



Treaty Series No. 36 (2002)

# Amendment

to the

## Montreal Protocol on Substances that deplete the Ozone Layer

Adopted at the Ninth Meeting of the Parties  
held at Montreal 15-17 September 1997

[The United Kingdom Instrument of Ratification was deposited on 12 October 2001  
and the Amendment entered into force for the United Kingdom on 10 January 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<sup>1</sup> ON SUBSTANCES THAT  
DEplete THE OZONE LAYER ADOPTED AT THE NINTH MEETING OF THE  
PARTIES HELD AT MONTREAL 15–17 SEPTEMBER 1997**

**Annex IV**

**ARTICLE 1: AMENDMENT**

**A. ARTICLE 4, PARAGRAPH 1 QUA.**

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

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

**B. ARTICLE 4, PARAGRAPH 2 QUA.**

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

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

**C. ARTICLE 4, PARAGRAPHS 5, 6 AND 7**

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:  
and Group II of Annex C

there shall be substituted:

, Group II of Annex C and Annex E

**D. ARTICLE 4, PARAGRAPH 8**

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

Article 2G

there shall be substituted:

Articles 2G and 2H

**E. ARTICLE 4A: CONTROL OF TRADE WITH PARTIES**

The following Article shall be added to the Protocol as Article 4A:

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

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<sup>1</sup> Treaty Series No. 19 (1990) Cm 977.

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

#### F. ARTICLE 4B: LICENSING

The following Article shall be added to the Protocol as Article 4B:

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.
2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.
3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.
4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

#### ARTICLE 2: RELATIONSHIP TO THE 1992 AMENDMENT

No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Fourth Meeting of the Parties in Copenhagen, 25 November 1992.<sup>1</sup>

#### ARTICLE 3: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1999, 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.

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<sup>1</sup> Treaty Series No. 48 (1995) Cm 2399.

# RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

| <i>State</i>                             | <i>Action</i> | <i>Date</i> | <i>Effective Date</i> |
|------------------------------------------|---------------|-------------|-----------------------|
| Antigua and Barbuda                      | Ratification  | 10 Feb 2000 | 10 May 2000           |
| Argentina                                | Ratification  | 15 Feb 2001 | 16 May 2001           |
| Australia                                | Acceptance    | 5 Jan 1999  | 10 Nov 1999           |
| Austria                                  | Ratification  | 7 Aug 2000  | 5 Nov 2000            |
| Azerbaijan                               | Approval      | 28 Sep 2000 | 27 Dec 2000           |
| Bahrain                                  | Ratification  | 13 Mar 2001 | 11 Jun 2001           |
| Bangladesh                               | Acceptance    | 27 Jul 2001 | 25 Oct 2001           |
| Bolivia                                  | Accession     | 12 Apr 1999 | 10 Nov 1999           |
| Bulgaria                                 | Ratification  | 24 Nov 1999 | 22 Feb 2000           |
| Burundi                                  | Acceptance    | 18 Oct 2001 | 16 Jan 2002           |
| Canada                                   | Ratification  | 27 Mar 1998 | 10 Nov 1999           |
| Cape Verde                               | Accession     | 31 Jul 2001 | 29 Oct 2001           |
| Chad                                     | Ratification  | 30 May 2001 | 28 Aug 2001           |
| Chile                                    | Ratification  | 17 Jun 1998 | 10 Nov 1999           |
| Congo                                    | Accession     | 19 Oct 2001 | 17 Jan 2002           |
| Croatia                                  | Ratification  | 8 Sep 2000  | 7 Dec 2000            |
| Czech Republic                           | Approval      | 5 Nov 1999  | 3 Feb 2000            |
| Djibouti                                 | Accession     | 30 Jul 1999 | 10 Nov 1999           |
| Egypt                                    | Ratification  | 20 Jul 2000 | 18 Oct 2000           |
| El Salvador                              | Accession     | 8 Dec 2000  | 8 Mar 2001            |
| European Community                       | Approval      | 17 Nov 2000 | 15 Feb 2001           |
| Finland                                  | Acceptance    | 18 Jun 2001 | 16 Sep 2001           |
| Gabon                                    | Accession     | 4 Dec 2000  | 4 Mar 2001            |
| Georgia                                  | Accession     | 12 Jul 2000 | 10 Oct 2000           |
| Germany                                  | Ratification  | 5 Jan 1999  | 10 Nov 1999           |
| Grenada                                  | Accession     | 20 May 1999 | 10 Nov 1999           |
| Guatemala                                | Accession     | 21 Jan 2002 | 21 Apr 2002           |
| Guyana                                   | Acceptance    | 23 Jul 1999 | 10 Nov 1999           |
| Haiti                                    | Accession     | 29 Mar 2000 | 27 Jun 2000           |
| Hungary                                  | Ratification  | 26 Jul 1999 | 10 Nov 1999           |
| Iceland                                  | Ratification  | 8 Feb 2000  | 8 May 2000            |
| Iran                                     | Acceptance    | 17 Nov 2001 | 15 Jan 2002           |
| Italy                                    | Ratification  | 1 May 2001  | 30 Jul 2001           |
| Jordan                                   | Ratification  | 3 Feb 1999  | 10 Nov 1999           |
| Kenya                                    | Ratification  | 12 Jul 2000 | 10 Oct 2000           |
| Korea Democratic People's<br>Republic of | Accession     | 13 Dec 2001 | 13 Mar 2002           |
| Korea Republic of                        | Acceptance    | 19 Aug 1998 | 10 Nov 1999           |
| Lebanon                                  | Accession     | 31 Jul 2000 | 29 Oct 2000           |
| Luxembourg                               | Ratification  | 8 Feb 1999  | 10 Nov 1999           |
| Macedonia The FYR of                     | Accession     | 31 Aug 1999 | 29 Nov 1999           |
| Madagascar                               | Accession     | 16 Jan 2002 | 16 Apr 2002           |
| Malaysia                                 | Ratification  | 26 Oct 2001 | 24 Jan 2002           |
| Maldives                                 | Ratification  | 27 Sep 2001 | 26 Dec 2001           |
| Micronesia                               | Accession     | 27 Nov 2001 | 25 Feb 2002           |
| Monaco                                   | Acceptance    | 26 Jul 2001 | 24 Oct 2001           |
| Mongolia                                 | Ratification  | 28 Mar 2002 | 29 Jun 2002           |
| Netherlands The                          | Acceptance    | 21 Feb 2000 | 21 May 2000           |
| New Zealand                              | Ratification  | 3 Jun 1999  | 10 Nov 1999           |
| Niger                                    | Ratification  | 8 Oct 1999  | 6 Jan 2000            |
| Nigeria                                  | Ratification  | 27 Sep 2001 | 26 Dec 2001           |
| Norway                                   | Ratification  | 30 Dec 1998 | 10 Nov 1999           |
| Palau                                    | Accession     | 29 May 2001 | 27 Aug 2001           |
| Panama                                   | Ratification  | 5 Mar 1999  | 10 Nov 1999           |
| Paraguay                                 | Ratification  | 27 Apr 2001 | 26 Jul 2001           |
| Poland                                   | Ratification  | 6 Dec 1999  | 5 Mar 2000            |
| Romania                                  | Acceptance    | 21 May 2001 | 19 Aug 2001           |
| Saint Lucia                              | Accession     | 24 Aug 1999 | 22 Nov 1999           |
| Samoa                                    | Acceptance    | 4 Oct 2001  | 2 Jan 2002            |

| <i>State</i>                | <i>Action</i> | <i>Date</i> | <i>Effective Date</i> |
|-----------------------------|---------------|-------------|-----------------------|
| Sao Tome and Principe       | Accession     | 19 Nov 2001 | 17 Feb 2002           |
| Senegal                     | Accession     | 12 Aug 1999 | 10 Nov 1999           |
| Sierra Leone                | Accession     | 29 Aug 2001 | 27 Nov 2001           |
| Singapore                   | Accession     | 22 Sep 2000 | 21 Dec 2000           |
| Slovak Republic             | Approval      | 3 Nov 1999  | 1 Feb 2000            |
| Slovenia                    | Ratification  | 15 Nov 1999 | 13 Feb 2000           |
| Solomon Islands             | Accession     | 17 Aug 1999 | 15 Nov 1999           |
| Somalia                     | Accession     | 1 Aug 2001  | 30 Oct 2001           |
| Spain                       | Acceptance    | 11 May 1999 | 10 Nov 1999           |
| Sri Lanka                   | Accession     | 20 Aug 1999 | 18 Nov 1999           |
| St Kitts and Nevis          | Ratification  | 25 Feb 1999 | 10 Nov 1999           |
| Sweden                      | Ratification  | 12 Jul 1999 | 10 Nov 1999           |
| Syria                       | Accession     | 30 Nov 1999 | 28 Feb 2000           |
| Togo                        | Acceptance    | 26 Nov 2001 | 24 Feb 2002           |
| Tunisia                     | Ratification  | 19 Oct 1999 | 17 Jan 2000           |
| Tuvalu                      | Acceptance    | 31 Aug 2000 | 29 Nov 2000           |
| Uganda                      | Accession     | 23 Nov 1999 | 21 Feb 2000           |
| United Kingdom <sup>1</sup> | Ratification  | 12 Oct 2001 | 10 Jan 2002           |
| Uruguay                     | Accession     | 16 Feb 2000 | 16 May 2000           |
| Yemen                       | Accession     | 23 Apr 2001 | 22 Jul 2001           |

NOTES:

<sup>1</sup> In this regard, the Secretary-General received the following objection:  
United Kingdom of Great Britain and Northern Ireland (20 December 1999):  
“With regard to the authentic English text, the Government of the United Kingdom considers  
<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXXVII/treaty14.asp> 27/03/2002  
the original text of both article 3(1) and article 3(3) of the Amendment to be correct. The Government therefore objects to the proposal to correct the text of these two paragraphs by the addition of the words ‘or accession’.

The Government of the United Kingdom respectfully draws the attention of the Secretary-General to article 9, paragraph 5, of the Vienna Convention for the Protection of the Ozone Layer, and to article 14 of the Montreal Protocol on Substances that Deplete the Ozone Layer. The effect of these provisions is that amendments to the Protocol are subject to ratification, approval or acceptance. There is no provision for accession to amendments. The Government therefore believes that the addition of the words proposed by the Secretary-General would be inconsistent with the provisions of the Vienna Convention and the Montreal Protocol which apply to the entry into force of amendments to the Protocol.

The Government of the United Kingdom also notes that the existing wording of the authentic English text of article 3(1) and article 3(3) of the 1997 Amendment is consistent with the wording used in previous amendments to the Montreal Protocol, namely article 2 of the Amendment to the Montreal Protocol adopted at London in 1990 and article 3 of the Amendment to the Montreal Protocol adopted at Copenhagen in 1992.

The Secretary-General’s Depositary Notification refers to errors in the first sentence of article 3(1) (except French version). The Government of the United Kingdom has not seen the authentic French version of article 3(1), which was not attached to the Depositary Notification, but would respectfully suggest that the Secretary-General may wish to consider whether there are errors in the French version.”





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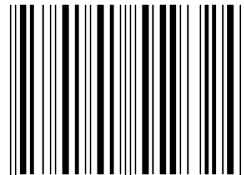
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