

Legge 17 febbraio 2001, n. 35

Ratifica ed esecuzione degli Emendamenti al Protocollo di Montreal sulle sostanze che riducono lo strato di ozono, adottati durante la IX Conferenza delle Parti a Montreal il 15-17 novembre 1997 ⁽²⁾.

Gazzetta Ufficiale del 7 marzo 2001, n. 55.

(2) *Comunicato 15 giugno 2001* del Ministero degli affari esteri (Gazz. Uff. 15 giugno 2001, n. 137) **Entrata in vigore dell'emendamento al protocollo di Montreal sulle sostanze che riducono lo strato di ozono, adottati durante la IX Conferenza delle parti a Montreal il 15, 17 novembre 1997.**

1. 1. Il Presidente della Repubblica è autorizzato a ratificare gli Emendamenti al Protocollo di Montreal sulle sostanze che riducono lo strato di ozono, adottati durante la IX Conferenza delle Parti a Montreal il 15-17 novembre 1997.

2. 1. Piena ed intera esecuzione è data agli Emendamenti di cui all'articolo 1, a decorrere dalla data della loro entrata in vigore, in conformità a quanto disposto dagli stessi.

3. 1. La presente legge entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale.

Allegato

(C.N. 468.1997.TREATIES-4/7 Annex)

Decision IX/1. Further adjustments with regard to Annex A substances

To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Ninth Meeting of the Parties;

Decision IX/2. Further adjustments with regard to Annex B substances

To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Ninth Meeting of the Parties;

Decision IX/3. Further adjustments and reductions with regard to the Annex E substance

To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex E to the Protocol, as set out in annex III to the report of the Ninth Meeting of the Parties;

Decision IX/4. Further Amendment of the Protocol

To adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex IV to the report of the Ninth Meeting of the Parties;

Annex I

Adjustments agreed at the ninth meeting of the parties relating to controlled substances in Annex A

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (a) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

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

Annex II

Adjustments agreed at the ninth meeting of the parties relating to controlled substances in Annex B

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (c) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

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

Annex III

Adjustments agreed at the ninth meeting of the parties relating to the controlled substance in Annex E

A. Article 2H: Methyl bromide

1. Paragraphs 2 to 4 of Article 2H of the Protocol shall be replaced by the following paragraphs:

2. Each Party shall ensure that for the twelve-month period commencing on 1° January 1999, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of 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, seventy-five per cent of 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.

3. Each Party shall ensure that for the twelve-month period commencing on 1° January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of 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, fifty per cent of 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.

4. Each Party shall ensure that for the twelve-month period commencing on 1° January 2003, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent of 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, thirty per cent of 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.

5. Each Party shall ensure that for the twelve-month period commencing on 1° January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E 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 1991. 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 critical uses.

2. Paragraph 5 of Article 2H of the Protocol shall become paragraph 6.

B. Article 5, paragraph 8-ter (d)

1. The following shall be inserted after paragraph 8-ter (d) (i) of Article 5 of the Protocol:

(ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1° January 2005, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1° January 2015 and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled

substance in Annex E do 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 critical uses;

2. Paragraph 8-ter (d) (ii) of Article 5 of the Protocol shall become paragraph 8-ter (d) (iv).

Annex IV

Amendment to the Montreal protocol adopted by the ninth meeting of the parties

Article 1: Amendment

A. Article 4, paragraph 1 *qua*.

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

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

B. Article 4, paragraph 2 *qua*.

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

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

C. Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

and Group II of Annex C

there shall be substituted:

Group II of Annex C and Annex E

D. Article 4, paragraph 8

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

Article 2G

there shall be substituted:

Articles 2G and 2H

E. Article 4A: Control of trade with Parties

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

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

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

F. Article 4B: Licensing

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

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.

2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1° January 2005 and 1° January 2002, respectively.

3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.

4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

Article 2: Relationship to the 1992 amendment

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

Article 3: Entry into force

1. This Amendment shall enter into force on 1° January 1999, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

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

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