated in the guidelines of the Executive Committee. The incremental recurring costs apply only for a transition period to be defined. The following list is indicative:

(a) Supply of substitutes

(i) Cost of conversion of existing production facilities:

- cost of patents and designs and incremental cost of royalties;
- capital cost of conversion;
- cost of retraining of personnel, as well as the cost of research to adapt technology to local circumstances.

(ii) Costs arising from premature retirement or enforced idleness, taking into account any guidance of the Executive Committee on appropriate cut-off dates:

- of productive capacity previously used to produce substances controlled by existing and/or amended or adjusted Protocol provisions; and
- where such capacity is not replaced by converted or new capacity to produce alternatives.

*) This is the text of Appendix I of Annex IV to the Report of the Second Meeting of the Parties.

(iii) Cost of establishing new production facilities for substitutes of capacity equivalent to capacity lost when plants are converted or scrapped, including:

- cost of patents and designs and incremental cost of royalties;
- capital cost;
- cost of training, as well as the cost of research to adapt technology to local circumstances;

(iv) Net operational cost, including the cost of raw materials;

(v) Cost of import of substitutes.

(b) Use in manufacturing as an intermediate good

(i) Cost of conversion of existing equipment and product manufacturing facilities;

(ii) Cost of patents and designs and incremental cost of royalties;

(iii) Capital cost;

(iv) Cost of retraining;

(v) Cost of research and development;

(vi) Operational cost, including the cost of raw materials except where otherwise provided for.

(c) End use

(i) Cost of premature modification or replacement of user equipment;

(ii) Cost of collection, management, recycling, and, if cost effective, destruction of ozone-depleting substances;

(iii) Cost of providing technical assistance to reduce consumption and unintended emission of ozone-depleting substances.

ANNEX XIV

GUIDELINES FOR PRESENTATION OF PROJECTS
AND CRITERIA FOR PROJECT APPROVAL

INTRODUCTION

Pursuant to decision II/8 of the Second Meeting of the Parties to the Montreal Protocol and, as further elaborated in Section I of the interim Implementation Guidelines approved by the Executive Committee (UNEP/OzL.Pro/ExCom/3/18/Rev.1), all project proposals, where the agreed incremental costs exceed \$500,000, must be submitted to the Executive Committee for consideration and approval.

The aim of these guidelines is to provide information on the appropriate content and level of detail required for the submission of projects to the Executive Committee.

THE PROJECT DOCUMENT

The project document should contain the following information, preferably in the sequence shown below when being submitted directly by a Party. If the submission is being made by one of the Fund's implementing agencies, then such an agency can utilize formats that are consistent with their own internal procedures and operations provided they include the information requested here. It is anticipated that the complete project document would not exceed ten typed single-spaced pages in length:

Cover sheet

The project document should contain a cover sheet providing the information as shown in Appendix I.

Project title

The concise title of the project.

Sector data

Brief background information on the amount of controlled substances used in the sector or sectors affected by the project and the percentage corresponding to the total consumption of controlled substances in the country. If the project is intended to phase out the production of a controlled substance or substances, then the relevant production data on the affected substance or substances and the percentage corresponding to the total production and consumption of controlled substances must also be provided.

Project description

The project description usually begins with the identification of the problem and is followed by the formulation of the project's objectives and their relationship to and priority within the country programme or to the national strategy for the implementation of the Montreal Protocol. This section should also address the technical aspects of the project, for example, the availability and intended use of alternative technologies. In addition, the activities needed to accomplish the project must also be clearly indicated. A good project description should explain inter alia:

- (a) why the project is needed (rationale, justification, and explanation of the problem the project is to address);

- (b) what private sector firms, if any, are involved in or affected by the project;
- (c) what are the project's long-term objectives;
- (d) what are the project's short-term objectives, if successfully completed;
- (e) what actions/activities are needed to accomplish the overall objectives;
- (f) what non-monetary inputs are needed to realize the objectives;
- (g) how the project meets the incremental costs criteria as defined in the current Indicative List of Categories of Incremental Costs or as otherwise articulated by the Parties;
- (h) what is the best estimate of the cost effectiveness of the project (phase-out costs per kg.).

Project timeframe

Information on the anticipated start-up date and the termination date for the implementation of the project, including a projected schedule for implementation of the various activities designed to accomplish the objectives of the project.

Outputs

This section will address the expected outcome of the project in order to achieve the objectives addressed in the project description. Included here would be information on the projected phase out/reduction in consumption of controlled substances (in tonnes x ODP) and other direct or indirect outputs, for example, human resource development and/or enhancement of institutional capability.

Budget

An indicative budget figure showing all projected expenditures and the anticipated timing of disbursements. There should also be a description of each budget item, an explanation of how each budget item is functionally related to activities, a rationale for the budget estimates, and explanations of any in-kind contributions and/or bilateral assistance approved by the Executive Committee.

Implementation arrangements

Information on which implementing agency or agencies (UNDP, UNEP, World Bank, Other) would be undertaking the project, the national agency responsible for coordinating the project, and the financial intermediary contracted for the receipt and disbursement of funds and the financial reporting on the project. A copy of any agreement between the submitting Party and the participating agencies should also be provided, as well as a brief resumé on the capability of the implementing agency to implement the project successfully if it is an agency other than one of the Fund's implementing agencies.

Institutional framework

This section should define the role and responsibilities of the cooperating agency or supporting organization. It should also clarify who is the ultimate authority in managing the project, what is the machinery for consultation among the various agencies and organizations involved in the project, and to which parties and for what purpose are the project results reported.

Technical appraisal

A copy of any technical review reports of the project, if available.

CRITERIA FOR PROJECT APPROVAL

INTRODUCTION

1. Projects can originate from three sources, namely, (1) the implementing agencies, (2) the Article 5 countries, and (3) a donor country within the framework of its bilateral contribution¹. The Executive Committee has already provided guidance in terms of the modalities of activities supported by The Fund, project eligibility criteria, and guidelines for setting priorities². In addition, there are procedures for project proposals to the Executive Committee³, and the preceding guidelines for the presentation of projects. The Executive Committee has also approved operational aspects of bilateral and regional contributions. Nevertheless, the purpose of this document is to provide criteria for project approval and to formulate the process of such approval in order to facilitate project implementation.

PROJECT APPROVAL CRITERIA

2. All projects submitted for the Executive Committee's approval should meet the following criteria:

- (a) be consistent with the implementation guidelines;
- (b) be consistent in content and format with the project presentation guidelines;
- (c) contain both accurate and current data, as well as other relevant information;
- (d) be consistent with the action plan as described in the country programme, if available;
- (e) be consistent with the approved operational aspects of bilateral and regional cooperation, if applicable.

THE PROJECT APPROVAL PROCESS

General

3. All projects must be submitted to the Secretariat at least six weeks prior to the date of the Executive Committee meeting at which they are to be considered. This is in order to comply with the requirement that documentation should be sent to members of the Executive Committee one month in advance of their meeting.

4. The Fund Secretariat is responsible for ensuring that complete documentation pertaining to projects submitted for approval is provided to the Executive Committee. The Fund Secretariat would engage itself in close consultations with the implementing agency, donor country, or Article 5 country submitting the project so as to ensure, to the extent possible, that the appropriate documentation and level of detail are provided, that technical reviews have been completed, where required, that incremental costs have been calculated and explained, and that cost-effectiveness has been determined.

¹ Bilateral and Regional Co-operation (UNEP/OzL.Pro/ExCom/5/16, Annex IV).

² Report of the Third Meeting of the Executive Committee of the Interim Multilateral Fund for the Implementation of the Montreal Protocol (UNEP/OzL.Pro/ExCom/3/18/Rev.1), Annex III, Implementation Guidelines and Criteria for Project Selection.

³ Procedures for (Presentation) of Country Programmes and Project Proposals to the Executive Committee (UNEP/OzL.Pro/ExCom/5/5/Rev.2).

Projects submitted by an implementing agency

5. Project proposals with a budget exceeding US \$500,000 must be presented for consideration and approval by the Executive Committee. The Secretariat will ensure that project proposals are in accordance with the above-mentioned criteria.

6. The Secretariat will also consult with the implementing agency (or implementing agencies if more than one is involved) and the country(ies) concerned to obtain all the necessary information and can advise the implementing agencies to share responsibilities in implementation of the project, where appropriate.

7. Finally, the Secretariat will prepare the evaluation sheet (see Appendix II) and submit it together with the project proposal to the next session of the Executive Committee.

Project proposal submitted by an Article 5 country

8. Upon receipt of the project proposal, the Secretariat will send it to the implementing agency(ies) if so designated by the Article 5 country. For those projects submitted with no implementing agency identified, the Fund Secretariat would identify and negotiate for the participation of the appropriate implementing agency or agencies as the case may be.

9. The implementing agency(ies) will then establish the necessary contacts with the Article 5 country concerned and elaborate the project documentation to meet all the necessary requirements.

10. The Secretariat will then evaluate the project documentation, in accordance with the procedures established in the preceding paragraphs, for submission to the Executive Committee.

Project proposal originating from a non-Article 5 country (donor country)

11. Parties not operating under Article 5 paragraph 1 and intending to withhold up to 20 per cent of their contribution for the purpose of bilateral or regional assistance can submit project proposals for implementation in Article 5 countries conforming to the approved bilateral guidelines (UNEP/OzL.Pro/ExCom/5/16, Annex IV).

12. The Secretariat will then evaluate the project documentation for submission to the Executive Committee.

APPENDIX I

SAMPLE PROJECT COVER SHEET

COUNTRY OR REGION:

SECTOR(S) COVERED:

ODS CONSUMPTION IN AFFECTED SECTOR(S):

PROJECT TITLE:

PROJECT DURATION: _____ Yrs. _____ Mths.

PROJECT IMPACT: ODSs PHASE-OUT _____ OTHERS _____

PROPOSED BUDGET:

IMPLEMENTING AGENCY: UNDP _____ UNEP _____ World Bank _____
Other _____

NATIONAL COORDINATING AGENCY:

<p>PROJECT SUMMARY (Address technical, institutional, and policy issues)</p>

APPENDIX II
PROJECT EVALUATION SHEET

COUNTRY OR REGION:

PROJECT TITLE:

BUDGET: US\$

INCREMENTAL COSTS: US\$

*COST EFFECTIVENESS: \$ _____ per Kg. x ODP Saved Annually

PROJECT TIMEFRAME: START _____ END _____

TECHNICAL REVIEW COMPLETED: YES _____ NO _____

SECRETARIAT'S COMMENTS

SECRETARIAT'S RECOMMENDATIONS

* Determined as the ratio of incremental costs to the estimated annual saving of ODP (\$/ODP Kg.).

GUIDELINES FOR COST ASSESSMENT OF
BILATERAL AND REGIONAL ACTIVITIES

This paper addresses the issues involved in assessing the incremental costs associated with bilateral and regional contributions to the Fund. Article 10 paragraph 6 of the Montreal Protocol as amended provides the basis for the consideration of bilateral and regional assistance:

"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 a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

- (a) Strictly relates to compliance with the provisions of this Protocol;
- (b) Provides additional resources; and
- (c) Meets incremental costs".⁴

The Parties have given the Executive Committee the responsibility of assessing bilateral and some regional activities. The Executive Committee is charged with assessing:

"annually whether the contributions through bilateral co-operation, including particular regional cases, comply with the criteria set out by the Parties for consideration as part of the contributions to the Multilateral Fund".⁵

To provide a basis for consideration of bilateral and regional contributions, the Executive Committee adopted criteria and procedures at its Fifth Meeting⁶. These guidelines primarily address procedures for the submission of requests to have bilateral and regional assistance count as partial contribution to the Fund but not the costing of such assistance. This paper assumes the guidelines and procedures adopted at the Fifth Meeting as a point of departure, and proposes guidelines for assessment of costs for bilateral and regional assistance.

Background

The Fund Secretariat requested Parties not operating under paragraph 1 of Article 5 to provide information on the nature and extent of bilateral assistance to Parties not so operating. The Fund Secretariat has communicated the Executive Committee decision regarding "Bilateral and Regional Co-operation" as included in Annex IV of the report of the Fifth Meeting of the Executive Committee to all Parties of the Montreal Protocol. The Fund Secretariat has received some requests for allowing bilateral assistance to serve as partial contributions to the Fund. However, there has been some confusion. Most of the requests received were to provide assistance to countries that have not signed the Protocol and therefore do not qualify. The Executive Committee has not so far addressed the issue of how to assess a claim by a Party that the bilateral or regional assistance conforms to incremental costs.

⁴ From Decision II/8 adopted at the Second Meeting of the Parties, London, 27-29 June 1990, pages 12-14, [UNEP/OzL.Pro.2/3].

⁵ Ibid.

⁶ Report of the Fifth Meeting of the Executive Committee, Montreal, 18-22 November 1991, UNEP/OzL.Pro/ExCom/5/16, 22 November 1991, Annex IV, pp. 52-54.

Considerations for the Development of Guidelines

Compliance with incremental cost guidelines requires several considerations that have already been determined by the Parties. An assessment according to these guidelines can be an intricate procedure. For costs to be considered as incremental costs, they must, for example:

- . Be "the most cost-effective and efficient option",
- . Consider "alternative uses",
- . Consider "how to avoid deindustrialization and loss of export revenues",
- . Take into account "savings and benefits that will be gained", and
- . Provide incentives for "early adoption of ozone protecting technologies".⁷

The description of incremental costs suggests that a detailed assessment of incremental costs is necessary as one could conclude from the following statement: "Consideration of project proposals for funding should involve the careful scrutiny of cost items listed in an effort to ensure that there is no double-counting."⁸ Such a detailed cost assessment could account for all of the qualifications for incremental costs.

In practice, however, detailed costs may not be submitted. Without such a cost assessment, it is possible that projects conducted by donor countries may inadvertently not conform to the above criteria. There could be a less than cost-effective use of Fund resources. A situation could arise where the cost of a bilateral activity significantly exceeds the maximum cost ever approved by the Executive Committee for similar activity implemented otherwise.

The development of maximum allowable costs by project type by the Executive Committee could solve this issue. With maximum costs, a situation would not occur where the bilateral contribution could exceed the maximum approved by the Executive Committee. Such a procedure is currently under consideration for use in providing assistance for institutional strengthening. Likewise, the experience with costs of preparing country programmes could also yield maximum allowable costs as related to the calculated level of consumption of ODSs in an Article 5 country.

However, there is no comprehensive list of maximum costs for all conceivable projects. Although certain parameters should be developed to provide guidance for future Executive Committee decisions, it is not clear that all possible scenarios can be foreseen. Furthermore, there are other vehicles for determining the type and cost of projects that should be considered eligible for bilateral and regional assistance, namely, the approved country programmes and the approved projects.

⁷ "Indicative List of Categories of Incremental Costs," Appendix I to Decision II/8 ("Financial Mechanism") adopted by the Second Meeting of the Parties, number 1 a-d.

⁸ Ibid.

Regional Activities

The Parties also indicated that "in particular cases agreed by a decision of the Parties, regional co-operation may ... be considered a contribution to the Multilateral Fund."⁹ Therefore, regional assistance measures must be decided by the Parties. However, what constitutes regional cooperation is not clear. Several questions arise, for example does regional assistance mean:

1. assistance provided by a donor country to a regional organization? Also, what part of assistance to a regional organization comprising of both Article 5 and non-signatory developing countries is considered eligible regional assistance?
2. assistance from a donor country to a set of Article 5 countries that happen to be in the same region constitute regional assistance?

It is clear that regional assistance is a complex issue. It would appear that any request for regional assistance would have to address questions such as the ones raised above at a minimum. It is likely that more questions would arise when a specific regional assistance request is considered.

However, under certain circumstances, a form of regional assistance could be considered as bilateral assistance to several Article 5 countries. An example of this type of "regional" assistance is when a donor country hosts a training workshop for citizens of more than one Article 5 country that happen to be in the same region. In this case the contribution made for participation of Article 5 citizens and a pro rata share of workshop costs could be considered bilateral assistance to each country. Under such circumstances, the same criteria, procedures, and guidelines would apply to this type of "regional" assistance as bilateral assistance.

Criteria

The following criteria should be used in assessing the costs claimed as bilateral or regional contributions to the Fund:

1. Donor countries should submit a detailed account of how the assistance conforms to incremental costs.
2. Lists of maximum costs by level of ODS consumption by project type, e.g., those used for institutional strengthening, should be developed and claims for bilateral or regional contributions should not exceed the maximum levels.
3. Activities that involve more than one Article 5 country may be considered bilateral activities providing that the above criteria are met and a pro rata share is determined which accounts for participation of any non-Article 5 country.

⁹ ibid.

Annex XV

MULTILATERAL FUND FOR THE FINANCIAL MECHANISM: SCALE OF CONTRIBUTIONS BY THE PARTIES BASED ON THE UNITED NATIONS SCALE OF ASSESSMENTS WITH NO COUNTRY PAYING MORE THAN 25 PERCENT FOR 1993 AND 1994

PARTY	UN SCALE OF ASSESSMENTS OF IN FORCE AS AT 25 NOV 1992		UN SCALE PERCENTAGES ADJUSTED TO PERCENTAGES EXCLUDE NON CONTRIBUTORS FOR 1993-1994*		ADJUSTED WITH 25% CEILING	1993 CONTRIBUTION BY PARTIES (\$ US)	1994 CONTRIBUTIONS BY PARTIES (\$ US)
	AS AT 25 NOV 1992	FOR 1993-1994*	EXCLUDE NON CONTRIBUTORS	ADJUSTED TO PERCENTAGES	WITH 25% CEILING	BY PARTIES (\$ US)	BY PARTIES (\$ US)
NON-PAYING ART 5 PARA 1 DEVELOPING COUNTRIES							
Algeria**	0.16%	0.16%	0.00%	0.00%	0.00%	0	0
Argentina	0.57%	0.57%	0.00%	0.00%	0.00%	0	0
Bangladesh	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Barbados**	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Botswana**	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Brazil	1.59%	1.59%	0.00%	0.00%	0.00%	0	0
Burkina Faso	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Cameroon	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Chile	0.08%	0.08%	0.00%	0.00%	0.00%	0	0
China	0.77%	0.77%	0.00%	0.00%	0.00%	0	0
Costa Rica	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Croatia**	0.00%	0.13%	0.00%	0.00%	0.00%	0	0
Cuba**	0.09%	0.09%	0.00%	0.00%	0.00%	0	0
Cyprus**	0.02%	0.02%	0.00%	0.00%	0.00%	0	0
Ecuador	0.03%	0.03%	0.00%	0.00%	0.00%	0	0
Egypt	0.07%	0.07%	0.00%	0.00%	0.00%	0	0
Equatorial Guinea	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Fiji	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Gambia	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Ghana	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Guatemala	0.02%	0.02%	0.00%	0.00%	0.00%	0	0
Guinea**	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
India	0.36%	0.36%	0.00%	0.00%	0.00%	0	0
Indonesia**	0.16%	0.16%	0.00%	0.00%	0.00%	0	0
Iran, Islamic Republic of	0.77%	0.77%	0.00%	0.00%	0.00%	0	0
Jordan	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Kenya	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Libyan Arab Jamahiriya	0.24%	0.24%	0.00%	0.00%	0.00%	0	0
Malawi	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Malaysia	0.12%	0.12%	0.00%	0.00%	0.00%	0	0
Maldives	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Mauritius**	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Mexico	0.88%	0.88%	0.00%	0.00%	0.00%	0	0
Niger**	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Nigeria	0.20%	0.20%	0.00%	0.00%	0.00%	0	0
Panama	0.02%	0.02%	0.00%	0.00%	0.00%	0	0
Philippines	0.07%	0.07%	0.00%	0.00%	0.00%	0	0
Saint Kitts and Nevis**	0.01%	0.01%	0.00%	0.00%	0.00%	0	0
Slovenia**	0.00%	0.09%	0.00%	0.00%	0.00%	0	0

PARTY	UN SCALE OF ASSESSMENTS IN FORCE AS AT 25 NOV 1992	UN SCALE OF ASSESSMENTS FOR 1993-1994*	PERCENTAGES OF ADJUSTED TO PERCENTAGES EXCLUDE NON CONTRIBUTORS	ADJUSTED TO PERCENTAGES WITH 25% CEILING CONSIDERED	1993 CONTRIBUTIONS BY PARTIES (\$ US)	1994 CONTRIBUTION BY PARTIES (\$ US)
NON-PAYING ART 5 PARA 1 DEVELOPING COUNTRIES						
Sri Lanka	0.01%	0.01%	0.00%	0.00%	0	0
Swaziland**	0.01%	0.01%	0.00%	0.00%	0	0
Syrian Arab Republic	0.04%	0.04%	0.00%	0.00%	0	0
Thailand	0.11%	0.11%	0.00%	0.00%	0	0
Togo	0.01%	0.01%	0.00%	0.00%	0	0
Trinidad and Tobago	0.05%	0.05%	0.00%	0.00%	0	0
Tunisia	0.03%	0.03%	0.00%	0.00%	0	0
Turkey	0.27%	0.27%	0.00%	0.00%	0	0
Uganda	0.01%	0.01%	0.00%	0.00%	0	0
Uruguay	0.04%	0.04%	0.00%	0.00%	0	0
Venezuela	0.49%	0.49%	0.00%	0.00%	0	0
Yugoslavia	0.42%	0.16%	0.00%	0.00%	0	0
Zambia	0.01%	0.01%	0.00%	0.00%	0	0
Zimbabwe**	0.01%	0.01%	0.00%	0.00%	0	0
PAYING DEVELOPING COUNTRIES						
Bahrain	0.03%	0.03%	0.03%	0.04%	39 971	39 971
Korea, Republic of**	0.69%	0.69%	0.69%	0.81%	919 330	919 330
Malta	0.01%	0.01%	0.01%	0.01%	13 324	13 324
Singapore	0.12%	0.12%	0.12%	0.14%	159 883	159 883
United Arab Emirates	0.21%	0.21%	0.21%	0.25%	279 796	279 796
DEVELOPED COUNTRIES (GENERAL)						
Australia	1.51%	1.51%	1.51%	1.78%	2 011 867	2 011 867
Austria	0.75%	0.75%	0.75%	0.88%	999 272	999 272
Belarus	0.31%	0.48%	0.48%	0.56%	639 534	639 534
Bulgaria	0.13%	0.13%	0.13%	0.15%	173 207	173 207
Canada	3.11%	3.11%	3.11%	3.66%	4 143 646	4 143 646
Czechoslovakia	0.55%	0.55%	0.55%	0.65%	732 799	732 799
Finland	0.57%	0.57%	0.57%	0.67%	759 446	759 446
Hungary	0.18%	0.18%	0.18%	0.21%	239 825	239 825
Iceland	0.03%	0.03%	0.03%	0.04%	39 971	39 971
Israel**	0.23%	0.23%	0.23%	0.27%	306 443	306 443
Japan	12.45%	12.45%	12.45%	14.64%	16 587 909	16 587 909
Liechtenstein	0.01%	0.01%	0.01%	0.01%	13 324	13 324
New Zealand	0.24%	0.24%	0.24%	0.28%	319 767	319 767
Norway	0.55%	0.55%	0.55%	0.65%	732 799	732 799
Poland	0.47%	0.47%	0.47%	0.55%	626 210	626 210
Russian Federation	9.41%	6.71%	6.71%	7.89%	8 940 150	8 940 150
South Africa	0.41%	0.41%	0.41%	0.48%	546 268	546 268
Sweden	1.11%	1.11%	1.11%	1.30%	1 478 922	1 478 922
Switzerland	1.16%	1.16%	1.16%	1.36%	1 545 540	1 545 540
Ukraine	1.18%	1.87%	1.87%	2.20%	2 491 517	2 491 517
United States	25.00%	25.00%	25.00%	25.00%	28 334 903	28 334 903

PARTY	UN SCALE OF ASSESSMENTS IN FORCE AS AT 25 NOV 1992	UN SCALE OF ASSESSMENTS FOR 1993-1994*	PERCENTAGES ADJUSTED TO EXCLUDE NON CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	1993 CONTRIBUTIONS (\$ US)	1994 CONTRIBUTIONS (\$ US)
					BY PARTIES	BY PARTIES
DEVELOPED COUNTRIES (EEC)						
Belgium	1.06%	1.06%	1.06%	1.25%	1 412 304	1 412 304
Denmark	0.65%	0.65%	0.65%	0.76%	866 035	866 035
France	6.00%	6.00%	6.00%	7.05%	7 994 173	7 994 173
Germany	8.93%	8.93%	8.93%	10.50%	11 897 994	11 897 994
Greece	0.35%	0.35%	0.35%	0.41%	466 327	466 327
Ireland	0.18%	0.18%	0.18%	0.21%	239 825	239 825
Italy	4.29%	4.29%	4.29%	5.04%	5 715 834	5 715 834
Luxembourg	0.06%	0.06%	0.06%	0.07%	79 942	79 942
Netherlands	1.50%	1.50%	1.50%	1.76%	1 998 543	1 998 543
Portugal	0.20%	0.20%	0.20%	0.24%	266 472	266 472
Spain	1.98%	1.98%	1.98%	2.33%	2 638 077	2 638 077
United Kingdom	5.02%	5.02%	5.02%	5.90%	6 688 458	6 688 458
TOTAL	98.55%	96.67%	88.80%	100.00%	113 339 610	113 339 610

* As recommended by the United Nations Committee on Contributions in its report to the General Assembly at its forty-seventh session (A/47/11). All calculations in the present table are based on these percentages.

** New Parties who joined during 1992.

Annex XVI

APPROVED DESTRUCTION PROCESSES

Thermal oxidation category

- Liquid injection incineration
- Reactor cracking
- Gaseous/fume oxidation
- Rotary kiln incinerators
- Cement kilns

Note: These technologies are described in the report of the Ad Hoc Advisory Committee on Destruction Technologies.

Annex XVII

SUGGESTED REGULATORY STANDARDS FOR DESTRUCTION FACILITIES

Pollutant	Stack Concentration	Comments
PCDD/PDCF -----HCl ----- HF ----- HBr/Br ₂ ----- Particulates	<1.0*ng/m ³ ----- <100 mg/m ³ ----- 5 mg/m ³ ----- <5 mg/m ³ ----- <50 mg/m ³	Frequency, method of sampling, and limit for the ODS that is being destroyed as recommended by national regulatory agencies
CO	<100 mg/m ³	Continuous emission monitoring with 1 hour rolling average
ODS		Atmospheric releases of ODS shall be monitored at all facilities with air emission discharges (where applicable) to ensure compliance with the recommendations of the report of the ad hoc Technical Advisory Committee on Destruction Technologies.

* Toxic equivalence using international method. Emissions limits are expressed as mass per dry cubic metre of flue gas at 0°C and 101.3 kPa corrected to 11% O₂

Annex XVIII

RESOLUTION ADOPTED BY THE PARTIES TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE OZONE LAYER

Methyl bromide

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

Resolve in the light of serious environmental concerns raised in the scientific assessment, to make every effort to reduce emissions of and to recover, recycle and reclaim, methyl bromide. They look forward to receiving the full evaluations to be carried out by the UNEP Scientific Assessment Panel and the Technology and Economic Assessment Panel, with a view to deciding on the basis of these evaluations no later than at their Seventh Meeting, in 1995, a general control scheme for methyl bromide, as appropriate, including concrete targets beginning, for Parties not operating under paragraph 1 of Article 5, with, for example a 25 per cent reduction as a first step, at the latest by the year 2000, and a possible phase-out date.

ANNEX XIX

NAMES AND ADDRESSES OF THE CHAIRMEN AND CO-CHAIRMEN OF THE ASSESSMENT PANELS

I. Scientific Assessment Panel

1. Dr. Robert T. Watson
Office of Science and Technology Policy
Room 494, Old Executive Office Building
17th Street and Pennsylvania Avenue
N.W. Washington DC 20506
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ANNEX XX

VIENNA CONVENTION FOR THE PROTECTION OF THE
OZONE LAYER

Preamble

The Parties to this Convention,

Aware of the potentially harmful impact on human health and the environment through modification of the ozone layer,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction",

Taking into account the circumstances and particular requirements of developing countries,

Mindful of the work and studies proceeding within both international and national organizations and, in particular, of the World Plan of Action on the Ozone Layer of the United Nations Environment Programme,

Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels,

Aware that measures to protect the ozone layer from modifications due to human activities require international co-operation and action, and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations to further develop scientific knowledge of the ozone layer and possible adverse effects resulting from its modification,

Determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer,

HAVE AGREED AS FOLLOWS:

Article 1

DEFINITIONS

For the purposes of this Convention:

1. "The ozone layer" means the layer of atmospheric ozone above the planetary boundary layer.
2. "Adverse effects" means changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.
3. "Alternative technologies or equipment" means technologies or equipment the use of which makes it possible to reduce or effectively eliminate emissions of substances which have or are likely to have adverse effects on the ozone layer.

4. "Alternative substances" means substances which reduce, eliminate or avoid adverse effects on the ozone layer.
5. "Parties" means, unless the text otherwise indicates, Parties to this Convention.
6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. "Protocols" means protocols to this Convention.

Article 2

GENERAL OBLIGATIONS

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party 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.
2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:
 - (a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects on human health and the environment from modification of the ozone layer;
 - (b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;
 - (c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;
 - (d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.
3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.
4. The application of this article shall be based on relevant scientific and technical considerations.

Article 3

RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:
 - (a) The physical and chemical processes that may affect the ozone layer;

(b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra-violet solar radiation having biological effects (UV-B);

(c) Climatic effects deriving from any modifications of the ozone layer;

(d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation on natural and synthetic materials useful to mankind;

(e) Substances, practices, processes and activities that may affect the ozone layer, and their cumulative effects;

(f) Alternative substances and technologies;

(g) Related socio-economic matters;

and as further elaborated in annexes I and II.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I.

3. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centers in a regular and timely fashion.

Article 4

CO-OPERATION IN THE LEGAL, SCIENTIFIC AND TECHNICAL FIELDS

1. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed and shall aggregate it to protect its confidentiality before it is made available to all Parties.

2. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:

(a) Facilitation of the acquisition of alternative technologies by other Parties;

(b) Provision of information on alternative technologies and equipment, and supply of special manuals or guides to them;

(c) The supply of necessary equipment and facilities for research and systematic observations;

(d) Appropriate training of scientific and technical personnel¹.

1. The Conference of the Parties, in Decision II/4(b) of its Second Meeting, decided to request the Parties to the Convention to determine the ways and means to provide scientific and technical training in ozone monitoring and research and other relevant assistance especially to developing countries.

Article 5

TRANSMISSION OF INFORMATION

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine².

Article 6

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.
3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat³.

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2. The Conference of the Parties, in Decision 2 of its First Meeting, decided that each Contracting Party shall submit to the Secretariat of the Convention every two years after the entry into force of the Convention a summary of the measures adopted by the Party for the implementation of the Convention. In accordance with paragraph 5 of Annex II of the Convention, the biennial reporting shall include the socio-economic and commercial information on the substances referred to in Annex I.
 3. The Conference of the Parties in Decision I of its First Meeting, decided to adopt, taking into account the explanations given during the meeting, the rules of procedures for the meetings of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer. [See appendix XII in this Handbook].

The Conference of the Parties, in Decision II/10 of its Second Meeting, decided:

- (a) To request the Secretariat to submit as soon as possible to all Parties certified and audited accounts of the Vienna Convention Trust Fund for the expenditures under the Fund for the 1990 Financial year;
- (b) To request the Secretariat to submit to the Parties the certified and audited accounts for 1989 of the Interim Ozone Secretariat;
- (c) To submit certified and audited accounts for subsequent years prior to regular meetings of the Parties;
- (d) To emphasize that expenditures incurred due to recommendations by the Bureau should only be met either within the budget adopted by the Parties for that year or by other additional contributions made towards these expenditures;
- (e) To emphasize that it is essential to avoid increases in already adopted budgets in the years to which they relate;
- (f) To extend the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer from 31 March 1993 to 31 March 1995;
- (g) To urge all Parties to pay their outstanding 1990 and 1991 contributions promptly and to also pay their future contributions promptly and in full in accordance with the terms of reference and the formula for contributions as attached to this report as Annex II of the report of the second meeting of the Conference of the Parties.
- (h) To note that the revised 1991 budget has been increased to \$813,690, which corresponds to the funds available to the Secretariat from paid and pledged contribution of 1990 and 1991, less the expenditures incurred in 1990;
- (i) To adopt the final budget for 1992 of \$351,430 and for 1993 of \$877,445, as set out in Annex I of the report of the second meeting of the Conference of the Parties.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification;⁴

(c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

(d) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;⁵

4. The Conference of the Parties, in Decision II/5 of its Second Meeting, decided to take note of the 1989 reports of the four assessment panels, established by the Parties to the Montreal Protocol in accordance with article 6 of the Protocol, and also the ongoing work of the panels in preparing supplementary reports for consideration by the Fourth Meeting of the Parties to the Montreal Protocol to be held in 1992.

5. The Conference of the Parties, in Decision 4 of its First Meeting, decided that the following activities shall be given priority in the research, observations and transfer of technology:

- (a) The atmospheric impact of potential substitutes for the controlled substances particularly with regard to their likely ozone depletion potential and their greenhouse warming potential;
- (b) Monitoring of the rarer trace gases in the troposphere and research on their interactions;
- (c) The Global Ozone Observing System should be expanded particularly in the tropics and in the Southern hemisphere. Special attention must be paid to ozone monitoring in Polar regions. Nations should make a long-term commitment to such monitoring programmes including making sufficient resources available appropriate to the effective operation;
- (d) Research on the human health and biological implications of ultraviolet radiation changes at the earth's surface. Particular attention must be given to the impact on food production in the developing world and to development of crop varieties resistant to higher levels of ultraviolet radiation;
- (e) Research into the effects on the atmosphere of potential ozone layer depleting gases, other than the controlled substances, for example methyl chloroform;
- (f) Studies on the social and economic effects of ozone depletion.

The Conference of Parties in Decision 5 of its First Meeting, decided to co-operate to ensure the enhancement of the capability of developing countries to contribute to ozone science research. This may be facilitated through the organization of workshops and the identification of institutes in developed countries which can co-operate with appropriate scientific institutions in the developing countries. The identification of financial institutions who might assist the development of an improved scientific capability in developing countries should also be undertaken.

The Conference of the Parties, in Decision II/7 of its Second Meeting, decided to ask the Secretariat to request the Parties to provide more information on the implementation of Decision 5 of the First Meeting of the Conference of the Parties to the Vienna Convention, and also to ask the Secretariat of the Vienna Convention to provide the information with regard to existing regional activities.

The Conference of the Parties, in Decision II/9 of its Second Meeting, decided to request the Parties to the Vienna Convention as a matter of urgency to facilitate through bilateral and multilateral contributions the expansion of the ozone observing stations network, in particular at locations selected on the basis of generally accepted scientific criteria which are in the territories of interested developing countries, and specifically to request:

- (a) WMO and UNEP to keep Parties continually aware of specific network needs which could be met by bilateral or multilateral co-operation;
- (b) developed countries to make voluntary contributions to the WMO Special Fund for Environmental Monitoring for GO_3OS ;
- (c) developing countries to make ozone layer monitoring a priority in their requests for bilateral and multilateral assistance within the context of the Global Ozone Observing System.

(e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;

(f) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;⁶

(g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(h) Consider and adopt, as required, protocols in accordance with article 8;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;⁷

6. The Conference of the Parties, in Decision II/6 of its Second Meeting, decided to note the adjustments and Amendment to the Montreal Protocol that were adopted at the Second Meeting of the Parties to the Montreal Protocol, held in London from 27 to 29 June 1990, to urge the Parties to the Protocol to expedite their ratification of the Amendment, to urge all the Parties to the Vienna Convention to ratify the Montreal Protocol and to urge all the countries who have not ratified the Vienna Convention and the Montreal Protocol and its Amendment to do so expeditiously.

7. The Conference of the Parties, in Decision 6 of its First Meeting, decided:

(a) to establish the following co-ordination bodies as subsidiary bodies of the Conference of the Parties under Article 6 para.4(i) of the Vienna Convention:

(i) The Bureau of the Conference of the Parties composed of the officers elected by the Conference;

The terms of reference of the Bureau shall be to facilitate the implementation, as appropriate, on behalf of the Parties of the relevant subparagraphs of paragraph 4 of Article 6 of the Convention, particularly, - review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modifications; - consider, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge and prepare a draft agenda for such activities for consideration by the Parties at their following Conference with estimates of the costs required for the implementation of the proposed activities; - consider other topics on the Agenda of the next Conference of the Parties, and review the documents prepared by the Secretariat for the Conference to facilitate the work of the Conference.

The Bureau of the Conference of the Parties is to hold maximum two meetings between two sessions of the Conference of the Parties one of them in conjunction with the Research Managers' Meeting referred to in the next section.

The cost of the meeting of the Bureau is to be covered within the budget of the Convention;

(ii) A Meeting composed of: (a) Government Atmospheric Research Managers and (b) Government Research Managers of research related to health and environmental effects of ozone modifications.

Such a Meeting shall review ongoing national and international research and monitoring programmes to ensure proper co-ordination of these programmes and identify gaps that need to be addressed.

The Meeting shall be held every 2 years (6 months prior to the meeting of the Parties) jointly with a meeting of the Bureau. The Meeting should produce a report including recommendations for future research and expanded cooperation between researchers in developed and developing countries for presentation to the following meeting of the Parties to the Convention.

It is assumed that the Research Managers from developed countries will cover their own expenses and that the Secretariat budget will cover only participation of no more than ten Research Managers from developing countries.(continued next page)

(b) The Secretariat of the Convention in co-operation with UNEP and WMO shall prepare for the joint meeting of the Bureau and the group of the Research Managers. The joint meeting shall take place in conjunction with a meeting of the WMO Executive Council Panel on Environmental Pollution, Monitoring and Research.

The Conference of the Parties, in Decision II/4 of the Second Meeting, decided:

To note the outcome of the first meeting of the Ozone Research Managers (WMO Global Ozone Research and Monitoring Project Report No. 23) and, in accordance with the recommendations of that meeting:

- (a) To recommend that the collaboration with WMO in the co-ordination of research and systematic observations should be further expanded;
- (b) To request the Parties to the Convention to determine the ways and means to provide scientific and technical training in ozone monitoring and research and other relevant assistance especially to developing countries;
- (c) To recommend that WMO should continue to provide guidance and infrastructure to ensure the maintenance and calibration of existing GO₃OS stations, their data availability and analysis, and to aim at expanding the GO₃OS to better cover the polar and tropical regions;
- (d) To request the Secretariat to continue to collect information, within the framework of the Convention, on national research activities and ensure its wide distribution;
- (e) To recall Decision 6(a)(ii) of the First Meeting of the Conference of the Parties to the Vienna Convention which requested the meeting of the ozone Research Managers to be composed of:
 - (i) Government Atmospheric Research Managers, and;
 - (ii) Government Research Managers of research related to health and environmental effects of ozone modifications, and to request WMO in collaboration with UNEP to continue to arrange for convening the Ozone Research Managers meetings related to the Vienna Convention and to ensure that scientific assessment panels under the Montreal Protocol co-operate closely, to which end the chairpersons of the assessment panels should be invited to participate in the meetings of the Ozone Research Managers;
- (f) To request the Parties to take note of the full range of recommendations in the Ozone Research Managers Meetings report and request that the Ozone Research Managers establish priorities for those recommendations in their next report.
- (j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.⁸

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by 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 Conference 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 Conference of the Parties.

Article 7

SECRETARIAT

1. The functions of the secretariat shall be:

- (a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;
- (b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;⁹
- (c) To perform the functions assigned to it by any protocol;
- (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (f) To perform such other functions as may be determined by the Conference of the Parties.

8. The Conference of the Parties, in Decision 9 of its First Meeting, decided:

- (a) To establish a United Nations Trust Fund in accordance with the Financial Regulations and Rules of the United Nations and in accordance with the General Procedures governing operations of the Fund of the United Nations Environment Programme; (Continues on next page)
 - (b) The Convention Trust Fund shall be administered by the Executive Director of UNEP and shall finance expenditures approved by the Parties and shall receive the contributions of Parties to the Convention;
 - (c) To that end the Conference requests the Executive Director to secure the necessary consents of the Secretary General of the United Nations and the Governing Council of UNEP;
 - (d) To adopt the terms of reference of the Trust Fund in Annex III of the report of the first meeting;
 - (e) The contributions of the Parties shall be in the form of voluntary contributions according to the formula in Annex V of the report of the first meeting;
 - (f) The Conference calls on all Parties to pay their contributions to the Trust Fund in advance of the period to which they relate;
 - (g) To approve a total budget of US\$790,000 for the biennium 1990-1991, the details of the approved budget are presented in Annex IV of the report of the first meeting.
- The Conference of the Parties, in Decision 10 of its First Meeting, decided that the States non-Parties and the non-contributing Parties to the Trust Fund are encouraged to make voluntary contributions to the Trust Fund.

9. The Conference of the Parties, in Decision II/4(d) of its Second Meeting, decided to request the Secretariat to continue to collect information, within the Framework of the Convention, on national research activities and ensure its wide distribution.

2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.¹⁰

Article 8

ADOPTION OF PROTOCOLS

1. The Conference of the Parties may at a meeting adopt protocols pursuant to Article 2.¹¹
2. The text of any proposed protocol shall be communicated to the parties by the secretariat at least six months before such a meeting.

Article 9

AMENDMENT OF THE CONVENTION OR PROTOCOLS¹²

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.
4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.
5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.
6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

10. The Conference of the Parties, in Decision 8 of its First Meeting, decided to designate UNEP as the Secretariat of the Convention.

11. The Conference of the Parties, in Decision 3 of its First Meeting, decided (a) that the Vienna Convention is the most appropriate instrument for harmonizing the policies and strategies on research; and (b) that the Montreal Protocol is the appropriate instrument for achieving the harmonization of policies, strategies and measures for minimizing the release of substances causing or likely to cause modifications of the ozone layer.(continued next page)

Article 10

ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to protocol:

(a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;

(b) Any party that is unable to approve an additional annex to this Convention or annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amendment annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

Article 11

SETTLEMENT OF DISPUTES

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

12. The Conference of the Parties, in Decision II/3 of its Second Meeting, decided

(a) to request the Parties to the Montreal Protocol to request the *Ad Hoc* Working Group on Non-Compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention;

(b) to request the Secretariat to prepare a note outlining the problem.

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;¹³

(b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith.

6. The provisions of this Article shall apply with respect to any protocol except as provided in the protocol concerned.

Article 12

SIGNATURE

This Convention shall be open for signature by States and by regional economic integration organizations at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

Article 13

RATIFICATION, ACCEPTANCE OR APPROVAL

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

13. The Arbitration Procedure under Article 11, paragraph 3(a) of the Vienna Convention, adopted in Decision 7 of the First Meeting of the Conference of the Parties is as follows:

Article 1

This procedure is adopted as required by Article 11, paragraph 3 (a), of the Vienna Convention for the Protection of the Ozone Layer. Unless the Parties to a dispute otherwise agree the arbitration procedure shall be conducted in accordance with articles 2 to 16 below. (continued next page)

Article 2

The claimant Party shall notify the Secretariat that the Parties are referring a dispute to arbitration pursuant to Article 11, paragraph 3, of the Convention. The notification shall state the subject-matter of arbitration and include in particular the articles of the Convention or the Protocol, the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Contracting Parties to the Convention or to the Protocol concerned.

Article 3

1. In disputes between two Parties, the arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
2. In disputes between more than two Parties, Parties in the same interest shall appoint one member of the tribunal jointly by agreement.
3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the United Nations shall, at the request of a Party, designate him within a further two month's period.
2. If one of the Parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the other arbitrator within a further two months's period.

Article 5

The arbitral tribunal shall render its decisions in accordance with international law, as well as the provisions of this Convention and any protocols concerned.

Article 6

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own procedure, assuring that each Party has a full opportunity to be heard and to present its case.

Article 7

The Parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, facilities and information; and
- (b) Enable it when necessary to call witnesses or experts and receive their evidence.

Article 7 bis

The Parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the Parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the Parties.

Article 9

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute. (continued next page)

Article 11

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 12

If one of the Parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other Party may request the tribunal to continue the proceedings and to make its award. Absence of a Party or failure of a Party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 13

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

Article 14

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 15

The final decision shall be without appeal unless the Parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the Parties to the dispute.

Article 16

Any controversy which may arise between the Parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either Party for decision to the arbitral tribunal which rendered it.

Article 14

ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.
3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Article 15

RIGHT TO VOTE

1. Each Party to this Convention or to any protocol shall have one vote.
2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 16

RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.
2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

Article 17

ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.
2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.
3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date which the Convention enters into force for that Party, whichever shall be the later.

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

Article 18

RESERVATIONS

No reservations may be made to this Convention.

Article 19

WITHDRAWAL

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

3. 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.

4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 20

DEPOSITARY

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

2. The Depositary shall inform the Parties, in particular, of:

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;

(b) The date on which the Convention and any protocol will come into force in accordance with article 17;

(c) Notifications of withdrawal made in accordance with article 19;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;

(e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof.

(g) Declarations made in accordance with article 11, paragraph 3.

Article 21

AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Vienna

on the 22nd day of March 1985

Annex I

RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties to the Convention recognize that the major scientific issues are:

(a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;

(b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.

2. The Parties to the Convention, in accordance with article 3, shall cooperate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:

(a) Research into the physics and chemistry of the atmosphere

- (i) Comprehensive theoretical models: further development of models which consider the interaction between radiative, dynamic and chemical processes; studies of the simultaneous effects of various man-made and naturally occurring species upon atmospheric ozone; interpretation of satellite and non-satellite measurement data sets; evaluation of trends in atmospheric and geophysical parameters, and the development of methods for attributing changes in these parameters to specific causes;
- (ii) Laboratory studies of: rate coefficients, absorption cross-sections and mechanisms of tropospheric and stratospheric chemical and photochemical processes; spectroscopic data to support field measurements in all relevant spectral regions;
- (iii) Field measurements: the concentration and fluxes of key source gases of both natural and anthropogenic origin; atmospheric dynamics studies; simultaneous measurements of photochemically-related species down to the planetary boundary layer, using in situ and remote sensing instruments; intercomparison of different sensors, including co-ordinated correlative measures for satellite instrumentation; three-dimensional fields of key atmospheric trace constituents, solar spectral flux and meteorological parameters;
- (iv) Instrument development, including satellite and non-satellite sensors for atmospheric trace constituents, solar flux and meteorological parameters;

(b) Research into health, biological and photodegradation effects

- (i) The relationship between human exposure to visible and ultra-violet solar radiation and (a) the development of both non-melanoma and melanoma skin cancer and (b) the effects on the immunological system;

- (ii) Effects of UV-B radiation, including the wavelength dependence, upon (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton;
- (iii) The mechanisms by which UV-B radiation acts on biological materials, species and ecosystems, including: the relationship between dose, dose rate, and response; photorepair, adaptation, and protection;
- (iv) Studies of biological action spectra and the spectral response using polychromatic radiation in order to include possible interactions of the various wavelength regions;
- (v) The influence of UV-B radiation on: the sensitivities and activities of biological species important to the biospheric balance; primary processes such as photosynthesis and biosynthesis;
- (vi) The influence of UV-B radiation on the photodegradation of pollutants, agricultural chemicals and other materials;
- (c) Research on effects on climate
 - (i) Theoretical and observational studies of the radiative effects of ozone and other trace species and the impact on climate parameters, such as land and ocean surface temperatures, precipitation patterns, the exchange between the troposphere and stratosphere;
 - (ii) The investigation of the effects of such climate impacts on various aspects of human activity;
- (d) Systematic observation on:
 - (i) The status of the ozone layer (i.e. the spatial and temporal variability of the total column content and vertical distribution) by making the Global Ozone Observing System, based on the integration of satellite and ground-based systems, fully operational;
 - (ii) The tropospheric and stratospheric concentrations of source gases for the HO_x, HO_x, ClO_x and carbon families;
 - (iii) The temperature from the ground to the mesosphere, utilizing both ground-based and satellite systems;
 - (iv) Wavelength-resolved solar flux reaching, and thermal radiation leaving, the Earth's atmosphere, utilizing satellite measurements;
 - (v) Wavelength-resolved solar flux reaching the Earth's surface in the ultra-violet range having biological effects (UV-B);
 - (vi) Aerosol properties and distribution from the ground to the mesosphere, utilizing ground-based, airborne and satellite systems;
 - (vii) Climatically important variables by the maintenance of programmes of high-quality meteorological surface measurements;
 - (viii) Trace species, temperatures, solar flux and aerosols utilizing improved methods for analyzing global data.

3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this annex. Particular emphasis should be given to the intercalibration of observational instrumentation and methods with a view to generating comparable or standardized scientific data sets.

4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer.

(a) Carbon substances

(i) Carbon monoxide (CO)

Carbon monoxide has significant natural and anthropogenic sources, and is thought to play a major direct role in tropospheric photochemistry, and an indirect role in stratospheric photochemistry.

(ii) Carbon dioxide (CO₂)

Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.

(iii) Methane (CH₄)

Methane has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.

(iv) Non-methane hydrocarbon species

Non-methane hydrocarbon species, which consist of a large number of chemical substances, have both natural and anthropogenic sources, and play a direct role in tropospheric photochemistry and an indirect role in stratospheric photochemistry.

(b) Nitrogen substances

(i) Nitrous oxide (N₂O)

The dominant sources of N₂O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NO_x, which play a vital role in controlling the abundance of stratospheric ozone.

(ii) Nitrogen oxides (NO_x)

Ground-level sources of NO_x play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO_x close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.

(c) Chlorine substances

(i) Fully halogenated alkanes, e.g. CCl₄, CFCl₃ (CFC-11), CF₂Cl₂ (CFC-12), C₂F₅Cl₃ (CFC-113), C₂F₆Cl₂ (CFC-114)

Fully halogenated alkanes are anthropogenic and act as a source of ClO_x which plays a vital role in ozone photochemistry, especially in the 30-50 km altitude region.

- (ii) Partially halogenated alkanes, e.g. CH₂Cl, CHF₂Cl (CFC-22), CH₂CCl₂, CHFCl, (CFC-21)¹⁴

The sources of CH₂Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO_x.

- (d) Bromine substances

Fully halogenated alkanes, e.g. CF₃Br

These gases are anthropogenic and act as a source of BrO_x, which behaves in a manner similar to ClO_x.

- (e) Hydrogen substances

- (i) Hydrogen (H₂)

Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.

- (ii) Water (H₂O)

Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapor in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

Annex II

INFORMATION EXCHANGE

1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be taken are appropriate and equitable. Therefore, Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.¹⁵

14. The Conference of the Parties, in Decision II/2 (c) of its Second Meeting, decided to note the recommendation of the meeting of the Ozone Research Managers that the HFCs should be added to the list of substances in Annex I of the Vienna Convention.

15. The Conference of the Parties, in Decision II/2 of its Second Meeting, decided:

(a) To note that exchange of information under Annex II would in large part be fulfilled by Parties reporting the data required by Article 7 of the amended Montreal Protocol, and by exchanging information and reporting on activities as required by Article 9 of the Protocol; and therefore to call on all Parties to the Convention, whether or not Parties to the amended Protocol, to provide such data and information;

(b) To request the Montreal Protocol Parties to ask the Assessment Panels to identify and report on what information on substances listed in Annex I of the Convention, can be made available from other sources, and what can and should be supplied separately by the Parties; and to ask the Secretariat, in light of this information, to develop with the chairs of the Assessment Panels an appropriate provisional reporting format;

(c) To note the recommendation of the meeting of the Ozone Research Managers that the HFCs should be added to the list of substances in Annex I of the Vienna Convention;

(d) To note that some countries had already submitted information for exchange in accordance with the objectives of Annex II of the Convention, and to invite all Parties to submit any information relevant to the objectives of this Annex.

2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

3. Scientific information

This includes information on:

(a) Planned and ongoing research, both governmental and private, to facilitate the co-ordination of research programmes so as to make the most effective use of available national and international resources;

(b) The emission data needed for research;

(c) Scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere and of its susceptibility to change, in particular on the state of the ozone layer and effects on human health, environment and climate which would result from changes on all time-scales in either the total column content or the vertical distribution of ozone;

(d) The assessment of research results and the recommendation for future research.

4. Technical information

This includes information on:

(a) The availability and cost of chemical substitutes and of alternative technologies to reduce the emissions of ozone-modifying substances and related planned and ongoing research;

(b) The limitations and any risks involved in using chemical or other substitutes and alternative technologies.

5. Socio-economic and commercial information on the substances referred to in annex I¹⁶

This includes information on:

(a) Production and production capacity;

(b) Use and use patterns;

(c) Imports/exports;

(d) The costs, risks and benefits of human activities which may indirectly modify the ozone layer and of the impacts of regulatory actions taken or being considered to control these activities.

16. The Conference of the Parties, in Decision 2 of its First Meeting, decided that, in accordance with paragraph 5 of Annex II of the Convention, the biennial reporting shall include the socio-economic and commercial information on the substances referred to in Annex I.

6. Legal information

This includes information on:

- (a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;
- (b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;
- (c) Methods and terms of licensing and availability of patents relevant to the protection of the ozone layer.

ANNEX XXI

Status of ratification of the 1985 Vienna Convention
for the Protection of the Ozone Layer a/
as of 31 July 1993

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Algeria		20.10.1992 (Ac)	18.1.1993
Antigua and Barbuda		3.12.1992 (Ac)	3.3.1993
Argentina ^{5/} —	22.3.1985	18.1.1990 (R)	18.4.1990
Australia		16.9.1987 (Ac)	22.9.1988
Austria	16.9.1985	19.8.1987 (R)	22.9.1988
Bahamas		1.4.1993 (Ac)	30.6.1993
Bahrain ^{7/} —		27.4.1990 (Ac)	26.7.1990
Bangladesh		2.8.1990 (Ac)	31.10.1990
Barbados		16.10.1992 (Ac)	14.1.1993
Belarus	22.3.1985	20.6.1986 (At)	22.9.1988
Belgium	22.3.1985	17.10.1988 (R)	15.1.1989
Benin		1.7.1993 (Ac)	29.9.1993
Botswana		4.12.1991 (Ac)	2.3.1992
Brazil		19.3.1990 (Ac)	17.6.1990
Brunei Darussalam		26.7.1990 (Ac)	24.10.1990
Bulgaria		20.11.1990 (Ac)	18.2.1991
Burkina Faso	12.12.1985	30.3.1989 (R)	28.6.1989
Cameroon		30.8.1989 (Ac)	28.11.1989
Canada	22.3.1985	4.6.1986 (R)	22.9.1988

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Central African Republic		29.3.1993 (Ac)	27.6.1993
Chad		18.5.1989 (Ac)	16.8.1989
Chile ^{6/} ₋	26.3.1985	6.3.1990 (R)	24.6.1990
China		11.9.1989 (Ac)	10.12.1989
Colombia		16.7.1990 (Ac)	14.10.1990
Costa Rica		30.7.1991 (Ac)	28.10.1991
Cote d'Ivoire		5.4.1993 (Ac)	4. 7.1993
Croatia		8.10.1991 (Sc)	8.10.1991
Cuba		14.7.1992 (Ac)	12.10.1992
Cyprus		28.5.1992 (Ac)	26.8.1992
Denmark	22.3.1985	29.9.1988 (R)	28.12.1988
Dominica		31.3.1993 (Ac)	29. 6.1993
Ecuador		10.4.1990 (Ac)	29.7.1990
Egypt	22.3.1985	9.5.1988 (R)	22.9.1988
El Salvador		2.10.1992 (Ac)	31.12.1992
Equatorial Guinea		17.8.1988 (Ac)	15.11.1988
Fiji		23.10.1989 (Ac)	21.1.1990
Finland	22.3.1985	26.9.1986 (R)	22.9.1988
France	22.3.1985	4.12.1987 (Ap)	22.9.1988
Gambia		25.7.1990 (Ac)	23.10.1990

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Germany ^{1/10}	22.3.1985	30.9.1988(R)	29.12.1988
Ghana		24. 7.1989(R)	22.10.1989
Greece	22.3.1985	29.12.1988(R)	29.3.1989
Grenada		31.3.1993(Ac)	29.6.1993
Guatemala		11.9.1987(Ac)	22.9.1988
Guinea		25.6.1992(Ac)	23.9.1992
Hungary		4.5.1988(Ac)	22.9.1988
Iceland		29.8.1989(Ac)	27.11.1989
India		18.3.1991(Ac)	16.6.1991
Indonesia		26.6.1992(Ac)	24.9.1992
Iran (Islamic Republic of)		3.10.1990(Ac)	1.1.1991
Ireland		15.9.1988(Ac)	14.12.1988
Israel		30.6.1992(Ac)	28.9.1992
Italy	22.3.1985	19.9.1988(R)	18.12.1988
Jamaica		31.3.1993(Ac)	29.6.1993
Japan		30.9.1988(Ac)	29.12.1988
Jordan		31.5.1989(Ac)	30.8.1989
Kenya		9.11.1988(Ac)	7.2.1989
Kiribati		7.1.1993(Ac)	7.4.1993
Korea, Republic of		27.2.1992(Ac)	27.5.1992

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Kuwait		23.11.1992 (Ac)	21.2.1993
Lebanon		30.3.1993 (Ac)	28.6.1993
Libyan Arab Jamahiriya		11.7.1990 (Ac)	9.10.1990
Liechtenstein		8.2.1989 (Ac)	9.5.1989
Luxembourg	17.4.1985	17.10.1988 (R)	15.1.1989
Malawi		9.1.1991 (Ac)	9.4.1991
Malaysia		29.8.1989 (Ac)	27.11.1989
Maldives		26.4.1988 (Ac)	22.9.1988
Malta		15.9.1988 (Ac)	14.12.1988
Marshall Islands		11.3.1993 (Ac)	9.6.1993
Mauritius ^{12/}		18.8.1992 (Ac)	16.11.1992
Mexico	1.4.1985	14.9.1987 (R)	22.9.1988
Monaco		12.3.1993 (Ac)	10.6.1993
Morocco	7.2.1986		
Netherlands ^{2/}	22.3.1985	19.9.1988 (Ac)	18.12.1988
New Zealand ^{3/}	21.3.1986	2.6.1987 (R)	22.9.1988
Nicaragua		5.3.1993 (Ac)	3.6.1993
Niger		9.10.1992 (Ac)	7.1.1993
Nigeria		31.10.1988 (Ac)	29.1.1989
Norway	22.3.1985	23.9.1986 (R)	22.9.1988
Pakistan		18.12.1992 (Ac)	18.3.1993

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Panama		13.2.1989 (Ac)	14.5.1989
Papua New Guinea		27.10.1992 (Ac)	25.1.1993
Paraguay		3.12.1992 (Ac)	3.3.1993
Peru	22.3.1985	7.4.1989 (R)	6.7.1989
Philippines		17.7.1991 (Ac)	15.10.1991
Poland		13.7.1990 (Ac)	11.10.1990
Portugal		17.10.1988 (Ac)	15.1.1989
Romania		27.1.1993 (Ac)	27.4.1993
Russian Federation ^{11/}	22.3.1985	18.6.1986 (At)	22.9.1988
Saint Kitts and Nevis		10.8.1992 (Ac)	8.11.1992
Saint Lucia		28.7.1993 (Ac)	26.10.1993
Samoa		21.12.1992 (Ac)	21.3.1993
Saudi Arabia		1. 3.1993 (Ac)	30.5.1993
Senegal		19.3.1993 (Ac)	17.6.1993
Seychelles		6.1.1993 (Ac)	6.4.1993
Singapore		5. 1.1989 (Ac)	5.4.1989
Slovakia		28. 5.1993 (Sc)	28.5.1993
Slovenia		6.7.1992 (Sc)	6.7.1992
Solomon Islands		17. 6.1993 (Ac)	15.9.1993
South Africa		15. 1.1990 (Ac)	15.4.1990

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Spain		25.7.1988 (Ac)	23.10.1988
Sri Lanka		15.12.1989 (Ac)	13.3.1990
Sudan		29.1.1993 (Ac)	29.4.1993
Swaziland		10.11.1992 (Ac)	8.2.1993
Sweden	22.3.1985	26.11.1986 (R)	22.9.1988
Switzerland	22.3.1985	17.12.1987 (R)	22.9.1988
Syrian Arab Republic		12.12.1989 (Ac)	12.3.1990
Tanzania, United Republic of		7.4.1993 (Ac)	2.7.1993
Thailand		7.7.1989 (Ac)	5.10.1989
Togo		25.2.1991 (Ac)	25.5.1991
Trinidad and Tobago		28. 8.1989 (Ac)	26.11.1989
Tunisia		25.9.1989 (Ac)	24.12.1989
Turkey		20.9.1991 (Ac)	19.12.1991
Tuvalu		15.7.1993 (Ac)	13.10.1993
Uganda		24.6.1988 (R)	23.9.1988
Ukraine	22.3.1985	18.6.1986 (At)	22.9.1988
United Arab Emirates		22.12.1989 (Ac)	22. 3.1990
United Kingdom ^{4/8/9/13}	20.5.1985	15.5.1987 (R)	22.9.1988
U.S.A.	22.3.1985	27.8.1986 (R)	22.9.1988
Uruguay		27.2.1989 (Ac)	28.5.1989
Uzbekistan		18.5.1993 (Ac)	18.5.1993

	<u>Signature</u>	<u>Ratification</u>	<u>Entry into force</u>
Venezuela		1.9.1988(Ac)	29.11.1988
Yugoslavia		16.4.1990(Ac)	15.7.1990
Zambia		24.1.1990(Ac)	24.4.1990
Zimbabwe		3.11.1992(Ac)	1.2.1993
EEC	22.3.1985	17.10.1988(Ap)	15.1.1989
Total	28	125	

R = Ratification
Ac = Accession
Ap = Approval
At = Acceptance
Sc = Succession

Notes

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The Vienna Convention for the Protection of the Ozone Layer was adopted in Vienna on 22 March 1985 and entered into force on 22 September 1988.

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In a letter accompanying the instrument, the Federal Republic of Germany declared that the said Convention shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.

In this connection, the Secretary-General received, on 23 February 1989, from the Government of the German Democratic Republic, the following declaration:

As regards the application to Berlin (West) of the Vienna Convention for the Protection of the Ozone Layer of 22 March 1985 it is the understanding of the German Democratic Republic that the provisions of that Convention are applied to Berlin (West) in accordance with the Quadripartite Agreement of 3 September 1971 under which Berlin (West) is not a constituent part of the Federal Republic of Germany and must not be governed by it.

^{2/}
—
For the Kingdom in Europe, the Netherlands Antilles and Aruba.

^{3/}
—
The instrument of ratification indicates that in accordance with the special relationship which exists between New Zealand and the Cook Islands and between New Zealand and Niue, there have been consultations regarding the Convention between the Government of New Zealand and the Government of Cook Islands and between the Government of New Zealand and the Government of Niue, that the Government of the Cook Islands, which has exclusive competence to implement treaties in the Cook Islands, has requested that the Convention should extend to the Cook Islands, that the Government of Niue which has exclusive competence to implement treaties in Niue, has requested that the Convention should extend to Niue. The said instrument specifies that accordingly the Convention shall apply also to the Cook Islands and Niue.

^{4/}
—
The instrument of ratification specifies that the Convention is ratified in respect of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Jersey, the Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Monserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, South Georgia and South Sandwich Islands, Turks and Caicos Islands and United Kingdom of Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.

^{5/}
—
Ratification was received with the following reservations:

The Argentine Republic rejects the ratification on 15 May 1987 of the "Convention for the Protection of the Ozone Layer" by the Government of the United Kingdom of Great Britain and Northern Ireland, communicated by the Secretary-General of the United Nations in Note C.N.112.1987.TREATIES-1 (Depositary Notification), in respect of the Malvinas Islands, South Georgia and South Sandwich Islands and reaffirms its sovereignty over the said islands, which form an integral part of its national territory.

The United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6, which recognize the existence of a sovereignty dispute relating to the question of the Malvinas Islands and request the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute and their remaining differences relating to the question, with the intercession of the good offices of the Secretary-General, who is to report to the General Assembly on the progress made. The United Nations General Assembly has also adopted resolutions 40/21 and 41/40, which again request both parties to resume negotiations.

The Argentine Republic also rejects the ratification of the Convention by the Government of the United Kingdom of Great Britain and Northern Ireland in respect of what is termed by the United Kingdom the "British Antarctic Territory".

^{6/}
— Upon ratification, the Government of Chile made the following declaration:

The Government of the Republic of Chile, upon depositing the instrument of ratification of the Vienna Convention for the Protection of the Ozone Layer, and in so doing, states that it rejects the declarations made by the United Kingdom of Great Britain and Northern Ireland upon ratification of the convention and by the Argentine Republic in objecting to that declaration, inasmuch as both declarations affect corresponding maritime jurisdictions. It once again reaffirms its sovereignty over that territory, including its sovereignty maritime spaces, in accordance with the definition established by Supreme Decree 1, 747, of 6 November 1940.

^{7/}
— Upon accession, the Government of Bahrain declared that the accession shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith.

^{8/}
— On 6 July 1990, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following objection concerning the reservations made by Argentina:

The instrument contained a reservation rejecting the ratification of the Convention by the United Kingdom of Great Britain and Northern Ireland in respect of the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory.

The Government of the United Kingdom of Great Britain and Northern Ireland wishes to state that they have no doubt as to British sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory, and their consequent right to extend treaties to those territories. In respect of the British Antarctic Territory, the Government of the United Kingdom would draw attention to the provisions of Article IV of the Antarctic Treaty of 1 December 1959, to which both Argentina and the United Kingdom are parties.

For the above reasons the Government of the United Kingdom rejects the Argentine reservation.

^{9/} By a communication received on 30 August 1990, the Government of the United Kingdom of Great Britain and Northern Ireland has notified that the Convention and Protocol shall extend to the Bailiwick of Guernsey for whose international relations the Government of the United Kingdom is responsible.

The extensions to said territory took effect on the date of receipt of said communication, i.e. 30 August 1990.

^{10/} UNEP received a note verbale on 1 October 1990, from the Permanent Representative of the Federal Republic of Germany to UNEP that through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign state. As from the date of unification, the Federal Republic of Germany will act in the UN under the designation of Germany. The applicable dates of ratification and entry into force are those of the Federal Republic of Germany.

The German Democratic Republic had acceded to the Convention on 25 January 1989.

^{11/} UNEP received a note on 31 December 1991, from the Permanent Representative of the Russian Federation to UNEP that the Russian Federation continues the membership of the former Union of Soviet Socialist Republics in all conventions, agreements and other international legal instruments concluded in its framework or under its auspice.

^{12/} Upon accession the Government of Mauritius made the following declaration:

"The Republic of Mauritius rejects the ratification of 15 May 1987 of the Vienna Convention for the Protection of the Ozone Layer by the Government of the United Kingdom of Great Britain and Northern Ireland, communicated by the Secretary-General of the United Nations in Note C.N. 112.1987 TREATIES-1 (Depositary Notification) in respect of the British Indian Ocean Territory namely Chagos Archipelago, and reaffirms its sovereignty over the Chagos Archipelago which form an integral part of its national territory."

^{13/} On 27 January 1993, the UN Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication with respect to the declarations made by Mauritius upon the latter's accession to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to British sovereignty over the British Indian Ocean Territory and their consequent right to extend the application of the above Convention and Protocol to it. Accordingly the Government of the United Kingdom do not accept or regard as having any legal effect the declarations made by the Government of the Republic of Mauritius."

ANNEX XXII

RULES OF PROCEDURE

Rules of procedure for meetings of (i) the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and (ii) Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer

Introduction:

The Rules of procedure for both the Montreal Protocol and the Vienna Convention are substantially the same except for Rules 1 and 2 which are printed separately. Elsewhere in these Rules, specific reference to the Vienna Convention is indicated in brackets at each respective place.

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer convened in accordance with article 11 of the Protocol.

[Vienna Convention

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer convened in accordance with Article 6 of the Convention].

DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985;
2. "Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987;
3. "Parties" means, unless the text otherwise indicates, Parties to the Protocol;
4. "Conference of the Parties" means the Conference of the Parties established in accordance with Article 6 of the Convention;
5. "Meeting of the Parties" means the meeting of the Parties convened in accordance with Article 11 of the Protocol;
6. "Regional economic integration organization" means an organization defined in Article 1, paragraph 6, of the Convention;
7. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

8. "Secretariat" means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with paragraph 2 of Article 7 of the Convention;

9. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.

Rule 2

[Vienna Convention

For the purposes of these rules:

1. "Convention" means the Vienna Convention for the Protection of the ozone Layer, adopted on 22 March 1985;

2. "Parties" means, unless the text otherwise indicates, Parties to the Convention;

3. "Conference of the Parties" means the Conference of the Parties established in accordance with Article 6 of the Convention;

4. "Regional economic integration organization" means an organization defined in Article 1, paragraph 6, of the Convention;

5. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

6. "Secretariat" means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with Article 7, paragraph 2 of the Convention;

7. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.]

PLACE OF MEETINGS

Rule 3

The meetings of the [Conference of the] Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

DATES OF MEETINGS

Rule 4

1. Ordinary meetings of the Parties shall be held once every [two] year[s], unless the Parties decide otherwise. In years when there is an ordinary meeting of the Conference of the Parties to the Vienna Convention, that meeting and the meeting of the Parties to the Protocol shall be held in conjunction.

2. At each ordinary meeting, the Parties [Conference] shall fix the opening date and duration of its next ordinary meeting.

3. Extraordinary meetings of the [Conference of the] Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of meetings at least two months before the meeting.

OBSERVERS

Rule 6

1. The Secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State not party to the Protocol [Convention] of any meeting so that they may be represented by observers.

2. Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting.

Rule 7

1. The Secretariat shall notify 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, of any meeting so that they may be represented by observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.

2. Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent.

AGENDA

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include:

1. Items specified in article 11 of the Protocol [6 of the Convention];
2. Items the inclusion of which has been decided at a previous meeting;
3. Items referred to in rule 15 of the present rules of procedure;
4. Any item proposed by a Party before the agenda is circulated;
5. The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed by the Secretariat to the Parties at least two months before the opening of the meeting.

Rule 11

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplement to the provisional agenda, which the meeting shall examine together with the provisional agenda.

Rule 12

The meeting when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after it has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the meeting [Conference] of the Parties.

REPRESENTATION AND CREDENTIALS

Rule 16

Each Party participating in the meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the meeting if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The officers of any meeting shall examine the credentials and submit their report to the meeting.

Rule 20

Pending a decision of the meeting upon their credentials representatives shall be entitled to participate provisionally in the meeting.

OFFICERS

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the officers of the meeting. In electing its officers the Meeting [Conference] of the Parties shall have due regard to the principle of equitable geographical representation [distribution]. The offices of the President and Rapporteur of the Meeting of the Parties shall normally be subject to rotation among the five groups of States referred to in Section 1, paragraph 1, of General Assembly resolution 2997 (XXVI) of 15 December 1972, by which the United Nations Environment Programme was established.

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. On occasion, one or more of these officers may be re-elected for one further consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the meeting [Conference] of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

2. The President, in the exercise of his functions, remains under the authority of the meeting [Conference] of the Parties.

Rule 23

If the President is temporarily absent from a session or any part thereof, he shall designate a Vice-President to act as President.

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate.

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the meeting.

COMMITTEES AND WORKING GROUPS

Rule 26

1. The meeting may establish such committees or working groups as may be required for the transaction of its business.
2. The meeting may decide that such committees or working groups may meet in the period between ordinary meetings.
3. Unless otherwise decided by the meeting, the chairman for each such committee or working group shall be elected by the meeting. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the chairman of a committee or working group, to adjust the allocation of work.
4. Without prejudice to paragraph 3 of this rule, each committee or working group shall elect its own officers.
5. A majority of the Parties designated by the meeting to take part in the committee or working group shall constitute a quorum, but in the event of the committee or working group being open-ended one quarter of the Parties shall constitute a quorum.
6. Unless otherwise decided by the meeting, these rules shall apply mutatis mutandis to the proceedings of committees and working groups, except that:
 - (a) The chairman of a committee or working group may exercise the right to vote; and
 - (b) Decisions of committees or working groups shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

SECRETARIAT

Rule 27

1. The head of the international organization designated as Secretariat of the Convention shall be the Secretary-General of any meeting. He may delegate his functions to a member of the Secretariat. He, or his representative, shall act in that capacity in all sessions of the meeting and in all sessions of committees or working groups of the meeting.
2. The Secretary-General shall appoint an Executive Secretary of the meeting and shall provide and direct the staff required by the meeting and the committees or working groups of the meeting.

Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as secretariat of the Convention; and
- (f) Generally perform all other work that the meeting may require.

CONDUCT OF BUSINESS

Rule 29

Sessions of the meeting, and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.

Rule 30

The President may declare a session of the meeting open, and permit the debate to proceed and have any decision taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the meeting without having previously obtained the permission of the President. Without prejudice to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The meeting may, on a proposal from the President, or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favor of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 32

The chairman or rapporteur of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

2. Proposals of amendments to the Protocol [Convention], including its annexes, and of additional annexes to the Protocol [Convention] shall be communicated to the Parties by the Secretariat at least six months before the meeting at which they were proposed for adoption.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favor of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the meeting, by a two-thirds majority of the Parties present and voting, decides in favor of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 40

1. Unless otherwise provided by the [Convention] or by the Protocol, decisions of a meeting on all matters of substance shall be taken by a two-thirds majority vote of the Parties present and voting, except as otherwise provided in the Terms of Reference for the administration of the Trust Fund.

2. Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

If two or more proposals relate to the same question, the meeting, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favor of and the other against the motion, after which shall be put immediately to the vote.

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revise parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of the voting on the amendments under this rule.

Rule 46

Except for elections, voting shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the meeting.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter, shall be unrestricted, and so on until all the places have been filled.

LANGUAGES

Rule 52

The Official languages of the meeting shall be Arabic, Chinese, English, French, Russian, and Spanish.

Rule 53

1. Statements made in an official language of the meeting shall be interpreted in the official languages.

2. A representative may speak in a language other than an official language of the meeting, if he provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

SOUND RECORDS OF THE MEETING

Rule 55

Sound records of the meeting, and whenever possible of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

AD HOC MEETINGS

Rule 56

1. A meeting may recommend to the Secretariat, taking duly into account the financial implications, the convening of Ad Hoc meetings, either of representatives of the Parties or of experts nominated by the Parties, in order to deal with matters which, because of their specialized nature, or for other reasons, cannot be adequately discussed during the normal session of a meeting.
2. The terms of reference of these Ad Hoc meetings and the questions to be discussed shall be determined by a meeting.
3. Unless otherwise decided by the meeting, each Ad Hoc meeting shall elect its own officers.
4. These rules of procedure shall apply mutatis mutandis to such Ad Hoc meetings.

AMENDMENTS TO RULES OF PROCEDURE

Rule 57

1. These rules of procedure may be amended by consensus by a meeting [the Conference] of the Parties.
2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

OVERRIDING AUTHORITY OF THE CONVENTION OR THE PROTOCOL

Rule 58

1. In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.
2. In the event of any conflict between the provisions of these rules and any provision of the Protocol, the Protocol shall prevail.