

2. f) Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer

Kigali, 15 October 2016

ENTRY INTO FORCE: 1 January 2019, in accordance with article IV , paragraphs 1 and 2, with the exception of the changes to article 4 of the Protocol set out in article I of the Amendment which will enter into force on 1 January 2033. After the entry into force of the Amendment, as provided under paragraphs 1 and 2 of article IV, 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.

REGISTRATION: 1 January 2019, No. 26369.

STATUS: Parties: 133.

TEXT: See the text of the Amendment in: C.N.872.2016.TREATIES-XXVII.2.f of 23 November 2016 (Adoption of amendment); C.N.730.2017.TREATIES-XXVII.2.f of 20 November 2017 (Entry into force). C.N.72.2018.TREATIES-XXVII.2.f of 9 February 2018 (Proposal of corrections to the French and Spanish authentic texts of the Amendment) and C.N.245.2018.TREATIES-XXVII.2.f of 17 May 2018 (Corrections); C.N.118.2018.TREATIES-XXVII.2.f of 2 March 2018 (Proposal of correction to article 3 (2) of the Amendment) and C.N.278.2018.TREATIES-XXVII.2.f of 4 June 2018 (Correction); C.N.232.2018.TREATIES-XXVII.2.f of 7 May 2018 (Proposal of corrections to the Chinese and French authentic texts of the Amendment) and CN.379.2018.TREATIES-XXVII.2.f of 14 August 2018 (Corrections).

Note: At the Twenty-Eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held in Kigali from 10 to 15 October 2016, the Parties adopted, in accordance with the procedure laid down in paragraph 4 of article 9 of the 1985 Vienna Convention for the Protection of the Ozone Layer, a further amendment to the Montreal Protocol as set out in Annex I to the report of the Twenty-Eighth Meeting of the Parties (Decision XXVIII/1).

<i>Participant</i>	<i>Provisional application under Article V</i>	<i>Acceptance(A), Ratification, Approval(AA)</i>	<i>Participant</i>	<i>Provisional application under Article V</i>	<i>Acceptance(A), Ratification, Approval(AA)</i>
Albania.....		18 Jan 2019	Cambodia.....		8 Apr 2021 A
Andorra.....		23 Jan 2019 A	Cameroon.....		24 Aug 2021
Angola		16 Nov 2020	Canada		3 Nov 2017
Argentina		22 Nov 2019	Chad.....		26 Mar 2019
Armenia		2 May 2019 A	Chile.....		19 Sep 2017
Australia.....		27 Oct 2017 A	China.....		17 Jun 2021 A
Austria		27 Sep 2018	Colombia		25 Feb 2021
Bangladesh.....		8 Jun 2020	Comoros.....		16 Nov 2017
Barbados		19 Apr 2018	Cook Islands		22 Aug 2019 A
Belgium		4 Jun 2018	Costa Rica.....		23 May 2018
Benin.....		19 Mar 2018	Côte d'Ivoire		29 Nov 2017 A
Bhutan.....		27 Sep 2019	Croatia		6 Dec 2018
Bolivia (Plurinational State of).....		9 Oct 2020	Cuba.....		20 Jun 2019
Bosnia and Herzegovina.....		26 May 2021	Cyprus.....		22 Jul 2019
Botswana		19 Sep 2020 A	Czech Republic.....		27 Sep 2018 A
Bulgaria		1 May 2018	Democratic People's Republic of Korea....		21 Sep 2017
Burkina Faso.....		26 Jul 2018	Denmark ¹		6 Dec 2018 AA
Burundi		26 Mar 2021	Dominican Republic		14 Apr 2021 A
Cabo Verde.....		28 Oct 2020	Ecuador.....		22 Jan 2018

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El Salvador		13 Sep 2021 A	Micronesia (Federated States of)		12 May 2017
Estonia		27 Sep 2018	Montenegro.....		23 Apr 2019
Eswatini		24 Nov 2020 A	Morocco.....		22 Apr 2022
Ethiopia.....		5 Jul 2019	Mozambique		16 Jan 2020
European Union.....		27 Sep 2018 AA	Namibia		16 May 2019 A
Fiji		16 Jun 2020	Netherlands ²		8 Feb 2018 A
Finland.....		14 Nov 2017 A	New Zealand ³		3 Oct 2019
France		29 Mar 2018 AA	Nicaragua.....		30 Sep 2020
Gabon.....		28 Feb 2018 A	Niger.....		29 Aug 2018
Gambia.....		5 May 2021	Nigeria		20 Dec 2018
Germany		14 Nov 2017 A	Niue		24 Apr 2018
Ghana.....		2 Aug 2019	North Macedonia		12 Mar 2020
Greece.....		5 Oct 2018	Norway		6 Sep 2017
Grenada.....		29 May 2018	Palau		29 Aug 2017
Guinea.....		5 Dec 2019	Panama.....		28 Sep 2018
Guinea-Bissau.....		22 Oct 2018	Paraguay		1 Nov 2018 A
Holy See		17 Jun 2020	Peru.....		7 Aug 2019
Honduras.....		28 Jan 2019	Poland		7 Jan 2019
Hungary		14 Sep 2018 AA	Portugal.....		17 Jul 2018 AA
Iceland		25 Jan 2021 A	Romania.....		1 Jul 2020 A
India.....		27 Sep 2021	Russian Federation		3 Oct 2020 A
Ireland.....		12 Mar 2018	Rwanda		23 May 2017
Italy		25 May 2022	Samoa		23 Mar 2018
Japan		18 Dec 2018 A	San Marino		20 Oct 2020 A
Jordan.....		16 Oct 2019	Sao Tome and Principe..		4 Oct 2019
Kiribati.....		26 Oct 2018	Senegal.....		31 Aug 2018
Kyrgyzstan.....		8 Sep 2020	Serbia.....		8 Oct 2021
Lao People's Democratic Republic		16 Nov 2017 A	Seychelles		20 Aug 2019 A
Latvia.....		17 Aug 2018	Sierra Leone.....		15 Jun 2020
Lebanon		5 Feb 2020	Slovakia		16 Nov 2017
Lesotho		7 Oct 2019	Slovenia		7 Dec 2018
Liberia.....		12 Jul 2020	Solomon Islands		23 May 2022
Liechtenstein.....		16 Sep 2020	Somalia		27 Nov 2019
Lithuania.....		24 Jul 2018	South Africa.....		1 Aug 2019
Luxembourg.....		16 Nov 2017	Spain	20 Jan 2022	
Malawi.....		21 Nov 2017	Sri Lanka.....		28 Sep 2018
Malaysia.....		21 Oct 2020	St. Lucia.....		2 Nov 2021
Maldives		13 Nov 2017	Sweden.....		17 Nov 2017
Mali.....		31 Mar 2017 A	Switzerland		7 Nov 2018
Marshall Islands.....		15 May 2017	Syrian Arab Republic ...		5 Apr 2021
Mauritius.....		1 Oct 2019	Togo.....		8 Mar 2018 A
Mexico		25 Sep 2018 A	Tonga.....		17 Sep 2018
			Trinidad and Tobago		17 Nov 2017

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Tunisia		27 Aug 2021	United Republic of Tanzania.....		25 Mar 2022
Turkey.....		10 Nov 2021	Uruguay		12 Sep 2018
Turkmenistan.....		31 Aug 2020	Vanuatu.....		20 Apr 2018
Tuvalu.....		21 Sep 2017	Viet Nam.....		27 Sep 2019 AA
Uganda.....		21 Jun 2018	Zambia.....		15 Mar 2021
United Kingdom of Great Britain and Northern Ireland ⁴		14 Nov 2017			

CHINA

I. Article 5 of the Montreal Protocol on Substances that Deplete the Ozone Layer shall not apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

II. In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the above-mentioned Amendment shall apply to the Macao Special Administrative Region of the People's Republic of China, and unless otherwise notified by the Government of the People's Republic of China, shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China.

EUROPEAN UNION

Declaration by the European Union in conformity with Article 13 (3) of the Vienna Convention for the protection of the ozone layer concerning the extent of its competence with respect to the matters covered by the Convention and by the Montreal Protocol on substances that deplete the ozone layer.

The following States are at present Members of the European Union: the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

In accordance with the Treaty on the Functioning of the European Union, and in particular Article 192 (1) thereof, the Union has competence for entering into international agreements, and for implementing the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

1. preserving, protecting and improving the quality of the environment;
2. protecting human health;
3. prudent and rational utilisation of natural resources;

4. promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

The Union has exercised its competence in the area covered by the Vienna Convention and the Montreal Protocol by adopting legal instruments, in particular Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (recast)¹, replacing earlier legislation for the protection of the ozone layer, and of Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006². The Union is competent for the performance of those obligations from the Vienna Convention and the Montreal Protocol regarding which the provisions of Union legal instruments, in particular those mentioned above, establish common rules and if and insofar as such common rules are affected or altered in scope by provisions of the Vienna Convention or the Montreal Protocol or an act adopted in implementation thereof; otherwise the Union's competence continues to be shared between the Union and its Member States.

The exercise of competences by the European Union pursuant to the Treaties is, by its nature, subject to continuous development. The Union therefore reserves the right to adjust this Declaration.

In the field of research, as referred to by the Convention, the Union has competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence does not result in Member States being prevented from exercising theirs.

HOLY SEE

“In ratifying the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, the Holy See desires to encourage the entire international community to be resolute in promoting authentic cooperation between politics, science, economics, and civil society. Such cooperation, as has been shown in the case of the international ozone regime, «can achieve important outcomes, which make it simultaneously possible to safeguard creation, to promote integral human development and to care for the common good, in a spirit of responsible solidarity and with profound positive repercussions for present and future generations» (Holy See's Declaration Attached to the Instrument of Accession to the Vienna Convention, the Montreal Protocol and its four Amendments, 9 April 2008). The international ozone regime has demonstrated that «we have the freedom needed to limit and direct technology; we can put it at the service of another type of progress, one which is healthier, more human, more social, more integral» (Pope

Francis, Encyclical Letter *Laudato Si'*, 18 May 2015, n. 112).

In conformity with its own nature and with the particular character of Vatican City State, the Holy See, by means of the solemn act of ratification, intends to give its own support to the commitment of States to the correct and effective implementation of the ozone regime and to care for our common home. To this end, it wishes to acknowledge the fact that «the continued acceleration of changes affecting humanity and our planet, coupled today with a more intense pace of life and work, should constantly urge us to ask whether the goals of this progress are truly directed to the common good and to a

sustainable and integral human development, or whether they cause harm to our world and to the quality of life of much of humanity, now and in the future» (Message of His Holiness Pope Francis to the XXXI Meeting of the Parties to the Montreal Protocol, 7 November 2019).”

TURKEY

Turkey’s ratification of [t]he Kigali Amendment (2016) ... to the Montreal Protocol agreed by the Twenty-Eighth Meeting of the Parties should in no way be construed as implying any obligation on the part of Turkey to enter into any dealing with the countries that Turkey has no diplomatic relations within the framework of UN Environment Programme activities.

Notes:

¹ With territorial exclusion in respect of Greenland. See C.N.578.2018.TREATIES-XXVII.2.f of 6 December 2018.

² For the European Part of the Netherlands.

³ With a territorial exclusion in respect of Tokelau. See C.N.490.2019.TREATIES-XXVII.2.f of 3 October 2019.

⁴ On 18 October 2019, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following notification:

“... the Government of the United Kingdom of Great Britain and Northern Ireland hereby extends the application of the United Kingdom’s ratification of the Kigali Amendment to Gibraltar, for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland hereby declares that the Kigali Amendment shall be extended to Gibraltar as from the date of receipt of this declaration.”

On 25 February 2021, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that the Amendment would extend to the territory of the Isle of Man as follows:

“... the Government of the United Kingdom of Great Britain and Northern Ireland hereby extends the application of the United Kingdom’s ratification of the... Kigali [Amendment] to the Montreal Protocol to the territory of the Isle of Man for the international relations of which the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the... Kigali [Amendment] to the Montreal Protocol to the territory of the Isle of Man to be effective on the day of receipt of this notification...”

