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Last Updated: 05/01/2024

August 26, 1987

Stratospheric Ozone

* Montreal Meetings:

-September 8-11, Final Negotiations;

-September 14-16, Conference of Plenipotentiaries;

-U.S. Delegation will include representatives from State, EPA, Justice, Energy, USTR, and possibly Commerce. Richard Benedick will lead the delegation for the final negotiations, and Lee Thomas will lead the delegation at the Conference of Plenipotentiaries.

* Important Issues in the Draft Protocol Text:

- Inclusion of the Halons (Article 2);

- Timing of the reductions (Article 2);

- Draft contains two alternative trade provisions (Article 4);

- Entry Into Force (Article 15) -- tentatively provides for entry into force upon ratification by countries representing at least 60 percent of 1986 global production. Benedick needs guidance on the desired minimum participation. Trade provision is relevant to participation.

* Circular 175 Process:

-State believes it must adhere to its internal requirements calling for an inter-agency Circular 175 authorization to sign the protocol.

-White House Counsel and State Department Solicitors are looking at whether the internal State requirement has already been satisfied by the President's directions, or, alternatively, whether the procedure can be done internally within State.

- If State must follow an inter-agency procedure, then questions arise regarding how detailed the request for authority will be, how many agencies the request should go to, and when should the request be made.

THE WHITE HOUSE

WASHINGTON

August 28, 1987

MEMORANDUM FOR NANCY J. RISQUE

FROM:

RALPH C. BLEDSOE



SUBJECT:

Stratospheric Ozone -- Negotiation Issues

In anticipation of the upcoming international stratospheric ozone negotiations, you have asked us to identify any differences between the President's instructions and the draft protocol, and the important concerns of the interested Federal agencies.

There are two potential differences between the President's negotiating instructions and the draft protocol. Each potential difference relates to the timing of control measures. First, the President instructed the U.S. delegation to seek a freeze at 1986 levels on production/consumption of Halons 1211 and 1301 to take effect one or two years after entry into force. Article 2 of the draft protocol would require a freeze on production and imports of Halons 1211 and 1301 three years after entry into force. Second, the President instructed the delegation to seek a second phase CFC reduction of an additional 30 percent from 1986 levels which would occur about eight years after entry into force. The draft protocol includes a second phase 30 percent CFC reduction which would occur either eight or ten years after entry into force.

Participation in the protocol is an important issue for the interested Federal agencies. Recognizing that 100 percent participation by producing/consuming countries is probably not achievable and that there will be strong legislative and judicial pressure for unilateral action in the absence of an international agreement, the goal is to find the optimal percentage of required participation for entry into force. The President's instructions state that this percentage should be well above a majority of the major producing/consuming countries. This percentage should be high enough that the trade restrictions will encourage non-parties to join, yet low enough that the protocol will enter into force.

The draft protocol provides for entry into force upon ratification by countries representing at least sixty percent of 1986 global production. To date, the U.S. position has been that the protocol should enter into force upon ratification by countries representing at least 80 percent of global production. EPA and State delegation members are assessing the costs and benefits of alternative participation percentage requirements.

There are other issues of concern to the interested agencies that are currently under discussion in the bilateral negotiations and that will be discussed in Montreal. Briefly, these issues include:

- * **The Control Formula:** The draft protocol contains different formulas for control measures -- e.g., production and imports versus production and consumption.
- * **Treatment of the EC as a Unit:** The EC has proposed that it be treated as a single unit for purposes of compliance with the control measures. This would enable some countries to increase emissions if offset by decreases in other countries.
- * **Trade Provisions:** The draft protocol contains two alternative trade proposals. Both proposals ban the export of controlled substances to non-parties. One proposal would also ban exports of products containing the controlled substances to non-parties. The other proposal would "ban or restrict" exports of products containing the controlled substances to non-parties.
- * **Failure to Comply:** The Department of Treasury noted that the draft agreement does not contain provisions for treatment of participating countries which fail to comply with the protocol requirements.
- * **Effect on Low-consuming Countries:** Treasury noted that not allowing increases in exports to low-consuming countries may discourage participation by developing countries.

The White House Counsel's office is examining the Circular 175 issue and is identifying the remaining procedural requirements for the treaty process. They believe there are ways to meet the State Department's internal requirements without another public inter-agency process. We will meet with you as soon as we hear from Counsel.

THE WHITE HOUSE

WASHINGTON

August 28, 1987

MEMORANDUM FOR NANCY J. RISQUE

FROM:

RALPH C. BLEDSOE 

SUBJECT:

Stratospheric Ozone - Process Issues

The following are issues related to the final negotiating sessions in Montreal September 7-11, and the follow-on signing conference September 14-16, 1987. As you know, the head of the negotiating delegation is Richard Benedick of State, who will be joined on the delegation by J.R. Spradley of Commerce, Tom Hookano of Justice, Bob Reinstein of USTR, Ted Williams of Energy, and Bill Long, Eileen Clauson, and Jim Losey of EPA, with John Hoffman of EPA as an observer.

The signing delegation will be headed by Lee Thomas, with some of the earlier delegates remaining on the team. Congressional participation has been invited, but no response has been received as of this date.

The key issue is how to bridge between the two delegations. The basic communication will, of course, be between Benedick and Lee Thomas. However, there are several other aspects that raise these questions.

Whom does Benedick consult in Washington during the negotiating session, if he has questions or needs guidance, including interpretations of the President's decision? He would like a White House contact, in addition to Lee Thomas.

To whom should he transmit the final protocol drafted at the negotiating session (for assessment of acceptability and adherence to the President's decision)? Again, he would like to communicate it to the White House for action, in addition to transmitting it to Lee Thomas as head of the signing delegation.

There are other questions regarding how any differences between the final draft protocol and the President's decision will be coordinated with other Federal agencies, if this is needed. Also, Lee Thomas may want some guidance about his signing authority, especially if he is aware of differences between the final draft protocol and the President's decision. The State Department's Form 175 process was designed to handle the signing authority problem.

ALLIANCE FOR RESPONSIBLE CFC POLICY
1901 N. FT. MYER DRIVE, SUITE 1204
ROSSLYN, VIRGINIA 22209
(703) 841-9363

September 1, 1987

Ms. Vicki Masterman
Domestic Policy Council
The White House
Room 200
Washington, D. C. 20500

Dear Ms. Masterman:

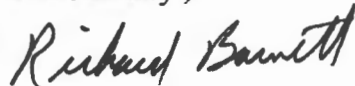
The Alliance for Responsible CFC Policy is concerned that the Seventh Revised Draft Protocol on Chlorofluorocarbons and Other Ozone Depleting Substances is biased in favor of the international community because of its reliance on a system of production and consumption quotas to determine each nation's share of CFC use.

The enclosed letter to Deputy Assistant Secretary of State Benedick discusses this problem. We encourage your Department to communicate with the Department of State concerning this issue.

The U.S. position should be more flexible on the timing and stringency of control measures so as to avoid the adoption of a production quota system. Production quotas will hurt U.S. competitiveness. The sole determinant of a nation's CFC share should be a consumption system.

We hope you will communicate support for this concept to the U.S. negotiators. Additional comments concerning the draft protocol are also enclosed.

Sincerely,



Richard Barnett
Chairman

Enclosure
RB:sct

ALLIANCE FOR RESPONSIBLE CFC POLICY

1901 N. FT. MYER DRIVE, SUITE 1204

ROSSLYN, VIRGINIA 22209

(703) 841-9363

August 31, 1987

The Honorable Richard Benedick
Assistant Secretary for
Environment, Health, and
Natural Resources
U.S. Department of State
2201 C Street, N.W.
Room 7825
Washington, D.C. 20520

Dear Ambassador Benedick:

The Alliance for Responsible CFC Policy appreciates the opportunity to submit comments on the Seventh Revised Draft Protocol on Chlorofluorocarbons and Other Ozone Depleting Substances. Although we have several specific comments on particular provisions of the draft, our primary concern is with the timing of the control measures in Article 2 and the inability to reach agreement on the use of the "adjusted production" formula as the sole determination of each country's quota.

In all cases, it appears that the U.S. has supported the shortest timeframes for the basic framework of the agreement. The seventh revised draft proposes the freeze and subsequent reduction steps to be one year, four years, and eight or ten years respectively. As we have stated previously, the Alliance does not believe the reduction measures are scientifically justified at this time. In any event, we believe the timetable to be too short for the proposed reduction measures and will not allow for the timely assessment of the need for or impact of the measures that are adopted. The timeframe should be stretched out to the maximum extent possible consistent with the 15 year period originally desired by the U.S.

Perhaps the most serious flaw, however, is the continued inability to gain acceptance of basing the protocol solely on the adjusted production (also referred to as consumption) concept. The combined approach of using both production and consumption systems appears to create a bias that would be disadvantageous to U.S. industry. Attachment I illustrates how this bias could cause the U.S. to have a proportionately larger share of CFC reduction than other countries. The problem could be resolved if the production quota system was abandoned.

The delayed introduction of the "consumption" system is a problem because it allows foreign competitors additional time to play with its production, import and export mix. This situation would be further problematic if countries were allowed to base their consumption quota on 1990 data. Use of a prospective date, as suggested in footnote 4, should be opposed in all cases.

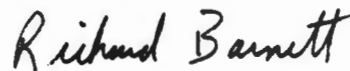
Since the U.S. has argued consistently that it is flexible on the issue of coverage, stringency and timing, we suggest that we show some flexibility on the stringency and timing issues in order to gain acceptance of the "consumption" system consistent with the effective date of the agreement.

The consumption system would also ease pressures on developing countries by making it easier for producer nations to supply these countries with CFCs within the exemptions provided for in Article 5.

It is clear that the consumption or adjusted production system has been and continues to be the most equitable means of determining each nation's quota. Any other system appears to favor other producing nations, particularly in the EC, creates anti-competitive pressures on the world trading of CFCs, and threatens a disproportionate bias against U.S. industries. Such a bias on top of the existing unilateral U.S. aerosol ban is simply unfair and contrary to the often stated goal of insuring that the U.S. economy not be any further disadvantaged on this issue as a result of this negotiation.

It is time for the U.S. to show some flexibility, particularly on the timing of reduction measures, in order to obtain a desirable agreement on the consumption mechanism.

Sincerely,



Richard Barnett
Chairman

Enclosure

RB:sct

ILLUSTRATION OF BIAS IN INTERNATIONAL PROTOCOL

Assume the following:

1986 Production = 60 million pounds
1986 Imports = 40 million pounds
1986 Exports = 20 million pounds

Consumption (C) is defined as production plus imports minus exports.
Therefore:

$$C = 60 + 40 - 20 = 80 \text{ million pounds}$$

The UNEP proposal calls for a 20 percent rollback in consumption and production. Hence, these two constraints imply that consumption should be reduced to 64 million pounds and production to 48 million pounds.

Assume that as a consequence of CFC regulation, the imports to this country drop to zero. The production constraint limits production to 48 million pounds. Hence, domestic consumption could range from 28 million pounds to 48 million pounds depending on whether any CFCs are exported.

$$C = 48 + 0 \text{ (imports)} - (20 \text{ or } 0) = 28 - 48 \text{ million pounds}$$

Under the best scenario (i.e., no exports), domestic consumption is reduced by 40 percent (from 80 to 48 million pounds), even though the intent of the regulation was a 20 percent reduction. The problem could be resolved by eliminating the production constraint. This would allow domestic production to increase to offset possible losses in imports.

The situation is even worse in the case of a production freeze. The UNEP proposal calls for a freeze on production and a freeze on imports. Hence, using the same example and assuming a loss of all imports, the country's consumption would be reduced from 80 million pounds to 40-60 million pounds, depending on whether exports are continued. Under the best scenario, domestic consumption falls by 25 percent (from 80 to 60 million pounds) when a freeze on consumption was intended.

ADDITIONAL COMMENTS ON UNEP CFC PROTOCOL

Article 1

The definition of "controlled substance" should only refer to the controlled CFC compounds. The current definition and its subsequent use in Article 2 could create a loophole for certain products. The distinction between bulk chemical and products containing CFCs is for purposes of the trade provision, not the Article 2 control measures, and should be incorporated in the article on trade restrictions.

Article 2

The timetable for the control measures is too short and does not allow for adequate assessment of the need for and effect of any of the control steps taken. In paragraph 4, the trigger for subsequent reduction measures should be positive, not negative and should be timed appropriately. A decision on this reduction step only four years after the effective date of the agreement is too soon. The provision should provide for a positive vote at least 6-8 years after the effective date and 2-4 years prior to any additional control measure.

In paragraph 5, subsection (b) should be changed to say "whether further reduction from 1986 levels should be undertaken". The remainder of the sentence is gratuitous and should be deleted. Votes to change provisions of the protocol should represent at least fifty percent of global consumption and production.

Finally, as has been pointed out in earlier comments, in no event should 1990 be used as the base year for consumption controls.

Article 4

The trade restrictions should be tough enough to encourage countries to participate. The Alliance has urged that trade with non-parties be restricted as soon as possible with regard to bulk chemicals and that these be defined as anything containing at least 20% of the controlled CFCs by volume or weight. A list of products containing CFCs should also be developed for inclusion in these trade restrictions, perhaps as is suggested by paragraph 2, alternative 2.

The key to effective trade monitoring will be the ability to trace the shipment of bulk chemicals, therefore, the emphasis should be first on establishing this information gathering mechanism.

Paragraph 5 should also relate to CFC use technology transfers after it is established that viable alternative CFC compounds or technologies are available.

Paragraph 7 should not allow countries to import chemicals or products indefinitely without becoming a Party to the protocol. It was our understanding that this provision was for countries that have signed, but not ratified the protocol.

Article 5

The emphasis of this provision should be to allow low consuming countries additional use of CFCs for internal consumption only for up to ten years.

Article 6

The review and assessment mechanism should also schedule a meeting of technical and economic experts prior to the assessment date to determine the availability of substitute compounds and technologies.

Article 15

A higher percentage of global CFC production should be required in order for the protocol to enter into force so that all the major producer nations have signed onto the agreement. The percentage of production should be in the 80-90% range.



United States Department of State

DECLASSIFIED

Washington, D.C. 20520

Authority State Waiver 11/6/15

3 Sep 87

BY all DATE 1/25/2017

~~CONFIDENTIAL~~

TO: The Acting Secretary

THRU: E - Mr. Wallis

FROM: OES - John D. Negroponte

SUBJECT: Circular 175: Request for Authority to Sign a Protocol on Chlorofluorocarbons and Other Ozone-Depleting Substances

ISSUE FOR DECISION:

Whether to authorize and issue full power for signature by the United States of the Protocol on Chlorofluorocarbons and Other Ozone-Depleting Substances ("protocol") to the Vienna Convention for the Protection of the Ozone Layer ("Convention").

ESSENTIAL FACTORS:

Background

On November 28, 1986, authority was granted by Under Secretary Wallis to negotiate a protocol to the Vienna Convention for the Protection of the Ozone Layer to control emissions of ozone-depleting substances. Depletion of stratospheric ozone by certain chemicals, such as certain chlorofluorocarbons (CFCs) and some bromine compounds, pose significant risks for human health and the environment. A description of the ozone-depletion problem and the international process leading up to the negotiations is contained in the November 1986 Circular 175 action memorandum.

Negotiations on the protocol, which have been conducted under the auspices of the United Nations Environment Program (UNEP), are nearing completion. A final negotiating session is scheduled for September 8 - 11 in Montreal. A Conference of Plenipotentiaries, at which it is planned the protocol will be adopted and opened for signature, will take place in Montreal September 14 - 16. EPA Administrator Lee Thomas will head the U.S. delegation to the Conference.

~~CONFIDENTIAL~~

Key Elements of the Protocol

The United States has played a leadership role in these negotiations, influencing the policies of many nations which were initially opposed to effective international controls. As a result, the current draft protocol text (Tab __) is very close to the U.S. position as outlined in the November 1986 Circular 175 request and instructions issued by the President on June 25, 1987 to guide the U.S. delegation (Tab __).

The two principal features of the draft text are the obligations relating to the control of emissions of ozone-depleting substances (Article 2) and the restriction of trade in the controlled substances with States not party to the protocol (Article 4). On control measures, the text provides for

--a near-term freeze on emissions of the major ozone-depleting substances (CFC 11, 12, 113, 114, and 115 and Halons 1211 and 1301),

--long-term scheduled reductions (of first twenty, then fifty percent) of CFC emissions,

--periodic assessments of the control provisions, based upon scientific, environmental, technical and economic information, which could result in addition or removal of chemicals or a change in the reduction schedule or the emission reduction target.

With respect to trade with non-parties, the draft protocol includes

--a ban on imports from (and potentially exports to) non-parties of the controlled substances in bulk within one year of the protocol's entry into force (e.i.f.),

--a ban or restrictions on imports of products containing controlled substances from non-parties within four years of e.i.f.,

--future consideration of restriction on imports of products produced with controlled substances from non-parties, and

--a prohibition against concluding new agreements which provide non-parties with financial assistance for producing the controlled substances.

On other issues, the proposed text contains (consistent with the President's instructions) reporting procedures, a limited grace period from compliance with the control measures for low-consuming countries, and voting and entry-into-force provisions that require, respectively, the agreement and participation of States representing a substantial percentage of relevant production/consumption.

Principal Outstanding Issues

Several key U.S.-supported provisions of the draft text are still the subject of debate in the negotiations -- viz., (1) the fifty-percent reduction in CFC emissions; (2) the freeze on emissions of Halons 1211 and 1301; (3) a ban or restrictions on imports from non-parties of products containing the controlled substances; and (4) the requirement of agreement or adherence by countries comprising a substantial percentage of production/consumption for, respectively, decision-making and entry into force of the protocol.

The European Community, joined to some extent by Japan and the USSR, has been our principal adversary on the first three points, although the country position of several EC-member States (FRG, Denmark, Belgium) is close to the U.S. stance. The last issue -- production/consumption percentages for voting and entry into force -- has elicited concern from many of the participating countries, including some States (e.g., Canada, Norway, Sweden, New Zealand) that otherwise agree with the United States on the other issues.

The U.S. delegation's objective in Montreal will be to protect gains achieved thus far and to secure agreement on these critical issues. It is probable that most, if not all, of these issues will be resolved favorably, although at this point we cannot assure this result. The delegation will consult closely with Washington to ensure appropriate coordination and clearances in the resolution of all outstanding issues.

The delegation will also try to supplement or modify the attached text in ways that will accomplish the objectives outlined the President's June memorandum and result in a more effective agreement, with increased protection of U.S. interests. In particular, the delegation will seek

--an increase in the percentage of global production/consumption (sixty percent in the current draft) required to be represented among Parties ratifying,

accepting, approving or acceding to the protocol before its entry into force.

--an increase in the percentage of production/consumption required to be represented among the majority needed to adjust the control measures or to amend the protocol. In this connection, there is a need to have a decision-making process that protects the United States from being bound by future decisions contrary to its interests.

--the addition of an article that would treat Parties not in compliance as non-parties -- e.g., for purposes of trade and voting.

--the use of consumption (defined in Article 1 of the attached text) of the controlled substances as the control criterion. Controlling consumption alone (as opposed to controlling consecutively production/imports and production/consumption as envisaged under the current text) will provide the freest possible movement of trade and capital among Parties in response to market forces, within overall limits to protect the ozone layer.

--a provision to count exports of the controlled substances to non-parties as part of domestic consumption. This would permit some exports to non-parties, avoiding a total ban which would in effect require non-parties to build their own production capacity, but it would provide an incentive for parties to export to parties rather than to non-parties and for parties to encourage their trading partners to join. This proposal is consistent with the President's general directives to protect the ozone layer, to encourage participation by all countries, and to ensure that U.S. industry is not disadvantaged through U.S. participation.

The Commission of the European Communities has proposed that regional economic integration organizations ("reios") be considered a single producing unit for purposes of the two principal articles of the protocol -- control measures and trade with non-parties. The Commission's proposal, if accepted, would mean that an EC-member State that is party to the protocol could exceed the protocol emissions limits if the emissions reduction of another EC country offset the excess. Non-EC member States that are parties would not have similar flexibility; each of them would be required to ensure that its

national emissions did not exceed the protocol limits. This proposal is at odds with the protocol's intent that no party increase its emissions. It also allows some State parties to enjoy the political benefits of adhering to the protocol without being equally subjected to its disciplines. Discussion of the legal ramifications of the proposal is contained in the attached legal memorandum. (See Tab ____.)

The delegation will strongly resist the Commission's proposal. It is probable, however, that the EC will not completely concede this issue. An acceptable alternative, which alleviates some of our concerns, is to limit treatment as a "single unit" to reios with exclusive competence over the matters covered by the protocol, none of whose member States are also party to the agreement. Because of the precedential nature of the Commission's proposal, the delegation will keep the Department apprised on the discussion relating to this issue.

In light of the number of outstanding issues, the final text of the agreement will be transmitted to Washington for approval by the Department (in particular OES, E, L, EB, and EUR), the White House (the Domestic Policy Council staff), and key agencies prior to U.S. signature of the agreement.

Character of the Agreement

As discussed in the attached legal memorandum, the protocol, as envisioned, is consistent with existing legislation, but the promulgation of domestic regulations will be required to implement the protocol. Because of its breadth and importance, the protocol will be concluded as a treaty pursuant to Article II, Section 2 of the Constitution and will be submitted to the Senate for its advice and consent to ratification.

Environmental Impact Statement

Since the protocol includes measures that will significantly affect the ozone layer (albeit positively), it was determined to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. and Executive Order 12114 of January 4, 1979, Environmental Effects Abroad of Major Federal Actions. An EIS is under preparation and will be submitted to the Senate in conjunction with the ratification process.

Funding

The protocol itself contains no mandatory financial obligations. Financial rules are to be adopted by the Parties at their first meeting by consensus. In signing the protocol, the United States would be making a commitment in principle to payment of its fair share of the future expenses of the secretariat, meeting of the parties, and a panel of scientific experts. For several reasons, however, the financial costs associated with these services and activities are likely to be relatively insubstantial and capable of being covered with presently projected agency budgets.

First, secretariat services for the protocol will be provided by the secretariat established by the Convention, although incremental costs for services related to the protocol would be charged against contributions from Parties to the protocol. The UNEP Secretariat estimates that the additional annual expense to the United States for services relating to the protocol rendered by the secretariat would be approximately \$10,000. Second, ordinary meetings of the Conference of the Parties to the protocol will be held, unless the Parties decide otherwise, in conjunction with meetings of the Conference of the Parties to the Convention, minimizing additional travel costs. Third, as a Party to the Convention, the U.S. is already committed to participation in cooperative scientific research, monitoring and information exchange. NASA, NOAA, EPA and other technical agencies will seek funding as appropriate within their own priorities to participate in the scientific panel and any other cooperative programs resulting from the protocol. EPA will be responsible for reports to the secretariat, participation in technical reviews, and other commitments of a technical nature assumed under the protocol.

Public and Congressional Consultations

There have been extensive consultations with various agencies, members of Congress and their staff, environmental groups, and affected producer and user industries. We believe that there is broad support for effective international regulation of ozone-depleting chemicals, although some industries, notably the plastics industry, are concerned about the effects on them of reductions imposed by the protocol. The concerns that they have expressed were taken into account in EPA's assessment of the risks and costs of the proposed controls and in the extensive interagency review process preceding the President's decision on the U.S. negotiating position.

Domestic Regulatory Activities

Background on prospective domestic regulatory action is included in the November 1986 Circular 175 request. Under the terms of a revised schedule issued by the court in NRDC v. Thomas and reflecting an agreement reached by the litigants, EPA must publish by December 1, 1987 a proposed decision on the need for further domestic regulation of CFCs under the Clean Air Act. A final EPA decision is required by August 1, 1988.

As noted in the attached legal memorandum, additional regulations will be necessary for the U.S. to implement the protocol. The U.S. would not deposit its instrument of ratification of the protocol until such regulations have been promulgated.

RECOMMENDATIONS:

1. That you authorize signature by the United States of a protocol that is based on the attached text and meets the President's negotiating guidelines, subject to the concurrence of appropriate Department elements (OES, E, EB, EUR, L), key agencies, and the Domestic Policy Council staff in the final text.

Approve _____ Disapprove _____

2. That you sign the attached full power (Tab ___) authorizing Lee M. Thomas, Administrator of the Environmental Protection Agency, or in his absence, Richard E. Benedick, Principal United States Negotiator, or alternatively, Thomas Niles, U.S. Ambassador to Canada, to sign the protocol on behalf of the United States.

Drafted:OES/ENH:SButcher;L/OES:DKennedy

Clearances:OES/E:REBenedick
L:EVerville
E:MBailey
EUR:J.Wilkinson
EB:RJohnson
M/MO:CEDillery
M/COMP:JHLinneman
IO:SVogelgesang
H:Joyer
DPC:RBeldsoe
EPA/OIA:BLong
USTR:RReinstein
Energy:MWalker
Commerce:BSmart
Justice:THookano
OMB:DGibbons
Interior:BNdunlop

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14 September 1987
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Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

Montreal, 14-16 September 1987

ARTICLE 1: DEFINITIONS

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.
2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.
3. "Secretariat" means the secretariat of the Convention.
4. "Controlled substance" means a substance listed in Annex A to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of the substance listed.
5. "Production" means the amount of controlled substances produced minus the amount destroyed by technologies to be approved by the Parties.
6. "Consumption" means production plus imports minus exports of controlled substances.
7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.
8. "Industrial rationalization" means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

ARTICLE 2: CONTROL MEASURES

for the annual period from 7 months

1. Each Party shall ensure that ~~within 12 months~~ of the first day of the month *and* following the date of entry into force of this Protocol, *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§ (1990)~~. By the end of the same period, each Party producing one or more of the controlled substances in Group I shall ensure that its calculated level of production of these substances does not exceed its calculated level of production in ~~§1986§ (1990)~~, except that such level may have increased by no more than ~~§10 per cent~~ based on the ~~§1986§ (1990)~~ 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. *hereafter:*

2. Each Party shall ensure that within three years of the date of entry into force of this Protocol, its calculated level of consumption of the controlled substances listed in Group II of Annex A does not exceed its calculated level of consumption in ~~§1986§ (1990)~~. Each Party producing one or more of these substances shall ensure that its calculated level of production of these substances does not exceed its calculated level of production in ~~§1986§ (1990)~~, except that such level may have increased by no more than ~~§10 per cent~~ based on the ~~§1986§ (1990)~~ 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. The mechanisms for implementing these measures shall be decided by the Parties at their first meeting following the first scientific review.

3. Each Party shall ensure that by 1 January 1994 its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed annually 80 per cent of its calculated level of consumption in ~~§1986§ (1990)~~. Each Party producing one or more of these substances shall by the same date ensure that its calculated level of production of the substances does not exceed annually 80 per cent of its calculated level of production in ~~§1986§ (1990)~~. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to 10 per cent of its calculated level of production in ~~§1986§ (1990)~~.

4. Each Party shall ensure that by 1 January 1999 its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed 50 per cent of its calculated level of consumption in ~~§1986§ (1990)~~. Each Party producing one or more of these substances shall by the same date ensure that its calculated level of production of these substances does not exceed 50 per cent of its calculated level of production in ~~§1986§ (1990)~~. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to 15 per cent of its calculated level

of production in ~~1986~~ ~~[1990]~~. This paragraph will apply unless the Parties decide otherwise at a meeting by a two-thirds majority of Parties present and voting ~~representing at least 10 per cent~~ ~~[60 per cent]~~ ~~two-thirds~~ of the total calculated level of consumption of the Parties of these substances. This decision shall be ~~made~~ ~~made~~ in the light of the assessments referred to in Article 6.

5. ~~Any~~ Any Party whose calculated level of production in ~~1986~~ ~~[1990]~~ of the controlled substances in Group I of Annex A was less than 25 kilotonnes/year may, for the purposes of industrial rationalization, transfer to or receive from any other Party, production in excess of the limits set out in paragraphs 1, 3 and 4 provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article.

7. Any transfer of production, ~~pursuant to paragraph 5~~ ^{under this Article} ~~this~~ ^{or any addition of production} shall be notified to the secretariat, no later than the time of the transfer. ^{under paragraph 6}

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

- (i) adjustments to the calculated ozone depleting potentials specified in Annex A should be made and, if so, what adjustments; and
- (ii) further adjustments and reductions of production or consumption of the controlled substances from ~~1986~~ ~~[1990]~~ levels should be undertaken and, if so, the scope, amount and timing of any such adjustments.

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

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting ~~representing at least 50 per cent~~ ~~[two-thirds]~~ of the total consumption of the controlled substances of the Parties.

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depository. Unless otherwise provided in the decisions, the decisions shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depository.

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

- (i) whether any substances, and if so which, should be added to or removed from any annexes to this Protocol; and

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

(b) Any such decision shall become effective, provided that it has been accepted by a two-thirds majority vote of the Parties present and voting, ~~(representing at least [90 per cent] [60 per cent] [two thirds] of the total calculated level of consumption of the controlled substances of the Parties)~~

See (8)
[6. Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations under this Article provided that neither their total combined production nor their total combined consumption exceed the levels required by this Article.

The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in production or consumption with which the agreement is concerned.]

11. Notwithstanding the provisions contained in this Article, Parties may take more stringent measures than those required by this Article.



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UNEP/IG.79/3/Rev.3/CRP/2
14 September 1987

ORIGINAL: English

Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

Montreal, 14-16 September 1987

Proposal by the President

New paragraph in Article 2 (paragraph 6)

A Party not operating under Article 5 that has facilities for the production of controlled substances listed in Annex A under construction or contracted for prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 base for purposes of this article, provided that such facilities are completed by 31 December 1990 and that such production does not raise the annual per capita consumption of the controlled substances of this Party above 0.5 kg.



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10 September 1987

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Preliminary Session to the
Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

Montreal, 8 - 11 September 1987

PROPOSAL BY EEC

New Article 2(~~Paragraph~~ **paragraph 8**)

respecting consumption

(a) Any Parties which are Member States of a regional economic integration organisation as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations under this Article provided that neither their total ~~production nor their total consumption exceed the levels required by~~ this Article.

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

(c) Such agreement will become operative only if all Member States of the regional economic integration organizations and the organizations concerned are Parties to this Protocol and have notified the Secretariat of the manner in which they will jointly implement ~~their consumption obligations under~~ this Article.

calculated level of consumption does not exceed the sum of their individual consumption obligations under

ARTICLE 3: CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2 and 5, each Party shall, for each Group of substances in Annex A, 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; 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 ~~any Party~~ the exporting Party.



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14 September 1987
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Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

LC

Montreal, 14-16 September 1987

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES

1. Within one year of the entry into force of this Protocol, each Party shall ban the import of controlled substances from any State not Party to this Protocol.
2. Beginning on 1 January 1993, no Party operating under paragraph 1 of Article 5 may export any controlled substance to any State not Party to this Protocol.
3. Within three years of the date of the entry into force of this Protocol, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances. Parties that have not objected to it in accordance with these procedures shall ban, within one year of the annex having become effective, the import of such products from any State not Party to this Protocol.
4. Within five years of the entry into force of this Protocol, the Parties shall determine the feasibility of banning or restricting, from States not Party to this Protocol, the import of products produced with, but not containing, controlled substances. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to it in accordance with these procedures shall ban or restrict, within one year of the annex having become effective, the import of the products from any State not Party to this Protocol.
5. Each Party shall discourage the export, to any State not Party to this Protocol, of technology for producing and for utilizing the 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 the 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 the controlled substances, promote the development of 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, 3 and 4 may be permitted from 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 and this Article, and has submitted data to that effect as specified in Article 7.

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 is less than 0.3 kilogrammes per capita on the date of the entry into force of the Protocol for it, or any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilogrammes per capita. Any such Party shall be entitled to use 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 kilogrammes per capita, whichever is the lower, as the basis for its compliance with the control measures.

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

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

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 on the basis of available scientific, environmental, technical, and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.

ARTICLE 7: REPORTING OF DATA

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

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

and exports to Parties and to non-Parties respectively,

ARTICLE 8: NON-COMPLIANCE

At their first regular meeting, The Parties, 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 the 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 the controlled substances or otherwise reducing their emissions;
- (b) possible alternatives to the 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 the controlled substances and other substances that deplete the ozone layer.

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

ARTICLE 10: TECHNICAL ASSISTANCE

(in the context of the provisions in Article 4 of the Convention, and)

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

co-operate and in promoting

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

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

ARTICLE 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 entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

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

3. ~~At their first meeting,~~ The Parties shall:

- (a) adopt by consensus rules of procedure for their meetings;
- (b) adopt by consensus the financial rules;
- (c) establish the panels and 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 the adjustments or reductions as referred to in paragraph 5 of Article 2;
- (c) decide on ^{any} ~~the~~ addition to, insertion in or removal from ^{any} annex of substances and on related control measures in accordance with paragraph 5bis 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 Article 12 (c);
- (g) assess, in accordance with Article 6, the control measures provided for in Article 2;
- (h) consider and adopt, as required, proposals for amendment of this Protocol *for any annex and for ~~the~~ adoption of any new annex;*
- (i) consider and adopt the budget for implementation *in* of 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 to the Parties regularly reports based on information received pursuant to Articles 7 and 9;

- (d) notify the Parties of any request for technical assistance received pursuant to Article ~~10~~ so as to facilitate the provision of such assistance;
- (e) encourage non-parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;
- (f) provide, as appropriate, the information and requests referred to in sub-paragraphs (c) ~~and~~ (d) ~~and (g)~~ to such non-party observers; and
- (g) perform such other functions for the achievement of the purposes of the 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

two-thirds

assumption
1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval or accession to the Protocol have been deposited by States or regional economic integration organizations ~~representing at least 101 [60] [90] percent~~ of 1986 estimated global production 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 instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

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

ARTICLE 17: PARTIES JOINING AFTER ENTRY INTO FORCE

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

ARTICLE 18: RESERVATIONS

No reservations may be made to this Protocol.

ARTICLE 19: WITHDRAWAL

For the purposes of this Protocol, the provisions of Article 19 of the Convention relating to withdrawal shall apply except with respect to Parties referred to in paragraph 1 of Article 5. Any such Party may withdraw from this Protocol by giving written notification to the Depository four years after assuming the obligations specified in paragraphs 1 to 4 of Article 2. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depository, 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 1987

ANNEX A

CONTROLLED SUBSTANCES

Group	Substance	Ozone Depleting Potential *
Group I		
	CFC1 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) (to be determined)	

* These Ozone Depleting Potentials are estimates based on existing knowledge and will be reviewed and revised periodically.



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15 September 1987

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Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

Montreal, 14-16 September 1987

Resolution inviting all States to
Adhere to the Vienna Convention on the Protection of the
Ozone Layer and the Protocol in that Connection
(Draft Resolution presented by Egypt)

The Conference

Noting with appreciation that the Montreal Protocol on Substances that Deplete the
Ozone Layer was opened for signature in Montreal on 16 September 1987,

Referring to the Vienna Convention on the Protection of the Ozone Layer
signed in Vienna on the 22 of March 1985,

Bearing in mind the Resolution of the Conference of Plenipotentiaries
on the Protection of the Ozone Layer on the same date which urged at its
6th operative paragraph all states and regional economic integration
organizations, pending entry into force of a protocol, to control their emissions
of CFCs, inter alia in aerosols, by any means at their disposal, including controls
on production or use, to the maximum extent practicable;

1. Calls upon all states and regional international organizations, which have not
done so yet, to respond to operative paragraph 6 of the above mentioned resolution.
2. Appeals to all states, which have not yet done so, to sign and/or to ratify
the Vienna Convention on the Protection of the Ozone Layer,

3. Urges all states which have not participated in the Montreal Conference of Plenipotentiaries to sign and ratify the Montreal Protocol on substances that deplete the Ozone Layer.

4. Requests the Executive Director of UNEP to convey this Resolution to the Secretary General of the United Nations and to circulate it to all member states.



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14 September 1987

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Conference of Plenipotentiaries on the
Protocol on Chlorofluorocarbons to the
Vienna Convention for the Protection of
the Ozone Layer

Montreal, 14-16 September 1987

RESOLUTION ON THE EXCHANGE OF TECHNICAL INFORMATION

Suggestion submitted by a number of countries (Argentina, Canada, China
Denmark, Egypt, Ghana, New Zealand, Norway, Senegal, Sweden and Switzerland)

The Conference

Having adopted the Montreal Protocol on Substances that Deplete the
Ozone Layer

Realizing the importance of reducing as quickly as possible the
emissions of these substances

Recognizing the need for an early exchange of information on technologies
and strategies to achieve this

1. Requests - pending the entry into force of the Protocol and the first
meeting of the Parties - the Executive Director of UNEP to make appropriate
arrangements to facilitate the exchange of information on technology referred
to in Articles 8 and 9 of the Protocol;

2. Appeals to interested parties to sponsor, in cooperation with UNEP and
at the earliest opportunity, a workshop with the aim of

- exchanging information on technologies and administrative strategies
for reducing emissions of the controlled substances and for
developing alternatives
- identifying areas in which further research and technical development
is required;

3. Urges all nations to participate in and contribute to such a workshop
and to make expeditious use of the information so gained in order to reduce the
emissions of the controlled substances and to develop alternatives.

ARTICLE 2: CONTROL MEASURES

for the annual period from 7 months

1. Each Party shall ensure that ~~within 12 months~~ *and thereafter* of the first day of the month following the date of entry into force of this Protocol, 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§ (1990)~~. By the end of the same period, each Party producing one or more of the controlled substances in Group I shall ensure that its calculated level of production of these substances does not exceed its calculated level of production in ~~§1986§ (1990)~~, except that such level may have increased by no more than ~~§10 per cent§~~ based on the ~~§1986§ (1990)~~ 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 within three years of the date of entry into force of this Protocol, its calculated level of consumption of the controlled substances listed in Group II of Annex A does not exceed its calculated level of consumption in ~~§1986§ (1990)~~. Each Party producing one or more of these substances shall ensure that its calculated level of production of these substances does not exceed its calculated level of production in ~~§1986§ (1990)~~, except that such level may have increased by no more than ~~§10 per cent§~~ based on the ~~§1986§ (1990)~~ 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. The mechanisms for implementing these measures shall be decided by the Parties at their first meeting following the first scientific review.

for the annual period 1 July 1993 - 30 June 1994 and thereafter

3. Each Party shall ensure that ~~by 1 January 1994~~ its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed annually 80 per cent of its calculated level of consumption in ~~§1986§ (1990)~~. Each Party producing one or more of these substances shall by the same date ensure that its calculated level of production of the substances does not exceed annually 80 per cent of its calculated level of production in ~~§1986§ (1990)~~. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to 10 per cent of its calculated level of production in ~~§1986§ (1990)~~.

for the annual period 1 July 1998 - 30 June 1999 and thereafter

4. Each Party shall ensure that ~~by 1 January 1999~~ its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed 50 per cent of its calculated level of consumption in ~~§1986§ (1990)~~. Each Party producing one or more of these substances shall by the same date ensure that its calculated level of production of these substances does not exceed 50 per cent of its calculated level of production in ~~§1986§ (1990)~~. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to 15 per cent of its calculated level

ESTIMATED PER CAPITA CONSUMPTION OF CFCsLess than 0.10 kg/yr.

Belize
 Bolivia
 Brazil
 Chile
 Colombia
 Costa Rica
 Dominican Republic
 Ecuador
 Egypt
 El Salvador
 Fiji
 Gabon
 Guatemala
 Honduras
 India
 Indonesia
 Iran
 Iraq
 Ivory Coast
 Kenya .01
 Morocco
 Nicaragua
 Paraguay
 Peoples' Republic of China
 Peru
 Philippines
 Senegal
 Thailand
 Togo
 Uruguay
 Zimbabwe

.1 to .2 kg/yr.

Algeria
 Argentina
 Liberia
 Malaysia
 Mexico
 Panama
 S. Korea
 Taiwan
 Tunisia
 Turkey

.2 to .5 kg/yr.

Bahrain
 Norway
 Portugal
 Puerto Rico
 Saudi Arabia
 South Africa
 Spain
 Sweden
 Venezuela
 Yugoslavia

Greater than 0.5 kg/yr.

Australia
 Austria
 Belgium
 Canada
 Denmark
 Eire
 Finland
 France
 Greece
 Israel
 Italy
 Japan
 Kuwait
 Netherlands
 Singapore
 Switzerland
 United Arab Emirates
 United Kingdom
 U. S.
 W. Germany
 New Zealand

88 ← EIF
89 ← FREEZE CFC
90
91
92 ← FREEZE HALONS
93 ← Δ20% CFC's
94
95
96
97
98 ← Δ50%
99