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Treaty Series No. 37 (2002)

Amendment

to the

Montreal Protocol on Substances that deplete the Ozone Layer

(Adopted at the Eleventh Meeting of the Parties held in Beijing
29 November–3 December 1999)

[The United Kingdom Instrument of Ratification was deposited on 12 October 2001
and the Amendment entered into force for the United Kingdom on 25 February 2002]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2002*

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**AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER¹**

ARTICLE 1: AMENDMENT

A. Article 2, paragraph 5

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

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2F

B. Article 2, paragraphs 8(a) and 11

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

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

C. Article 2F, paragraph 8

The following paragraph shall be added after paragraph 7 of Article 2F of the Protocol:

8. Each Party producing one or more of these substances shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of:

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

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

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

D. Article 2I

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

Article 2I: Bromochloromethane

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelve-month period thereafter, its calculated level of consumption and production of the controlled substance in Group III of Annex C 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.

¹ Treaty Series No. 19 (1990) Cm. 977.

E. Article 3

In Article 3 of the Protocol, for the words:

Articles 2, 2A to 2H

there shall be substituted:

Articles 2, 2A to 2I

F. Article 4, paragraphs 1 *quin*, and 1 *sex*.

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 1 *qua*:

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

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

G. Article 4, paragraphs 2 *quin*, and 2 *sex*.

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 3 *qua*:

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

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

H. Article 4, paragraphs 5 to 7

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

Annexes A and B, Group II of Annex C and Annex E

there shall be substituted:

Annexes A, B, C and E

I. Article 4, paragraph 8

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

Articles 2A to 2E, Articles 2G and 2H

there shall be substituted:

Articles 2A to 2I

J. Article 5, paragraph 4

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

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

K. Article 5, paragraphs 5 and 6

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

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

L. Article 5, paragraph 8 ter(a)

The following sentence shall be added at the end of subparagraph 8 ter(a) of Article 5 of the Protocol:

- As of 1 January 2016 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 8 of Article 2F and, as the basis for its compliance with these control measures, it shall use the average of its calculated levels of production and consumption in 2015;

M. Article 6

In article 6 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

N. Article 7, paragraph 2

In paragraph 2 of Article 7 of the Protocol, for the words:

Annexes B and C

there shall be substituted:

Annex B and Groups I and II of Annex C

O. Article 7, paragraph 3

The following sentence shall be added after the first sentence of paragraph 3 of Article 7 of the Protocol:

Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications.

P. Article 10

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

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

Q. Article 17

In Article 17 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

R. Annex C

The following group shall be added to Annex C to the Protocol:

Group	Substance	Number of Isomers	Ozone-Depleting Potential
Group III CH ₂ BrC	bromochloromethane	1	0.12

Article 2: Relationship to the 1997 Amendment

No State or regional economic integration organisation may deposit an instrument of ratification, acceptance or approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Ninth Meeting of the Parties in Montreal, 17 September 1997¹.

Article 3: Entry into Force

1. This Amendment shall enter into force on 1 January 2001, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

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

3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

¹ Treaty Series No 64 Cm. 3778.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Burundi	Acceptance	18 Oct 2001	25 Feb 2002
Canada	Acceptance	09 Feb 2001	25 Feb 2002
Chile	Ratification	3 May 2000	25 Feb 2002
Congo	Accession	19 Oct 2001	25 Feb 2002
Czech Republic	Acceptance	9 May 2001	25 Feb 2002
European Community	Approval	25 Mar 2002	23 Jun 2002
Finland	Acceptance	18 Jun 2001	25 Feb 2002
Gabon	Accession	4 Dec 2000	25 Feb 2002
Guatemala	Accession	21 Jan 2002	21 Apr 2002
Jordan	Ratification	1 Feb 2001	25 Feb 2002
Democratic People's Republic of Korea	Acceptance	13 Dec 2001	13 Mar 2002
Luxembourg	Ratification	22 Jan 2001	25 Feb 2002
Madagascar	Accession	16 Jan 2002	16 Apr 2002
Malaysia	Ratification	26 Oct 2001	25 Feb 2002
Micronesia	Accession	27 Nov 2001	25 Feb 2002
Netherlands The	Acceptance	13 Nov 2001	25 Feb 2002
New Zealand ¹	Ratification	8 Jun 2001	25 Feb 2002
Norway	Ratification	29 Nov 2001	27 Feb 2002
Palau	Accession	29 May 2001	25 Feb 2002
Panama	Ratification	5 Dec 2001	5 Mar 2002
Saint Lucia	Ratification	12 Dec 2001	12 Feb 2002
Samoa	Acceptance	4 Oct 2001	25 Feb 2002
Sao Tome and Principe	Accession	19 Nov 2001	25 Feb 2002
Somalia	Accession	1 Aug 2001	25 Feb 2002
Spain	Acceptance	19 Feb 2002	20 May 2002
Sweden	Ratification	28 Mar 2002	26 Jun 2002
Togo	Acceptance	26 Nov 2001	25 Feb 2002
United Kingdom	Ratification	12 Oct 2001	25 Feb 2002

NOTES:

¹ With a territorial application in respect of Tokelau.



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