

[AS REPORTED FROM THE PLANNING AND DEVELOPMENT
COMMITTEE]

House of Representatives, 8 December 1992.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. W. Rob Storey

OZONE LAYER PROTECTION AMENDMENT

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A BILL INTITULED

An Act to amend the Ozone Layer Protection Act 1990

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Ozone Layer Protection Amendment Act 1991, and

shall be read together with and deemed part of the Ozone Layer Protection Act 1990* (hereinafter referred to as the principal Act).

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the day on which it receives the Royal assent. 5

(3) Section 7 of this Act shall be deemed to have come into force on the 1st day of January 1992.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting in the definition of the terms “aerosol spray” and “aerosol”, after the words “releasing it”, the words “directly into the atmosphere”. 10

(2) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “controlled substance”, the following definition: 15

“‘Exportation’ has the same meaning as in section 2 of the Customs Act 1966, and ‘export’ has a corresponding meaning.”.

3. Certain imports of bulk controlled substances prohibited—Section 5 (1) (a) (ii) of the principal Act is hereby amended by omitting the words “Articles 2 and 4”, and substituting the words “Article 2, Articles 2A to 2E, and Article 4”. 20

4. New Part 1A inserted—The principal Act is hereby amended by inserting, after Part I, the following Part: 25

“PART 1A

“RESTRICTIONS ON EXPORTATION OF BULK CONTROLLED SUBSTANCES

“17A. **Certain exports of bulk controlled substances prohibited**—(1) No person shall, after the 1st day of January 1993, export any bulk controlled substance to a country that is neither— 30

“(a) A party to the Montreal Protocol; nor

“(b) A country that has been determined, in accordance with the Montreal Protocol, to be a country that is in full compliance with Article 2, Articles 2A to 2E, and Article 4 of that Protocol. 35

“(2) Any certificate given by the Minister of Foreign Affairs to the effect that any country is not one to which subsection (1) of this section applies shall be conclusive evidence of that fact.

5 **“17B. Customs Act 1966 to apply to prohibited exports under this Part**—The provisions of the Customs Act 1966 shall apply in respect of the export of any bulk controlled substances in contravention of this Part of this Act in all respects as if the export of those substances was prohibited under section 70 of the Customs Act 1966.”

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Struck Out

“(2) Nothing in this section shall apply to the export of any bulk controlled substances in respect of which an exemption has been granted under Part V of this Act.”

15 **5. Prohibition of importation of specified goods from date appointed by Order in Council**—Section 19 (1) (d) (ii) of the principal Act is hereby amended by omitting the words “Articles 2 and 4”, and substituting the words “Article 2, Articles 2A to 2E, and Article 4”.

20 **6. Prohibition of other imports by Order in Council**—Section 20 (1) (b) (ii) of the principal Act is hereby amended by omitting the words “Articles 2 and 4”, and substituting the words “Article 2, Articles 2A to 2E, and Article 4”.

25 **7. New section relating to exempted goods inserted**—The principal Act is hereby amended by inserting, after section 27, the following section:

30 **“27A. This Part of Act not to apply to goods exempted under Part V**—Nothing in this Part of this Act shall make it unlawful for any person to sell any goods in respect of the importation or manufacture of which an exemption has been granted under Part V of this Act.”

8. Matters in respect of which exemptions may not be granted—(1) Section 28 (1) of the principal Act is hereby amended by inserting, after paragraph (a) (iii), the following subparagraph:

Struck Out

“(iv) Halon 1301 that is to be used only for low temperature refrigeration purposes in circumstances where halon 1301 cannot be obtained from supplies in New Zealand:”.

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New

“(iv) Halon 1301 that is to be used only for refrigeration purposes and only in circumstances where the use of Halon 1301 for refrigeration purposes is necessary for human health or safety and Halon 1301 cannot be obtained from supplies in New Zealand:”.

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Struck Out

(2) Section 28 (1) of the principal Act is hereby further amended by inserting, after paragraph (c), the following paragraph:

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“(ca) The export of any bulk controlled substances to any country to which **section 17A** of this Act applies unless the substances were imported into New Zealand from that country:”.

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(3) Section 28 (2) of the principal Act is hereby amended by inserting, after the word “importation”, the words “or exportation”.

9. Application for exemption—Section 29 (2) (b) of the principal Act is hereby amended by inserting, after the word “imported,”, the word “exported,”.

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10. Time at which application may be made—The principal Act is hereby amended by inserting, after section 29, the following section:

“29A. (1) An application for an exemption may be made under section 29 of this Act—

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“(a) At any time before the goods are imported; or

“(b) No later than 10 working days after the date on which the substance is, or the goods are, imported.

“(2) In any case where a substance is or goods are imported into New Zealand before an exemption has been applied for or granted, the Comptroller of Customs may retain, at the expense of the importer, the substance or goods—

5 “(a) Pending the Minister’s decision whether to grant an exemption or to decline the application; and

“(b) If there is an appeal against any refusal to grant the exemption, pending a final decision on appeal.”

10 **11. Grant of exemption**—Section 31 (2) of the principal Act is hereby amended by inserting, before paragraph (a), the following paragraph:

“(aa) May be granted with or without conditions as to the use of the substance or goods in New Zealand or as to the export of the substance or goods:”.

15 **12. Publication of exemptions**—(1) Section 32 (b) (iii) of the principal Act is hereby amended by inserting, after the word “imported,”, the word “exported,”.

(2) Section 32 (b) of the principal Act is hereby amended by adding the following subparagraph:

20 “(vi) Any conditions to which the exemption is subject.”

13. Offences—(1) Section 34 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

25 *Struck Out*

“(a) Imports any controlled substances or any goods in contravention of this Act or any regulations made under this Act unless—

30 “(i) Within 10 working days of the date of importation an application for an exemption is made under Part V of this Act in respect of that importation and that application results in an exemption being granted; or

35 “(ii) Within 30 working days of the relevant date (within the meaning of **subsection (2)** of this section), the person surrenders the substance or goods to the Crown or takes all reasonable steps to export the substance or goods:

Struck Out

“(aa) Manufactures any controlled substances or goods in contravention of this Act or any regulations made under this Act.”

New

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“(a) Imports any controlled substances or any goods in contravention of this Act or any regulations made under this Act; or

“(aa) Manufactures any controlled substances or goods in contravention of this Act or any regulations made under this Act; or”.

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(2) Section 34 (c) of the principal Act is hereby amended by inserting, after the words “import permit”, the words “or exemption”.

(3) Section 34 (d) (ii) of the principal Act is hereby amended by inserting, after the word “Importing”, the words “or exporting”.

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(4) Section 34 of the principal Act is hereby further amended by adding, as subsections (1A) to (4), the following subsections:

New

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“(1A) Where a person is charged with an offence against subsection (1) (a) of this section, the court may discharge the defendant without conviction if the court is satisfied,—

“(a) In any case where the controlled substance or the goods to which the charge relates have been imported from a country that is a party to the Montreal Protocol or a country that has been determined, in accordance with the Montreal Protocol, to be a country that is in full compliance with Article 2, Articles 2A to 2E, and Article 4 of that Protocol,—

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“(i) That, within 10 working days after the date of the importation of the substance or goods, the defendant made, under Part V of this Act, an application for an exemption in respect of the importation of the substance or goods and that, as a result of that application, an exemption was granted

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New

in respect of the importation of the substance or goods; or

5 “(ii) That, within 30 working days after the relevant date (within the meaning of **subsection (2)** of this section), the defendant either exported the substance or goods or, after taking all reasonable steps to export the substance or goods, surrendered the substance or goods to the Crown:

10 “(b) In any other case, that the defendant, within 30 working days after the importation of the substance or goods, surrendered the substance or goods to the Crown.

15 “(1B) A court discharging a defendant under **subsection (1A)** of this section may make any order for payment of costs or for the restitution of any property that it could have made under any enactment applicable to the offence with which the defendant was charged if it had convicted and sentenced the defendant, and the provisions of every such enactment shall

20 apply accordingly.

“**(2)** For the purposes of (~~**subsection (1) (a) (iii)**~~ **subsection (1A) (a) (ii)**) of this section, the relevant date is whichever is the later of the following dates:

25 “(a) The date of importation; or

“(b) Where an application for an exemption is made under Part V of this Act within 10 working days of the date of importation, the date on which the application is declined by the Minister; or

30 “(c) Where there is an appeal against any refusal to grant such an exemption, the date on which the appeal is declined.

“**(3)** Without limiting the circumstances in which a person may have a lawful justification or excuse, a person is justified or excused in releasing a controlled substance into the atmosphere

35 in circumstances where—

“(a) The person is carrying out an action referred to in subparagraph (i) or subparagraph (ii) of subsection (1) (e) of this section; and

40 “(b) The release occurred during the connection or disconnection of equipment used to transfer controlled substances from one container to another container; and

“(c) The release could not reasonably have been avoided.

New

“(4) Nothing in **subsection (1A)** of this section limits any other power of a court to discharge a defendant, with or without conviction.”

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Struck Out

14. Penalties—Section 35 (1) of the principal Act is hereby amended by inserting, after the expression “paragraph (a)”, the expression “or **paragraph (aa)**”.

New

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14. Penalties—(1) Section 35 (1) of the principal Act is hereby amended by omitting the expression “paragraph (b) of section 34”, and substituting the expression “**paragraph (aa) or paragraph (b) of section 34 (1)**”.

(2) Section 35 of the principal Act is hereby further amended by omitting from subsection (2), and also from subsection (3), the expression “section 34”, and substituting in each case the expression “**section 34 (1)**”.

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14A. Retention of property seized—Section 41 of the principal Act is hereby amended by adding the following subsection:

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“(3) Notwithstanding anything in **subsections (1) and (2)** of this section, where it is alleged that any substance or goods retained under **subsection (1) or subsection (2)** of this section has or have been imported in contravention of **section 34 (1) (a)** of this Act, that substance or those goods may be returned to the person from whom it was or they were seized if the member of the Police or the officer by which that substance is or those goods are retained is satisfied—

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“(a) That an exemption of the kind described in **section 34 (1A) (a) (i)** of this Act has been granted in respect of the importation of that substance or those goods; or

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“(b) That the substance or the goods are, in accordance with **section 34 (1A) (a) (ii) or section 34 (1A) (b)** of this Act, to be exported or to be surrendered to the Crown.

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New

14B. Return or forfeiture of property seized—Section 42 (3) of the principal Act is hereby amended—

- 5 (a) By inserting, after the expression “paragraph (a)”, the expression “or paragraph (aa)”; and
- (b) By omitting the expression “section 34”, and substituting the expression “section 34 (1)”.

10 **15. Other Acts not affected**—Section 50 of the principal Act is hereby amended by inserting, after the word “importation,”, the word “exportation,”.

New

15A. Amendment of Schedules—(1) Section 53 (1) (d) of the principal Act is hereby amended by adding the expression “; or”.

15 (2) Section 53 (1) of the principal Act is hereby amended by adding the following paragraphs:

20 “(e) Amend the Sixth Schedule to this Act by making such amendments to the text of the Protocol set out in that Schedule as are required to bring that text up to date; or

“(f) Revoke the Sixth Schedule to this Act, and substitute a new Sixth Schedule setting out in an up-to-date form the text of the Protocol set out in that Schedule.”

25 **16. Amendments to headings in First Schedule**—(1) The First Schedule to the principal Act (as substituted by clause 2 of the Ozone Layer Protection Order 1991) is hereby amended by omitting from Part I the heading “GROUP I CONTROLLED SUBSTANCES”.

30 (2) The First Schedule to the principal Act (as so substituted) is hereby further amended by omitting from Part II the heading “GROUP II CONTROLLED SUBSTANCES”.

35 **17. New Sixth Schedule containing amended Montreal Protocol substituted**—The principal Act is hereby amended by repealing the Sixth Schedule, and substituting the Sixth Schedule set out in the Schedule to this Act.

Section 17

SCHEDULE

NEW SIXTH SCHEDULE SUBSTITUTED

Section 4

"SIXTH SCHEDULE

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

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

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

Considering the importance of promoting international co-operation in the research, development and transfer of alternative technologies relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

HAVE AGREED AS FOLLOWS:

ARTICLE 1: DEFINITIONS

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
AS ADJUSTED AND AMENDED BY THE SECOND MEETING OF THE PARTIES
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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 in Annex A or in Annex B to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

5. “Production” means the amount of controlled substances produced, minus the amount 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.

9. “Transitional substance” means a substance in Annex C to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as may be specified in Annex C, but excludes any transitional substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

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)* by Article 2A).

5. Any Party may, for any one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2E, 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.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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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 Members 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 provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2E.

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

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

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

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

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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10. Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

- (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;

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

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 1995, 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, fifty 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, fifty 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 1997, 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, fifteen per cent of its calculated level

SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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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, fifteen per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs (to) 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.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of 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 (the) production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986.

6. In 1992, the Parties will review the situation with the objective of accelerating the reduction schedule.

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 1995, 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, fifty 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, fifty 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. 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 essential uses for which no adequate alternatives are available.

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of 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 essential uses for which no adequate alternatives are available.

4. By 1 January 1993, the Parties shall adopt a decision identifying essential uses, if any, for the purposes of paragraphs 2 and 3 of this Article. Such decision shall be reviewed by the Parties at their subsequent meetings.

ARTICLE 2C: OTHER FULLY HALOGENATED CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, 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, eighty 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, 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 (1991) 1997, 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, fifteen 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, 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.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of 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

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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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.

ARTICLE 2D: CARBON TETRACHLORIDE

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in 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 periods, 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 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed 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.

ARTICLE 2E: 1,1,1 -TRICHLOROETHANE (METHYL CHLOROFORM)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, 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, 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, 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 1995, 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, seventy 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, seventy per cent of its calculated level of consumption 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.

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, thirty 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 (*substances*) substance does not exceed, annually, thirty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled 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 in 1989.

5. The Parties shall review, in 1992, the feasibility of a more rapid schedule of reductions than that set out in this Article.

ARTICLE 3: CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2, 2A to 2E, and 5, each Party shall, for each group of substances in Annex A or Annex B, 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; and
 - (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. 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.

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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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.

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.

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.

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.

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.

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

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

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alternative substances, or otherwise contribute to the reduction of emissions of controlled substances.

8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 1 bis, 3, 3 bis, 4, and 4 bis and exports referred to in Paragraphs 2 and 2 bis, 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, and this Article and have submitted data to that effect as specified in Article 7.

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

ARTICLE 5: SPECIAL SITUATION OF DEVELOPING COUNTRIES

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E.

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 the 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 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 fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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measures set out in Articles 2A to 2E 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 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*) paragraphs 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 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*) 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 to the Secretariat statistical data on its production, imports and exports of each of the controlled substances in

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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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.

4. For Parties operating under the provisions of paragraph 8 (a) of Article 2, the requirements in paragraphs 1, 2 and 3 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 and transitional 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.

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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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 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 (*secretariat*) 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 (*National*) 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

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

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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 (*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.

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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3. The Parties, at their first meeting, shall:

- (a) Adopt by consensus rules of procedure for their meetings;
- (b) Adopt by consensus the financial rules referred to in paragraph 2 of Article 13;
- (c) Establish the panels and determine the terms of reference referred to in Article 6;
- (d) Consider and approve the procedures and institutional mechanisms specified in Article 8; and
- (e) Begin preparation of workplans pursuant to paragraph 3 of Article 10.

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

- (a) Review the implementation of this Protocol;
- (b) Decide on any adjustments or reductions referred to in paragraph 9 of Article 2;
- (c) Decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;
- (d) Establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;
- (e) Review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;
- (f) Review reports prepared by the secretariat pursuant to sub-paragraph (c) of Article 12;
- (g) Assess, in accordance with Article 6, the control measures and the situation regarding transitional substances;
- (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;

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

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- (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.

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

SCHEDULE—*continued*“SIXTH SCHEDULE—*continued*”MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2E, 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

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

SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*

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Annex A

CONTROLLED SUBSTANCES

<i>Group</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
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.

SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*"

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Annex B

CONTROLLED SUBSTANCES

<i>Group</i>	<i>Substance</i>	<i>Ozone Depleting Potential</i>
Group I	CF ₃ Cl (CFC-13)	1.0
	C ₂ FC1 ₅ (CFC-111)	1.0
	C ₂ F ₂ Cl ₄ (CFC-112)	1.0
	C ₃ FC1 ₇ (CFC-211)	1.0
	C ₃ F ₂ Cl ₆ (CFC-212)	1.0
	C ₃ F ₃ Cl ₅ (CFC-213)	1.0
	C ₃ F ₄ Cl ₄ (CFC-214)	1.0
	C ₃ F ₅ Cl ₃ (CFC-215)	1.0
	C ₃ F ₆ Cl ₂ (CFC-216)	1.0
	C ₃ F ₇ Cl (CFC-217)	1.0
Group II	CCl ₄ carbon tetrachloride	1.1
<i>Struck Out</i>		
Group III	C ₂ H ₃ Cl ₃ * 1,1,1-trichloroethane (methyl chloroform)	0.1
<i>New</i>		
Group III	C ₂ H ₃ Cl ₃ * 1,1,1-trichloroethane (methyl chloroform)	0.1

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

SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
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*Struck Out**Annex C*

TRANSITIONAL SUBSTANCES

<i>Group</i>	<i>Substance</i>
Group I	CHFCI ₂ (HCFC-21)
	CHF ₂ CI (HCFC-22)
	CH ₂ FCI (HCFC-31)
	C ₂ HFCl ₄ (HCFC-121)
	C ₂ HF ₂ Cl ₃ (HCFC-122)
	C ₂ HF ₃ Cl ₂ (HCFC-123)
	C ₂ HF ₄ Cl (HCFC-124)
	C ₂ H ₂ FCI ₃ (HCFC-131)
	C ₂ H ₂ F ₂ Cl ₂ (HCFC-132)
	C ₂ H ₂ F ₃ Cl (HCFC-133)
	C ₂ H ₃ FCI ₂ (HCFC-141)
	C ₂ H ₃ F ₂ Cl (HCFC-142)
	C ₂ H ₄ FCI (HCFC-151)
	C ₃ HFCl ₆ (HCFC-221)
	C ₃ HF ₂ Cl ₅ (HCFC-222)
	C ₃ HF ₃ Cl ₄ (HCFC-223)
	C ₃ HF ₄ Cl ₃ (HCFC-224)
	C ₃ HF ₅ Cl ₂ (HCFC-225)
	C ₃ HF ₆ Cl (HCFC-226)
	C ₃ H ₂ FCI ₅ (HCFC-231)
	C ₃ H ₂ F ₂ Cl ₄ (HCFC-232)
	C ₃ H ₂ F ₃ Cl ₃ (HCFC-233)
	C ₃ H ₂ F ₄ Cl ₂ (HCFC-234)
	C ₃ H ₂ F ₅ Cl (HCFC-235)
	C ₃ H ₃ FCI ₄ (HCFC-241)
	C ₃ H ₃ F ₂ Cl ₃ (HCFC-242)
	C ₃ H ₃ F ₃ Cl ₂ (HCFC-243)
	C ₃ H ₃ F ₄ Cl (HCFC-244)
	C ₃ H ₄ FCI ₃ (HCFC-251)
	C ₃ H ₄ F ₂ Cl ₂ (HCFC-252)
	C ₃ H ₄ F ₃ Cl (HCFC-253)
	C ₃ H ₅ FCI ₂ (HCFC-261)
	C ₃ H ₅ F ₂ Cl (HCFC-262)
	C ₃ H ₆ FCI (HCFC-271)

SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*"

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—*continued*

*New**Annex C*

TRANSITIONAL SUBSTANCES

Group	Substance
Group I	CHFC ₂ (HCFC-21)
	CHF ₂ Cl (HCFC-22)
	CH ₃ FCI (HCFC-31)
	C ₂ HFCl ₄ (HCFC-121)
	C ₂ HF ₂ Cl ₃ (HCFC-122)
	C ₂ HF ₃ Cl ₂ (HCFC-123)
	C ₂ HF ₄ Cl (HCFC-124)
	C ₂ H ₂ FCI ₃ (HCFC-131)
	C ₂ H ₂ F ₂ Cl ₂ (HCFC-132)
	C ₂ H ₂ F ₃ Cl (HCFC-133)
	C ₂ H ₃ FCI ₂ (HCFC-141)
	C ₂ H ₃ F ₂ Cl (HCFC-142)
	C ₂ H ₄ FCI (HCFC-151)
	C ₃ HFCl ₆ (HCFC-221)
	C ₃ HF ₂ Cl ₅ (HCFC-222)
	C ₃ HF ₃ Cl ₄ (HCFC-223)
	C ₃ HF ₄ Cl ₃ (HCFC-224)
	C ₃ HF ₅ Cl ₂ (HCFC-225)
	C ₃ HF ₆ Cl (HCFC-226)
	C ₃ H ₂ FCI ₅ (HCFC-231)
	C ₃ H ₂ F ₂ Cl ₄ (HCFC-232)
	C ₃ H ₂ F ₃ Cl ₃ (HCFC-233)
	C ₃ H ₂ F ₄ Cl ₂ (HCFC-234)
	C ₃ H ₂ F ₅ Cl (HCFC-235)
	C ₃ H ₃ FCI ₄ (HCFC-241)
	C ₃ H ₃ F ₂ Cl ₃ (HCFC-242)
	C ₃ H ₃ F ₃ Cl ₂ (HCFC-243)
	C ₃ H ₃ F ₄ Cl (HCFC-244)
	C ₃ H ₄ FCI ₃ (HCFC-251)
	C ₃ H ₄ F ₂ Cl ₂ (HCFC-252)
	C ₃ H ₄ F ₃ Cl (HCFC-253)
	C ₃ H ₅ FCI ₂ (HCFC-261)
	C ₃ H ₅ F ₂ Cl (HCFC-262)
	C ₃ H ₆ FCI (HCFC-271)

SCHEDULE—*continued*

“SIXTH SCHEDULE—*continued*”

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—*continued*

ANNEX V

NEW ANNEX TO THE MONTREAL PROTOCOL

*Annex D**

A LIST OF PRODUCTS** CONTAINING CONTROLLED SUBSTANCES SPECIFIED IN
ANNEX A

(adopted in accordance with Article 4, paragraph 3)

PRODUCTS	CUSTOMS CODE NUMBER
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 (____ June) 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.

Struck Out

NOTE: Although New Zealand has accepted the amendments to the text of the Montreal Protocol as adopted by the Second Meeting of the Parties, London, 27–29 June 1990 and reproduced in this Schedule, the amendments have not entered into force internationally.

SCHEDULE—*continued*"SIXTH SCHEDULE—*continued*

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—*continued*

New

NOTE: New Zealand has accepted the amendments to the text of the Montreal Protocol as adopted by the Second Meeting of the Parties, London, 27-29 June 1990 and reproduced in this Schedule. The amendments entered into force internationally on 10 August 1992.