Ozone Protection Amendment Act 1995

No. 124 of 1995

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An Act to amend the *Ozone Protection Act 1989* and to repeal the *Ozone Protection (Licence Fees—Manufacture) Act 1989* and the *Ozone Protection (Licence Fees—Imports) Act 1989*, and for related purposes

[*Assented to 2 November 1995*]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Ozone Protection Amendment Act 1995*.

(2) In this Act, ***Principal Act*** means the *Ozone Protection Act 1989*.

Commencement

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Section 3 and Schedule 1 (other than item 18 of Part 1) commence on 1 January 1996.

Repeals and saving provisions

3.(1) The *Ozone Protection (Licence Fees—Manufacture) Act 1989* and the *Ozone Protection (Licence Fees—Imports) Act 1989* are repealed.

(2) Despite subsection (1), each of the Acts mentioned in that subsection, as in force immediately before 1 January 1996, continues to apply in relation to a quarter that ended before that day.

(3) Section 69 of the Principal Act, as in force immediately before 1 January 1996, continues to apply in relation to a quarter that ended before that day.

(4) Section 47 of the Principal Act, as in force immediately before 1 January 1996, continues to apply in relation to the quarter that ended immediately before that day.

(5) Section 47A of the Principal Act, as in force immediately before 1 January 1996, continues to apply in relation to the year that ended immediately before that day.

Schedules

4.(1) The Principal Act is amended in accordance with the applicable items in Schedule 1.

(2) The other items in Schedules 1 and 2 have effect according to their terms.

SCHEDULE 1

Section 4

AMENDMENTS OF THE OZONE PROTECTION ACT 1989

PART 1—GENERAL AMENDMENTS

1. Paragraph 3(a):

Omit the paragraph, substitute:

"(a) to institute, for the purpose of giving effect to Australia's obligations under the Convention and the Protocol, a system of controls on the manufacture, import and export of substances that deplete ozone in the atmosphere; and".

2. Subsection 7(1) (definition of *Protocol*):

Omit the definition, substitute:

"***Protocol*** means the Montreal Protocol on Substances that Deplete the Ozone Layer, as in force for Australia, an English text version of which is set out in Schedule 3.".

3. Subsection 7(1) (definitions of *base year, CFC quota, CFC quota period, halon quota, halon quota period, inspector, methyl chloroform quota, methyl chloroform quota period, quota activity, quota period, restricted licence* and *transitional substance*):

Omit the definitions.

4. Subsection 7(1):

Insert:

"***controlled substances licence*** means a licence under section 16 that allows the licensee to import, export and manufacture HCFCs or methyl bromide.

essential use, in relation to a stage-1 or stage-2 scheduled substance, means an essential use identified in relation to the substance by a decision adopted and in force under the Protocol.

essential uses licence means a licence under section 16 that allows the licensee to import, export or manufacture a stage-1 or stage-2 scheduled substance for essential uses.

HBFC means a hydrobromofluorocarbon referred to in Part VI of Schedule 1, whether existing alone or in a mixture.

HCFC means a hydrochlorofluorocarbon referred to in Part V of Schedule 1, whether existing alone or in a mixture.

HCFC industry limit, in relation to a particular year, means the quantity of HCFCs for that year worked out in accordance with section 24.

HCFC quota has the meaning given in subsection 8B(1).

SCHEDULE 1—continued

licence (except when used in Part IV) means a controlled substances licence, an essential uses licence or a used substances licence.

licence period means a period referred to in section 8A.

methyl bromide means the substance referred to in Part VII of Schedule 1, whether existing alone or in a mixture.

ODP tonnes has the meaning given in section 10.

officer of Customs has the same meaning as in the *Customs Act 1901*.

quota means an HCFC quota or a reserve HCFC quota.

quota period has the meaning given in section 8.

recycled stage-1 or stage-2 scheduled substances means stage-1 or stage-2 scheduled substances that are:

(a) collected from machinery, equipment or containers during servicing or before disposal of the machinery, equipment or containers; and

(b) intended to be re-used after undergoing a cleaning process.

regulated HCFC activity means the following:

(a) the manufacture of HCFCs;

(b) the import of HCFCs.

reserve HCFC quota has the meaning given in subsection 8B(2).

reserve HCFC quota limit, in relation to a particular year, means the quantity of HCFCs for that year worked out in accordance with section 25.

used substances licence means a licence under section 16 that allows the licensee to import or export recycled or used stage-1 or stage-2 scheduled substances.".

5. Section 8:

Repeal the section, substitute:

Quota periods

"8.(1) A quota period is 2 years, or such longer or shorter period (if any) as the Minister determines.

"(2) A determination under this section:

(a) must be by notice in the *Gazette*; and

(b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

"(3) The first quota period starts on the 1 January specified by the Minister under section 26.

"(4) Each quota period, except the first, starts at the end of the last preceding one.

SCHEDULE 1—continued

Licence periods

"8A.(1) For the purposes of this Act, each licence period is 2 years.

"(2) The first licence period starts on 1 January 1996.

"(3) Each licence period, except the first, starts at the end of the last preceding one.

HCFC quotas and reserve HCFC quotas

"8B.(1) An HCFC quota allocated to a licensee for a quota period is the maximum quantity of HCFCs, expressed in ODP tonnes, allowed for regulated HCFC activities carried out by the licensee during that period.

"(2) A reserve HCFC quota allocated to a licensee is the maximum quantity of HCFCs, expressed in ODP tonnes, allowed for regulated HCFC activities carried out by the licensee while the quota stays in force.".

6. Subsection 9(1):

Omit "to a scheduled substance or a transitional substance", substitute "to a scheduled substance".

Note: The heading to section 9 is altered by omitting "**and transitional substances**".

7. Paragraph 9(1)(a):

Omit "or a transitional substance, as the case may be".

8. Paragraph 9(1)(b):

Omit "or a transitional substance, as the case may be,".

9. Subsection 9(2):

Omit "or a transitional substance, as the case may be,".

10. Sections 10, 10A and 11:

Repeal the sections, substitute:

Quantities expressed in ODP tonnes

"10.(1) A reference in this Act to ODP tonnes, in relation to an HCFC, is a reference to the quantity of the HCFC that results from multiplying its mass in tonnes by its ozone depleting potential.

"(2) If a substance is or contains a mixture of 2 or more HCFCs, the quantity of the substance, expressed in ODP tonnes, is the quantity that results from adding together the quantities of each of those HCFCs, expressed in ODP tonnes.".

11. Subsection 12(1):

Omit "manufacture of scheduled substances or transitional substances", substitute "manufacture of scheduled substances".

Note: The heading to section 12 is altered by omitting "**and transitional substances**".

SCHEDULE 1—continued

12. Subsection 12(1):

Omit "or transitional substances, as the case may be," (wherever occurring).

13. Subsection 12(2):

Omit "a quantity of scheduled substances or transitional substances", substitute "a quantity of scheduled substances".

14. Subsection 12(2):

Omit "or transitional substances, as the case may be," (wherever occurring).

15. Section 12B:

After "does not apply to the" insert "import or".

Note: The heading to section 12B is altered by omitting "**export of CFCs**" and substituting "**import or export of CFCs and HCFCs**".

16. Section 12B:

After "CFC" (wherever occurring) insert "or HCFC".

17. Section 13:

Repeal the section, substitute:

Unlicensed manufacture, import or export

"13.(1) A person must not manufacture, import or export an HCFC or methyl bromide unless the person holds a controlled substances licence that allows the person to do so.

"(2) A person must not manufacture or export an HBFC.

"(3) A person must not import an HBFC unless the person holds an essential uses licence that allows the person to do so.

"(4) A person must not manufacture a stage-1 or stage-2 scheduled substance unless the person holds an essential uses licence that allows the person to do so.

"(5) A person must not import or export a stage-1 or stage-2 scheduled substance (other than a recycled or used substance) unless the person holds an essential uses licence that allows the person to do so.

"(6) A person must not import or export a recycled or used stage-1 or stage-2 scheduled substance unless the person holds a used substances licence that allows the person to do so.

Penalty: 500 penalty units.

SCHEDULE 1—continued

Licences and what they allow

"13A.(1) A person may apply to the Minister for all or any of the following licences:

(a) a controlled substances licence;

(b) an essential uses licence;

(c) a used substances licence.

"(2) A controlled substances licence allows the licensee to manufacture, import and export HCFCs or methyl bromide.

"(3) An essential uses licence allows the licensee to carry out whichever of the following activities is specified in it:

(a) manufacture specified stage-1 or stage-2 scheduled substances for essential uses;

(b) import specified stage-1 or stage-2 scheduled substances, or specified HBFCs, for essential uses;

(c) export specified stage-1 or stage-2 scheduled substances for essential uses.

"(4) A used substances licence allows the licensee to carry out whichever of the following activities is specified in it:

(a) import specified recycled or used stage-1 or stage-2 scheduled substances;

(b) export specified recycled or used stage-1 or stage-2 scheduled substances.

Application for licence

"14.(1) An application for a licence must:

(a) be in a form approved by the Minister; and

(b) be given to the Minister.

"(2) The approved form of application may provide for verification by statutory declaration of statements made in an application.".

18. Section 14:

Repeal the section.

19. Subsections 16(1) and (2):

Omit the subsections, substitute:

"(1) Subject to subsections (2), (3A) and (4), the Minister may grant a licence to a person who has applied for it in accordance with section 14.

"(2) The Minister must not grant a licence to a person unless:

(a) the person has paid the prescribed fee for the grant of the licence; or

(b) the payment of the fee by the person has been waived in accordance with the regulations.".

20. Subsection 16(3A):

Omit the subsection, substitute:

"(3) A licence (other than a controlled substances licence allowing the licensee to manufacture, import and export HCFCs) must specify:

(a) the substance or substances to which it relates; and

(b) the activities it allows, and the maximum quantities of that substance, or each of those substances, allowed for each of those activities.

"(3A) In deciding whether or not to grant a licence, the Minister:

(a) must have regard to Australia's international obligations, and the policies of the Commonwealth Government, in relation to the manufacture, importation or consumption of scheduled substances; and

(b) may have regard to any other matters he or she thinks relevant.".

21. Subsections 16(3C), (3D) and (3E):

Omit the subsections.

22. Paragraphs 16(5)(a), (b) and (c):

Add at the end "and".

23. Subsection 16(5):

Add at the end:

"; and (f) whether the person has contravened a condition of a licence; and

(g) whether the person held a licence that was cancelled under section 20.".

24. Subsections 16(8), (9) and (10):

Omit the subsections.

25. Sections 17A, 18, 18A and 19:

Repeal the sections, substitute:

Conditions of licences

"18.(1) A controlled substances licence allowing the licensee to manufacture, import and export HCFCs is subject to the following conditions:

SCHEDULE 1—continued

(a) the licensee must not engage in a regulated HCFC activity in a quota period unless the licensee has been allocated an HCFC quota for that period, or a reserve HCFC quota; and

(b) the licensee must ensure that the total quantity of HCFCs, expressed in ODP tonnes, involved in regulated HCFC activities engaged in by the licensee in that period is not more than that quota.

"(2) A licence that allows the licensee to import a scheduled substance is subject to the condition that the licensee must only import the substance from a country that is a party to the Protocol for the purposes of Part VI.

"(3) A licence that allows the licensee to export a scheduled substance is subject to the condition that the licensee must only export the substance to a country that is a party to the Protocol for the purposes of Part VI.

"(4) The Minister may, when granting a licence or at any time afterwards, impose other conditions on the licence.

"(5) A condition imposed under subsection (4) has no effect unless it is set out in the licence, or in a written notice given to the licensee.

"(6) The following are examples of the kinds of conditions the Minister may impose under subsection (4):

(a) conditions about the quantity of particular scheduled substances (except HCFCs) that the licensee may manufacture, import or export, as the case may be, during any period while the licence is in force;

(b) conditions prohibiting the licensee from doing anything otherwise covered by the licence unless the licensee also holds another type of licence;

(c) conditions about the purpose or purposes for which particular scheduled substances may be manufactured, imported or exported, as the case may be, under the licence;

(d) conditions requiring the licensee to give written reports to the Minister.

"(7) A licensee must not, without reasonable excuse, contravene a condition of his or her licence.

Penalty: 500 penalty units.

"(8) The Minister may, on his or her own initiative or on written application by the licensee, vary or revoke a condition imposed under subsection (4).

"(9) A variation or revocation of a condition must be by written notice given to the licensee.

SCHEDULE 1—continued

Duration of licences

"19.(1) A licence comes into force on the day specified in it.

"(2) A controlled substances licence stays in force until the end of the licence period in which it is granted, unless it is cancelled, or stops being in force for any other reason, before then.

"(3) An essential uses licence or a used substances licence stays in force until the end of the licence period in which it is granted, or of any shorter period specified in it, unless it is cancelled, or stops being in force for any other reason, before then.

Termination of licences

"19A.(1) The Minister may, by written notice given to a licensee, terminate all licences of the kind specified in the notice that are held by the licensee.

"(2) The Minister must not terminate a licence unless satisfied that it is necessary to do so for the purpose of giving effect to an adjustment or amendment of the Protocol.

"(3) A notice terminating a specified kind of licence takes effect on the day specified in the notice.

"(4) A notice given on the basis of an adjustment or amendment of the Protocol that has not entered into force for Australia must not specify a day earlier than the day when the adjustment or amendment enters into force for Australia.

"(5) When a notice given to a licensee takes effect, all licences of the kind specified in it that are held by the licensee stop being in force.

Transfer of licences

"19B.(1) The Minister may transfer a licence from the licensee to another person (the ***transferee***) on a joint application by the licensee and the transferee.

"(2) An application must:

(a) be in a form approved by the Minister; and

(b) be signed by both applicants; and

(c) be given to the Minister.

"(3) The approved form of application may provide for verification by statutory declaration of statements made in an application.

"(4) The Minister must not grant an application unless satisfied that the transferee is a fit and proper person to be granted a licence.

SCHEDULE 1—continued

"(5) Without limiting the matters that the Minister may take into account in determining whether a transferee is a fit and proper person for the purpose of subsection (4), the Minister must have regard to the matters mentioned in paragraphs 16(5)(a) to (g), inclusive, as affected by subsection 16(6).

"(6) A decision by the Minister transferring a licence, or refusing to transfer a licence, must be by written notice given to the applicants.

"(7) A notice of a decision refusing to transfer a licence must state the reasons for the decision.

"(8) If the Minister transfers a licence, the transferee is taken to be the licensee on and after the date of the transfer.".

26. Subsection 20(1):

Omit the subsection, substitute:

"(1) The Minister may cancel a licence if satisfied that the licensee:

(a) is no longer a fit and proper person to hold a licence; or

(b) has contravened a condition of the licence.".

27. Part IV:

Repeal the Part, substitute:

"PART IV—HCFC QUOTAS

Meaning of *licence* and *licensee*

"23. In this Part:

licence means a controlled substances licence allowing the licensee to manufacture, import and export HCFCs.

licensee means the holder of a controlled substances licence allowing the licensee to manufacture, import and export HCFCs.

How to work out HCFC industry limits

"24. For the purposes of this Part, the HCFC industry limit for a calendar year specified in column 2 of an item in the following table is the quantity of HCFCs specified in column 3 of that item.

SCHEDULE 1—continued

TABLE OF HCFC INDUSTRY LIMITS

Column 1 Item No.	Column 2 Calendar year	Column 3 HCFC industry limit Quantity of HCFCs in ODP tonnes per year
1	1996, 1997, 1998, 1999	250
2	2000, 2001	220
3	2002, 2003	190
4	2004, 2005	160
5	2006, 2007	130
6	2008, 2009	100
7	2010, 2011	70
8	2012, 2013	40
9	2014, 2015	10
10	2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029	2.5
11	2030	0

How to work out reserve HCFC quota limits

"25. For the purposes of this Part, the reserve HCFC quota limit for a calendar year specified in column 2 of an item in the following table is the quantity of HCFCs specified in column 3 of that item.

SCHEDULE 1—continued

TABLE OF RESERVE HCFC QUOTA LIMITS

Column 1 Item No.	Column 2 Calendar year	Column 3 HCFC quota limit Quantity of HCFCs in ODP tonnes per year
1	1996, 1997, 1998, 1999, 2000, 2001	50
2	2002, 2003	40
3	2004, 2005	35
4	2006, 2007	30
5	2008, 2009	20
6	2010, 2011	15
7	2012, 2013	10
8	2014, 2015	2
9	2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029	0.5
10	2030	0

Start of first HCFC quota period

"26.(1) If the Minister becomes aware that in any year (the ***base year***) the total quantity of HCFCs, expressed in ODP tonnes, involved in regulated HCFC activities engaged in by licensees is more than 90% of the HCFC industry limit for that year, the Minister must publish a notice in the *Gazette*.

"(2) A notice must:

(a) specify the 1 January next following the date of the notice as the start of the first HCFC quota period; and

(b) contain a statement to the effect that every licence is subject to the conditions mentioned in subsection 18(1) and explaining the effect of those conditions; and

(c) specify the base year to be used in allocating HCFC quotas to licensees during the first HCFC quota period.

"(3) The base year to be specified in a notice is the last calendar year before the excess year.

Application for quota

"27.(1) An application for a quota must:

(a) be in a form approved by the Minister; and

(b) be given to the Minister.

"(2) The approved form of application may provide for verification by statutory declaration of statements made in an application.

"(3) An application may only be made by a licensee.

Allocation of quota

"28.(1) Subject to this section and section 29, the Minister may, on an application made in accordance with section 27, allocate a quota to the applicant.

"(2) The Minister must determine the size of each quota in accordance with section 31 or 32, as the case requires.

"(3) In deciding whether or not to allocate a quota, the Minister:

(a) must have regard to Australia's international obligations, and the policies of the Commonwealth Government, in relation to the manufacture, importation or consumption of scheduled substances; and

(b) may have regard to any other matters he or she thinks relevant.

"(4) A quota is allocated by written notice given to the applicant.

"(5) The notice must:

(a) specify the size of the quota; and

(b) state whether it is an HCFC quota or a reserve HCFC quota; and

(c) in the case of an HCFC quota—specify the quota period for which it is allocated; and

(d) in the case of a reserve HCFC quota—specify the period (not longer than 12 months) for which it is allocated.

"(6) If the Minister refuses to allocate a quota, the Minister must notify the applicant in writing of the refusal and of the reasons for it.

Limits on power to allocate reserve HCFC quotas

"29.(1) The Minister must not allocate a reserve HCFC quota unless satisfied that exceptional circumstances exist.

SCHEDULE 1—continued

"(2) For the purposes of subsection (1), exceptional circumstances exist if, and only if:

(a) the use of the relevant HCFC is essential for medical, veterinary, defence or public safety purposes; and

(b) there is no practicable alternative to that use; and

(c) without the allocation, the HCFC will not be available, in the quantities required for that use, within a reasonable period.

"(3) The Minister must not allocate a reserve HCFC quota for a year, or part of a year, if the sum of the amounts of all other reserve HCFC quotas allocated for that year, or any part of that year, equals the reserve HCFC quota limit for that year.

Duration of quotas

"30.(1) An HCFC quota stays in force until the end of the quota period for which it is allocated, unless it stops being in force for any other reason before then.

"(2) A reserve HCFC quota stays in force until the end of the period specified in it under paragraph 28(5)(d), unless it stops being in force for any other reason before then.

HCFC quota sizes

"31.(1) The size of an HCFC quota allocated to a licensee for a quota period is to be worked out using the formula:

$$\frac{\text{ALA}}{\text{AIA}} \times \text{IL}$$

where:

ALA (amount of licensee's activities) means the sum of the quantities of HCFCs, expressed in ODP tonnes, involved in regulated HCFC activities carried out under the licence during the base year by:

(a) the licensee; or

(b) if the licence was transferred to the licensee—the licensee and the transferor.

AIA (amount of industry activities) means the sum of the quantities of HCFCs, expressed in ODP tonnes, involved in regulated HCFC activities carried out by all licensees during the base year.

IL (industry limit) means the sum of the HCFC industry limits for each year of the quota period.

"(2) In this section:

base year means:

(a) in relation to an allocation for the first HCFC quota period—the base year specified in the notice under section 26; and

(b) in relation to an allocation for any other HCFC quota period—the penultimate calendar year before the start of that quota period.

Reserve HCFC quota sizes

"32. In determining the amount of each reserve HCFC quota allocated for a year, or part of a year, the Minister must ensure that the sum of that amount and the amounts of all other reserve HCFC quotas allocated for that year, or any part of that year, is not more than the reserve HCFC quota limit for that year.

Reserve HCFC quotas: variation or revocation

"33.(1) The Minister may vary or revoke a reserve HCFC quota if satisfied that the exceptional circumstances on which its allocation was based have changed or no longer exist.

"(2) A variation or revocation takes effect when a written notice of it is given to the licensee to whom the quota was allocated.

"(3) The Minister must not vary a reserve HCFC quota allocated to a licensee by increasing the amount of the quota if the increased amount could not have been allocated to the licensee under section 29.

Quotas cease when licences cease

"34. A quota allocated to a licensee stops being in force when the licensee's licence is cancelled, or stops being in force for any other reason.

Transfer of quotas

"35.(1) If:

(a) a licensee is allocated a quota; and

(b) the Minister transfers the licence under section 19B;

the unused part of the quota is taken to have been allocated to the transferee on the date of the transfer.

"(2) A licensee may, without transferring his or her licence, transfer a quota, or part of a quota, allocated to the licensee to another licensee.

"(3) A transfer mentioned in subsection (2) has no effect until the transferor notifies the Minister of the transfer.

"(4) A notice must:

(a) state the transferee's name, address and licence number; and

(b) specify the amount of quota transferred.

SCHEDULE 1—continued

"(5) After a transfer mentioned in subsection (2) takes effect:

(a) the transferred quota, or part of a quota, is taken to have been allocated to the transferee; and

(b) if part of a quota is transferred—the transferor is taken to have been allocated the untransferred part of the quota.

"(6) A transfer mentioned in subsection (2) only has effect to the extent to which it relates to a quota that has not been used, or to an unused part of a quota.

"(7) In this section:

quota does not include a reserve HCFC quota.".

28. Subsections 38(1) and (2) (penalties):

Omit "$5,000", substitute "50 penalty units".

29. Subsection 42(1) (penalty):

Omit "$10,000", substitute "100 penalty units".

30. Subsection 42(4) (penalty):

Omit "Penalty: $10,000", substitute "Penalty for contravention of subsection (4): 100 penalty units.".

31. Subsections 43(1) and (2) (penalties):

Omit "$10,000", substitute "100 penalty units".

32. Subsections 44(1) and (5) (penalties):

Omit "$10,000", substitute "100 penalty units".

33. Subsections 45(1) and (3A) (penalties):

Omit "$10,000", substitute "100 penalty units".

34. Sections 46, 46A, 47 and 47A:

Repeal the sections, substitute:

Quarterly reports by manufacturers, importers and exporters of scheduled substances

"46.(1) Each person who manufactured, imported or exported a scheduled substance during a quarter occurring after the commencement of this section must, within 15 days after the end of the quarter, give the Minister a report, in accordance with a form approved by the Minister, specifying the following:

(a) the quantity of each scheduled substance manufactured by the person during the quarter;

(b) the quantity of each scheduled substance manufactured by the person during the quarter for use as feedstock;

(c) the quantity of each scheduled substance imported by the person during the quarter;

(d) the quantity of each scheduled substance imported by the person during the quarter, broken down by country of origin;

(e) the quantity of each scheduled substance imported by the person during the quarter for use as feedstock;

(f) the quantity of each scheduled substance exported by the person during the quarter;

(g) the quantity of each scheduled substance exported by the person during the quarter, broken down by country of destination;

(h) the quantity of each scheduled substance destroyed by the person during the quarter.

"(2) A person must not, without reasonable excuse, contravene subsection (1).

Penalty: 100 penalty units.

"(3) If:

(a) a person is required to give the Minister a report under this section in relation to a quarter; and

(b) a particular quantity mentioned in subsection (1) is a nil amount for that person in that quarter;

the person's report must say so.".

35. Section 48A:

Repeal the section, substitute:

Meaning of *inspector*

"48A. In this Part:

appointed inspector means a person appointed as an inspector under section 49.

inspector means:

(a) a member or special member of the Australian Federal Police; or

(b) an officer of Customs; or

(c) an appointed inspector.".

SCHEDULE 1—continued

36. Paragraphs 49(1)(a) and (b):

Omit the paragraphs, substitute:

"(a) an officer or employee of the Australian Public Service or any other authority of the Commonwealth; or".

37. Subsection 50(1):

Omit the subsection, substitute:

"(1) The Minister may cause an identity card to be issued to each appointed inspector.

"(1A) An identity card must be in a form approved by the Minister and have on it a recent photograph of the person to whom it is issued.".

38. Subsection 50(2):

After "ceases to be an" insert "appointed".

39. Subsection 50(3):

Omit "$100", substitute "1 penalty unit".

40. Paragraphs 51(3)(a) and (b):

Omit the paragraphs, substitute:

"(a) the occupier of the premises has required the inspector to produce, for the occupier's inspection, evidence of the inspector's identity; and

(b) the inspector fails to produce his or her identity card, or written evidence identifying the inspector as a member or special member of the Australian Federal Police or an officer of Customs, as the case may be.".

41. Subsection 54(2):

Omit "his or her identity card for inspection by the person", substitute ", for inspection by the person, his or her identity card, or written evidence identifying the inspector as a member or special member of the Australian Federal Police or an officer of Customs, as the case may be".

42. Subsection 62(1):

Omit "for, or an application for the renewal or variation of, a licence or a quota, or in relation to an application for an exemption under section 40,", substitute "made under this Act".

43. Subsection 62(3) (penalty):

Omit the penalty, substitute:

"Penalty: Imprisonment for 2 years.".

SCHEDULE 1—continued

44. Subsection 62(4):

Omit "restricted".

45. Paragraphs 66(aa) and (b):

Omit the paragraphs, substitute:

"(b) a decision imposing, revoking or varying a condition under section 18;

(ba) a decision terminating a licence under section 19A;

(bb) a decision refusing to transfer a licence under section 19B;".

46. Paragraphs 66(e), (f) and (fa):

Omit the paragraphs, substitute:

"(e) a decision varying or revoking a reserve HCFC quota under section 33;".

47. Subsection 67A(1):

Omit "all or any of the Minister's powers under section 19, 34, 49, 50 or 61.", substitute "all or any of the following:

(a) the power to approve forms for the purposes of subsections 14(1), 19B(2), 27(1), 46(1) and 50(1A);

(b) the power to vary a reserve HCFC quota under section 33 by reducing the amount of the quota;

(c) the power to appoint a person as an inspector under section 49;

(d) the power to issue an identity card under section 50;

(e) the power to give directions under section 61.".

48. Subsection 67A(2):

Omit the subsection.

49. Subsection 69(4):

Omit the subsection, substitute:

"(4) In this section:

licence fee means a fee payable under the *Ozone Protection (Licence Fees—Manufacture) Act 1995* or the *Ozone Protection (Licence Fees—Imports) Act 1995*.".

50. Schedule 1:

Add at the end:

SCHEDULE 1—continued

"PART V—HCFCs

Column 1 Substance	Column 2 Ozone depleting potential
$CHFCl_2$ (HCFC-21)	0.04
CHF_2Cl_2 (HCFC-22)	0.055
CH_2FCl (HCFC-31)	0.02
C_2HFCl_4 (HCFC-121)	0.04
$C_2HF_2Cl_3$ (HCFC-122)	0.08
$C_2HF_3Cl_2$ (HCFC-123)	0.06
$CHCl_2CF_3$ (HCFC-123)	0.02
C_2HF_4Cl (HCFC-124)	0.04
$CHFClCF_3$ (HCFC-124)	0.022
$C_2H_2FCl_3$ (HCFC-131)	0.05
$C_2H_2F_2Cl_2$ (HCFC-132)	0.05
$C_2H_2F_3Cl$ (HCFC-133)	0.06
$C_2H_3FCl_2$ (HCFC-141)	0.07

SCHEDULE 1—continued

PART V—HCFCs—continued

Column 1 Substance	Column 2 Ozone depleting potential
CH_3CFCl_2 (HCFC-141b)	0.11
$C_2H_3F_2Cl$ (HCFC-142)	0.07
CH_3CF_2Cl (HCFC-142b)	0.065
C_2H_4FCl (HCFC-151)	0.005
C_3HFCl_6 (HCFC-221)	0.07
$C_3HF_2Cl_5$ (HCFC-222)	0.09
$C_3HF_3Cl_4$ (HCFC-223)	0.08
$C_3HF_4Cl_3$ (HCFC-224)	0.09
$C_3HF_5Cl_2$ (HCFC-225)	0.07
$CF_3CF_2CHCl_2$ (HCFC-225ca)	0.025
CF_2ClCF_2CHClF (HCFC-225cb)	0.033
C_3HF_6Cl (HCFC-226)	0.1
$C_3H_2FCl_5$ (HCFC-231)	0.09
$C_3H_2F_2Cl_4$ (HCFC-232)	0.1

SCHEDULE 1—continued

PART V—HCFCs—continued

Column 1 Substance	Column 2 Ozone depleting potential
$C_3H_2F_3Cl_3$ (HCFC-233)	0.23
$C_3H_2F_4Cl_2$ (HCFC-234)	0.28
$C_3H_2F_5Cl$ (HCFC-235)	0.52
$C_3H_3FCl_4$ (HCFC-241)	0.09
$C_3H_3F_2Cl_3$ (HCFC-242)	0.13
$C_3H_3F_3Cl_2$ (HCFC-243)	0.12
$C_3H_3F_4Cl$ (HCFC-244)	0.14
$C_3H_4FCl_3$ (HCFC-251)	0.01
$C_3H_4F_2Cl_2$ (HCFC-252)	0.04
$C_3H_4F_3Cl$ (HCFC-253)	0.03
$C_3H_5FCl_2$ (HCFC-261)	0.02
$C_3H_5F_2Cl$ (HCFC-262)	0.02
C_3H_6FCl (HCFC-271)	0.03

SCHEDULE 1—continued

PART VI—HBFCs

Column 1 Substance	Column 2 Ozone depleting potential
$CHFBr_2$	1.00
CHF_2Br (HBFC-22B1)	0.74
CH_2FBr	0.73
C_2HFBr_4	0.8
$C_2HF_2Br_3$	1.8
$C_2HF_3Br_2$	1.6
C_2HF_4Br	1.2
$C_2H_2FBr_3$	1.1
$C_2H_2F_2Br_2$	1.5
$C_2H_2F_3Br$	1.6
$C_2H_3FBr_2$	1.7
$C_2H_3F_2Br$	1.1
C_2H_4FBr	0.1
C_3HFBr_6	1.5
$C_3HF_2Br_5$	1.9
$C_3HF_3Br_4$	1.8
$C_3HF_4Br_3$	2.2
$C_3HF_5Br_2$	2.0
C_3HF_6Br	3.3
$C_3H_2FBr_5$	1.9
$C_3H_2F_2Br_4$	2.1
$C_3H_2F_3Br_3$	5.6
$C_3H_2F_4Br_2$	7.5
$C_3H_2F_5Br$	1.4
$C_3H_3FBr_4$	1.9

SCHEDULE 1—continued

PART VI—HBFCs—continued

Column 1 Substance	Column 2 Ozone depleting potential
$C_3H_3F_2Br_3$	3.1
$C_3H_3F_3Br_2$	2.5
$C_3H_3F_4Br$	4.4
$C_3H_4FBr_3$	0.3
$C_3H_4F_2Br_2$	1.0
$C_3H_4F_3Br$	0.8
$C_3H_5FBr_2$	0.4
$C_3H_5F_2Br$	0.8
C_3H_6FBr	0.7

PART VII
Methyl bromide

Column 1 Substance	Column 2 Ozone depleting potential
CH_3Br	0.7

".

51. Schedule 3:

Repeal the Schedule, substitute:

"**SCHEDULE 3** Section 7

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

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,

SCHEDULE 1—continued

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,

Recognising 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:

SCHEDULE 1—continued

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 in Annex A, Annex B, Annex C or Annex E to this Protocol, 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.

ARTICLE 2: CONTROL MEASURES

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

3 and 4. Replaced in Article 2A.

5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2E, and Article 2H provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

SCHEDULE 1—continued

5 bis. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the Secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1 (6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article and Articles 2A to 2H provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2H.

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

   (c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol and have notified the Secretariat of their manner of implementation.

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

(i) Adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex C and/or Annex E should be made and, if so, what the adjustments should be; and

(ii) Further adjustments and reductions of production or consumption of the controlled substances 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.

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 2H Parties may take more stringent measures than those required by this Article and Articles 2A to 2H.

INTRODUCTION TO THE ADJUSTMENTS

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

SCHEDULE 1—continued

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

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

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

ARTICLE 2A: CFCs

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.
2. Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve-month control period for these controlled substances shall run from 1 January to 31 December each year.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2B: HALONS

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

SCHEDULE 1—continued

ARTICLE 2C: OTHER FULLY HALOGENATED CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

SCHEDULE 1—continued

ARTICLE 2D: CARBON TETRACHLORIDE

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989.

   However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

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

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

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

SCHEDULE 1—continued

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production for 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2F: HYDROCHLOROFLUOROCARBONS

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the sum of:
   (a) Three point one per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and
   (b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the sum referred to in paragraph 1 of this Article.

SCHEDULE 1—continued

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-five per cent of the sum referred to in paragraph 1 of this Article.
4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article.
5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, zero point five per cent of the sum referred to in paragraph 1 of this Article.
6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero.
7. As of 1 January 1996, each Party shall endeavour to ensure that:
   (a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;
   (b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and
   (c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

ARTICLE 2G: HYDROBROMOFLUOROCARBONS

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances

does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

ARTICLE 2H: METHYL BROMIDE

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

ARTICLE 3: CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2, 2A to 2H and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C or Annex E determine its calculated levels of:

(a) Production by:

(i) multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A, Annex B, Annex C or Annex E;

(ii) adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, mutatis mutandis, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

ARTICLE 4: CONTROL OF TRADE WITH NON-PARTIES

1. 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.

SCHEDULE 1—continued

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

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

2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol.

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

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

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

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

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

SCHEDULE 1—continued

4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 bis. Within five years of the date of the entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex B. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 ter. Within five years of the date of entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of Annex C. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A and B and Group II of Annex C.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances in Annexes A and B and Group II of Annex C.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A and B and Group II of Annex C.

8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 1 bis, 3, 3 bis, 4, and 4 bis and exports referred to in paragraphs 1 to 4 ter of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2E, Article 2G and this Article, and have submitted data to that effect as specified in Article 7.

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

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

ARTICLE 5: SPECIAL SITUATION OF DEVELOPING COUNTRIES

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter 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, provided that any further amendments to the adjustments or Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

1 bis. The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

SCHEDULE 1—continued

(a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;

(b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

(c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of controlled substances of Annex B of 0.2 kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

(a) For controlled substances under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.

(b) For controlled substances under Annex B, the average of its annual calculated level of consumption for the period 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2H become applicable to it, finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties, which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.

5. Developing the capacity to fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article, and their implementation by those same Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and the transfer of technology as provided by Article 10A.
6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E, or any or all obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article, due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties, which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.
7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article 8 shall not be invoked against the notifying Party.
8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.
9. Decisions of the Parties referred to in paragraph 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

ARTICLE 6: ASSESSMENT AND REVIEW OF CONTROL MEASURES

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2H on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within

one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties.

ARTICLE 7: REPORTING OF DATA

1. Each Party shall provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.
2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances,
   - in Annexes B and C, for the year 1989;
   - in Annex E, for the year 1991,

   or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C and E respectively enter into force for that Party.
3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C and E and, separately, for each substance,
   - amounts used for feedstocks,
   - amounts destroyed by technologies approved by the Parties, and
   - imports from and exports to Parties and non-Parties respectively,

   for the year during which provisions concerning the substances in Annexes A, B, C and E respectively entered into force for that Party and for each year thereafter. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

3 bis. Each Party shall provide to the Secretariat separate statistical data of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

4. For Parties operating under the provisions of paragraph 8 (a) of Article 2, the requirements in paragraphs 1, 2, 3 and 3 bis of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

ARTICLE 8: NON-COMPLIANCE

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

ARTICLE 9: RESEARCH, DEVELOPMENT, PUBLIC AWARENESS AND EXCHANGE OF INFORMATION

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:
   (a) best technologies for improving the containment, recovery, recycling, or destruction of controlled substances or otherwise reducing their emissions;
   (b) possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and
   (c) costs and benefits of relevant control strategies.
2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.
3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the Secretariat a summary of the activities it has conducted pursuant to this Article.

ARTICLE 10: FINANCIAL MECHANISM

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E, and any control

measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of Article 5 of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.
3. The Multilateral Fund shall:
   (a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;
   (b) Finance clearing-house functions to:
      (i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;
      (ii) Facilitate technical co-operation to meet these identified needs;
      (iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and
      (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;
   (c) Finance the secretarial services of the Multilateral Fund and related support costs.
4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.
5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and

assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.

6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:
   (a) Strictly relates to compliance with the provisions of this Protocol;
   (b) Provides additional resources; and
   (c) Meets agreed incremental costs.
7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.
8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.
9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting.
10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

ARTICLE 10A: TRANSFER OF TECHNOLOGY

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

(a) that the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and

(b) that the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

ARTICLE 11: MEETINGS OF THE PARTIES

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.
2. Subsequent ordinary meetings of the parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. The Parties, at their first meeting, shall:
   (a) adopt by consensus rules of procedure for their meetings;
   (b) adopt by consensus the financial rules referred to in paragraph 2 of Article 13;
   (c) establish the panels and determine the terms of reference referred to in Article 6; and
   (d) consider and approve the procedures and institutional mechanisms specified in Article 8.
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 subparagraph (c) of Article 12;

(g) assess, in accordance with Article 6, the control measures;

(h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;

(i) consider and adopt the budget for implementing this Protocol; and

(j) consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

ARTICLE 12: SECRETARIAT

For the purposes of this Protocol, the Secretariat shall:

(a) arrange for and service meetings of the Parties as provided for in Article 11;

(b) receive and make available, upon request by a Party, data provided pursuant to Article 7;

(c) prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

(d) notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;

(e) encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;

(f) provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-party observers; and

(g) perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

ARTICLE 13: FINANCIAL PROVISIONS

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.
2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

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.

SCHEDULE 1—continued

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 Articles 2A to 2H and Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

ARTICLE 18: RESERVATIONS

No reservations may be made to this Protocol.

ARTICLE 19: WITHDRAWAL

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 1—continued

Annex A

CONTROLLED SUBSTANCES

Group	Substance	Ozone Depleting Potential*/
Group I		
$CFCl_3$	(CFC-11)	1.0
CF_2Cl_2	(CFC-12)	1.0
$C_2F_3Cl_3$	(CFC-113)	0.8
$C_2F_4Cl_2$	(CFC-114)	1.0
C_2F_5Cl	(CFC-115)	0.6
Group II		
CF_2BrCl	(halon-1211)	3.0
CF_3Br	(halon-1301)	10.0
$C_2F_4Br_2$	(halon-2402)	6.0

*/ These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

Annex B

CONTROLLED SUBSTANCES

Group	Substance	Ozone-depleting potential
Group I		
CF_3Cl	(CFC-13)	1.0
C_2FCl_5	(CFC-111)	1.0
$C_2F_2Cl_4$	(CFC-112)	1.0
C_3FCl_7	(CFC-211)	1.0
$C_3F_2Cl_6$	(CFC-212)	1.0
$C_3F_3Cl_5$	(CFC-213)	1.0
$C_3F_4Cl_4$	(CFC-214)	1.0
$C_3F_5Cl_3$	(CFC-215)	1.0
$C_3F_6Cl_2$	(CFC-216)	1.0
C_3F_7Cl	(CFC-217)	1.0
Group II		
CCl_4	carbon tetrachloride	1.1
Group III		
$C_2H_3Cl_3$*	1,1,1-trichloroethane (methyl chloroform)	0.1

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

SCHEDULE 1—continued

Annex C

CONTROLLED SUBSTANCES

Group	Substance	Number of Isomers	Ozone Depleting Potential*
Group I			
$CHFCl_2$	(HCFC-21)**	1	0.04
CHF_2Cl_2	(HCFC-22)**	1	0.055
CH_2FCl	(HCFC-31)	1	0.02
C_2HFCl_4	(HCFC-121)	2	0.01 – 0.04
$C_2HF_2Cl_3$	(HCFC-122)	3	0.02 – 0.08
$C_2HF_3Cl_2$	(HCFC-123)	3	0.02 – 0.06
$CHCl_2CF_3$	(HCFC-123)**	–	0.02
C_2HF_4Cl	(HCFC-124)	2	0.02 – 0.04
$CHFClCF_3$	(HCFC-124)**	–	0.022
$C_2H_2FCl_3$	(HCFC-131)	3	0.007 – 0.05
$C_2H_2F_2Cl_2$	(HCFC-132)	4	0.008 – 0.05
$C_2H_2F_3Cl$	(HCFC-133)	3	0.02 – 0.06
$C_2H_3FCl_2$	(HCFC-141)	3	0.005 – 0.07
CH_3CFCl_2	(HCFC-141b)**	–	0.11
$C_2H_3F_2Cl$	(HCFC-142)	3	0.008 – 0.07
CH_3CF_2Cl	(HCFC-142b)**	–	0.065
C_2H_4FCl	(HCFC-151)	2	0.003 – 0.005
C_3HFCl_6	(HCFC-221)	5	0.015 – 0.07
$C_3HF_2Cl_5$	(HCFC-222)	9	0.01 – 0.09
$C_3HF_3Cl_4$	(HCFC-223)	12	0.01 – 0.08
$C_3HF_4Cl_3$	(HCFC-224)	12	0.01 – 0.09
$C_3HF_5Cl_2$	(HCFC-225)	9	0.02 – 0.07
$CF_3CF_2CHCl_2$	(HCFC-225ca)**	–	0.025
CF_2ClCF_2CHClF	(HCFC-225cb)**	–	0.033
C_3HF_6Cl	(HCFC-226)	5	0.02 – 0.10

SCHEDULE 1—continued

ANNEX C—continued

Group	Substance	Number of Isomers	Ozone Depletlng Potential*
$C_3H_2FCl_5$	(HCFC-231)	9	0.05 – 0.09
$C_3H_2F_2Cl_4$	(HCFC-232)	16	0.008 – 0.10
$C_3H_2F_3Cl_3$	(HCFC-233)	18	0.007 – 0.23
$C_3H_2F_4Cl_2$	(HCFC-234)	16	0.01 – 0.28
$C_3H_2F_5Cl$	(HCFC-235)	9	0.03 – 0.52
$C_3H_3FCl_4$	(HCFC-241)	12	0.004 – 0.09
$C_3H_3F_2Cl_3$	(HCFC-242)	18	0.005 – 0.13
$C_3H_3F_3Cl_2$	(HCFC-243)	18	0.007 – 0.12
$C_3H_3F_4Cl$	(HCFC-244)	12	0.009 – 0.14
$C_3H_4FCl_3$	(HCFC-251)	12	0.001 – 0.01
$C_3H_4F_2Cl_2$	(HCFC-252)	16	0.005 – 0.04
$C_3H_4F_3Cl$	(HCFC-253)	12	0.003 – 0.03
$C_3H_5FCl_2$	(HCFC-261)	9	0.002 – 0.02
$C_3H_5F_2Cl$	(HCFC-262)	9	0.002 – 0.02
C_3H_6FCl	(HCFC-271)	5	0.001 – 0.03
Group II			
$CHFBr_2$		1	1.00
CHF_2Br	(HBFC-22B1)	1	0.74
CH_2FBr		1	0.73
C_2HFBr_4		2	0.3 – 0.8
$C_2HF_2Br_3$		3	0.5 – 1.8
$C_2HF_3Br_2$		3	0.4 – 1.6
C_2HF_4Br		2	0.7 – 1.2
$C_2H_2FBr_3$		3	0.1 – 1.1
$C_2H_2F_2Br_2$		4	0.2 – 1.5
$C_2H_2F_3Br$		3	0.7 – 1.6
$C_2H_3FBr_2$		3	0.1 – 1.7

SCHEDULE 1—continued

ANNEX C—continued

Group	Substance	Number of Isomers	Ozone Depleting Potential*
$C_2H_3F_2Br$		3	0.2 – 1.1
C_2H_4FBr		2	0.07 – 0.1
C_3HFBr_6		5	0.3 – 1.15
$C_3HF_2Br_5$		9	0.2 – 1.9
$C_3HF_3Br_4$		12	0.3 – 1.8
$C_3HF_4Br_3$		12	0.5 – 2.2
$C_3HF_5Br_2$		9	0.9 – 2.0
C_3HF_6Br		5	0.7 – 3.3
$C_3H_2FBr_5$		9	0.1 – 1.9
$C_3H_2F_2Br_4$		16	0.2 – 2.1
$C_3H_2F_3Br_3$		18	0.2 – 5.6
$C_3H_2F_4Br_2$		16	0.3 – 7.5
$C_3H_2F_5Br$		8	0.9 – 1.4
$C_3H_3FBr_4$		12	0.08 – 1.9
$C_3H_3F_2Br_3$		18	0.1 – 3.1
$C_3H_3F_3Br_2$		18	0.1 – 2.5
$C_3H_3F_4Br_2$		12	0.3 – 4.4
$C_3H_4FBr_3$		12	0.03 – 0.3
$C_3H_4F_2Br$		16	0.1 – 1.0
$C_3H_4F_3Br$		12	0.07 – 0.8
$C_3H_5FBr_2$		9	0.04 – 0.4
$C_3H_5F_2Br$		9	0.07 – 0.8
C_3H_6FBr		5	0.02 – 0.7

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

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

SCHEDULE 1—continued

Annex D*

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

	PRODUCTS	CUSTOMS CODE NO.
1.	Automobile and truck air conditioning units (whether incorporated in vehicles or not)	.....
2.	Domestic and commercial refrigeration and air conditioning/heat pump equipment***	.....
	e.g. Refrigerators	.....
	Freezers	.....
	Dehumidifiers	.....
	Water coolers	.....
	Ice machines	.....
	Air conditioning and heat pump units	.....
3.	Aerosol products, except medical aerosols	.....
4.	Portable fire extinguisher	.....
5.	Insulation boards, panels and pipe covers	.....
6.	Pre-polymers	.....

* This Annex was adopted by the Third Meeting of the Parties in Nairobi, 21 June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

*** When containing controlled substances in Annex A as a refrigerant and/or in insulating material of the product.

Annex E

CONTROLLED SUBSTANCE

Group	Substance	Ozone Depleting Potential
Group I		
CH_3Br	methyl bromide	0.7

".

SCHEDULE 1—continued

52. Schedule 4:

Add at the end:

Products containing halon

"6. A person must not manufacture or import a product that contains a halon.

Rigid polyurethane foam product

"7. A person must not manufacture or import a rigid polyurethane foam product if the product is intended for use as packaging and:

(a) the product contains a stage-1 or stage-2 scheduled substance; or

(b) a stage-1 or stage-2 scheduled substance was used in the manufacture of the product.

Moulded flexible polyurethane foam

"8. A person must not manufacture moulded flexible polyurethane foam if:

(a) the foam contains a stage-1 or stage-2 scheduled substance; or

(b) a stage-1 or stage-2 scheduled substance is used in the manufacture of the foam.

Disposable containers of refrigerants

"9. A person must not manufacture or import a product consisting wholly or partly of a non-refillable container if:

(a) the product contains a CFC; and

(b) the product is designed for use in the maintenance of refrigerative units (including air conditioning units).

Refrigeration and air conditioning equipment

"10.(1) A person must not manufacture or import refrigeration or air conditioning equipment if:

(a) the equipment is charged with a CFC refrigerant; or

(b) the equipment may only operate by using a CFC refrigerant; or

(c) the equipment is insulated with foam manufactured with a CFC.

"(2) Subclause (1) does not apply to refrigerated transport containers (including insulated shipping containers and air freight containers to which refrigerated clip on units are attached).

"(3) In subclause (2):

refrigerated clip on unit means a refrigeration unit that can be attached to an insulated container where the container does not have an integrated refrigeration system.".

SCHEDULE 1—continued

PART 2—AMENDMENTS ESTABLISHING THE OZONE PROTECTION RESERVE

53. The Financial Management and Accountability Act

In this Part:

Financial Management and Accountability Act means the Act that may be cited as:

(a) the *Financial Management and Accountability Act 1995*; or

(b) the *Financial Management and Accountability Act 1996*;

as the case requires.

54. Application of Part

This Part applies if the Financial Management and Accountability Act commences on or before 1 January 1996.

55. New Part VIIIA

If this Part applies, the Principal Act is amended by inserting after Part VIII the following Part:

"PART VIIIA—OZONE PROTECTION RESERVE

Ozone Protection Reserve

"65A. In this Part:

Reserve means the Ozone Protection Reserve established by subsection 65B(1).

Establishment of Reserve

"65B.(1) This subsection establishes a reserve called the Ozone Protection Reserve.

"(2) The Reserve is a component of the Reserved Money Fund.

Payments into Reserve

"65C. There are to be paid into the Reserve out of the Consolidated Revenue Fund amounts equal to:

(a) amounts received by the Commonwealth as fees for the grant of licences under this Act; and

(b) amounts received by the Commonwealth as fees under the *Ozone Protection (Licence Fees—Manufacture) Act 1995* and the *Ozone Protection (Licence Fees—Imports) Act 1995*; and

(c) amounts received by the Commonwealth as fees under the *Ozone Protection (Licence Fees—Manufacture) Act 1989* and the *Ozone Protection (Licence Fees—Imports) Act 1989*, as continued in operation in relation to a quarter ending before 1 January 1996; and

SCHEDULE 1—continued

(d) amounts received by the Commonwealth as penalties under subsection 69(2) of this Act; and

(e) interest received by the Commonwealth from the investment of money from the Reserve.

Purposes of the Reserve

"65D. The purposes of the Reserve are:

(a) reimbursing the Commonwealth for costs associated with:

(i) furthering the HCFC and methyl bromide phaseout programs; and

(ii) providing information about those programs; and

(iii) the administration of the licensing and quota systems established by this Act; and

(b) refunding any amounts paid into the Reserve in error.".

SCHEDULE 1—continued

PART 3—AMENDMENTS ESTABLISHING THE OZONE PROTECTION TRUST FUND

56. The Financial Management and Accountability Act

In this Part:

Financial Management and Accountability Act means the Act that may be cited as:

(a) the *Financial Management and Accountability Act 1995*; or

(b) the *Financial Management and Accountability Act 1996*;

as the case requires.

57. Application of Part

This Part applies if the Financial Management and Accountability Act does not commence on or before 1 January 1996.

58. New Part VIIIA

If this Part applies, the Principal Act is amended by inserting after Part VIII the following Part:

"PART VIIIA—OZONE PROTECTION TRUST FUND

Ozone Protection Trust Fund

"65A. In this Part:

Fund means the Ozone Protection Trust Fund established by subsection 65B(1).

Establishment of Fund

"65B.(1) This subsection establishes a fund called the Ozone Protection Trust Fund.

"(2) The Fund is a Trust Account for the purposes of section 62A of the *Audit Act 1901*.

Payments into Fund

"65C.(1) There are to be paid into the Fund out of the Consolidated Revenue Fund amounts equal to:

(a) amounts received by the Commonwealth as fees for the grant of licences under this Act; and

(b) amounts received by the Commonwealth as fees under the *Ozone Protection (Licence Fees—Manufacture) Act 1995* and the *Ozone Protection (Licence Fees—Imports) Act 1995*; and

SCHEDULE 1—continued

(c) amounts received by the Commonwealth as fees under the *Ozone Protection (Licence Fees—Manufacture) Act 1989* and the *Ozone Protection (Licence Fees—Imports) Act 1989*, as continued in operation in relation to a quarter ending before 1 January 1996; and

(d) amounts received by the Commonwealth as penalties under subsection 69(2) of this Act; and

(e) interest received by the Commonwealth from the investment of money from the Fund.

"(2) The Consolidated Revenue Fund is appropriated for the purposes of subsection (1).

Purposes of the Fund

"65D. The purposes of the Fund are:

(a) reimbursing the Commonwealth for costs associated with:

(i) furthering the HCFC and methyl bromide phaseout programs; and

(ii) providing information about those programs; and

(iii) the administration of the licensing and quota systems established by this Act; and

(b) refunding any amounts paid into the Fund in error.".

SCHEDULE 1—continued

PART 4—AMENDMENTS OF PART VIIIA OF OZONE PROTECTION ACT

59. The Financial Management and Accountability Act

In this Part:

Financial Management and Accountability Act means the Act that may be cited as:

(a) the *Financial Management and Accountability Act 1995*; or

(b) the *Financial Management and Accountability Act 1996*;

as the case requires.

60. Application of Part

This Part applies if:

(a) the Principal Act is amended by Part 3 of this Schedule; and

(b) the Financial Management and Accountability Act commences after 1 January 1996.

61. Amendments of Part VIIIA

If this Part applies, the following items in this Part have effect on the day on which the Financial Management and Accountability Act commences.

62. Heading to Part VIIIA:

Omit "**TRUST FUND**", substitute "**RESERVE**".

63. Sections 65A and 65B:

Repeal the sections, substitute:

Definitions

"65A. In this Part:

Reserve means the Ozone Protection Reserve established by subsection 65B(1).

Transitional Provisions Act means the Act that may be cited as:

(a) the *Audit (Transitional and Miscellaneous) Amendment Act 1995*; or

(b) the *Audit (Transitional and Miscellaneous) Amendment Act 1996*;

as the case requires.

Establishment of Reserve

"65B.(1) This subsection establishes a reserve called the Ozone Protection Reserve.

"(2) The Reserve is a component of the Reserved Money Fund.

SCHEDULE 1—continued

"(3) On the commencement of this section, any money in the Ozone Protection Trust Fund must be transferred to the Reserve.

"(4) The Trust Fund established by the *Audit Act 1901* is appropriated for the purposes of this section.

"(5) Subsection 7(4) of the Transitional Provisions Act does not apply in relation to money in the Ozone Protection Trust Fund.".

64. Subsection 65C(1):

Omit "the Fund" (wherever occurring), substitute "the Reserve".

Note: The heading to section 65C is altered by omitting "**Fund**" and substituting "**Reserve**".

65. Subsection 65C(2):

Omit the subsection.

66. Section 65D:

Omit "Fund" (wherever occurring), substitute "Reserve".

Note: The heading to section 65D is altered by omitting "**Fund**" and substituting "**Reserve**".

SCHEDULE 2

Section 4

TRANSITIONAL AND SAVING PROVISIONS

1. Definitions

In this Schedule:

transitional period means the period that starts on the day on which this Act receives the Royal Assent and ends on 1 January 1996.

2. Existing licences to stop being in force

All licences granted under the Principal Act and in force immediately before 1 January 1996 stop being in force on that day.

3. Applications for licences before 1 January 1996

An application for a controlled substances licence, an essential uses licence or a used substances licence may be made during the transitional period as if all the items in Part 1 of Schedule 1 had commenced.

4. Determination of applications

The Minister may decide an application made during the transitional period as if:

(a) all the items in Part 1 of Schedule 1 had commenced; and

(b) the application had been made under the Principal Act as amended by this Act; and

(c) any regulations made for the purposes of subsection 16(2) of the Principal Act, as amended by this Act, had commenced.

5. Licences granted before 1 January 1996

A licence granted by the Minister during the transitional period:

(a) comes into force on 1 January 1996, or on such later day (if any) as is specified in it; and

(b) is taken, on and after 1 January 1996, to have been granted under section 16 of the Principal Act, as amended by this Act, during the licence period that starts on that day.

6. Conditions may be imposed

The Minister may during the transitional period impose conditions on a licence granted during that period as if all of the items in Part 1 of Schedule 1 had commenced.

7. Application of Principal Act, as amended, to decisions of Minister

The Principal Act, as amended by this Act, applies in relation to a decision by the Minister made during the transitional period:

SCHEDULE 2—continued

(a) refusing to grant a licence; or

(b) imposing a condition on a licence granted during that period;

as if all the items in Part 1 of Schedule 1 had commenced.

[*Minister's second reading speech made in—*
House of Representatives on 29 August 1995
Senate on 18 September 1995]