

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: 159.

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 C.N.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	Bulgaria		1 May 2018
Andorra.....		23 Jan 2019 A	Burkina Faso.....		26 Jul 2018
Angola		16 Nov 2020	Burundi		26 Mar 2021
Argentina		22 Nov 2019	Cabo Verde.....		28 Oct 2020
Armenia		2 May 2019 A	Cambodia.....		8 Apr 2021 A
Australia.....		27 Oct 2017 A	Cameroon.....		24 Aug 2021
Austria		27 Sep 2018	Canada		3 Nov 2017
Bahamas.....		30 May 2023	Chad.....		26 Mar 2019
Bangladesh.....		8 Jun 2020	Chile.....		19 Sep 2017
Barbados		19 Apr 2018	China.....		17 Jun 2021 A
Belarus		3 Nov 2022	Colombia		25 Feb 2021
Belgium		4 Jun 2018	Comoros.....		16 Nov 2017
Belize.....		3 Oct 2023 AA	Congo.....		16 Jun 2022
Benin.....		19 Mar 2018	Cook Islands		22 Aug 2019 A
Bhutan.....		27 Sep 2019	Costa Rica.....		23 May 2018
Bolivia (Plurinational State of).....		9 Oct 2020	Côte d'Ivoire		29 Nov 2017 A
Bosnia and Herzegovina		26 May 2021	Croatia		6 Dec 2018
Botswana		19 Sep 2020 A	Cuba.....		20 Jun 2019
Brazil		19 Oct 2022 A	Cyprus.....		22 Jul 2019
			Czech Republic.....		27 Sep 2018 A

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Democratic People's Republic of Korea....		21 Sep 2017	Liberia.....		12 Jul 2020
Denmark ¹		6 Dec 2018 AA	Liechtenstein.....		16 Sep 2020
Djibouti.....		8 Mar 2024	Lithuania.....		24 Jul 2018
Dominican Republic.....		14 Apr 2021 A	Luxembourg.....		16 Nov 2017
Ecuador.....		22 Jan 2018	Malawi.....		21 Nov 2017
Egypt.....		22 Aug 2023	Malaysia.....		21 Oct 2020
El Salvador.....		13 Sep 2021 A	Maldives.....		13 Nov 2017
Eritrea.....		7 Feb 2023	Mali.....		31 Mar 2017 A
Estonia.....		27 Sep 2018	Marshall Islands.....		15 May 2017
Eswatini.....		24 Nov 2020 A	Mauritius.....		1 Oct 2019
Ethiopia.....		5 Jul 2019	Mexico.....		25 Sep 2018 A
European Union.....		27 Sep 2018 AA	Micronesia (Federated States of).....		12 May 2017
Fiji.....		16 Jun 2020	Mongolia.....		27 Jul 2022
Finland.....		14 Nov 2017 A	Montenegro.....		23 Apr 2019
France.....		29 Mar 2018 AA	Morocco.....		22 Apr 2022
Gabon.....		28 Feb 2018 A	Mozambique.....		16 Jan 2020
Gambia.....		5 May 2021	Namibia.....		16 May 2019 A
Georgia.....		11 Jul 2023 A	Nauru.....		3 Nov 2022
Germany.....		14 Nov 2017 A	Netherlands (Kingdom of the) ²		8 Feb 2018 A
Ghana.....		2 Aug 2019	New Zealand ³		3 Oct 2019
Greece.....		5 Oct 2018	Nicaragua.....		30 Sep 2020
Grenada.....		29 May 2018	Niger.....		29 Aug 2018
Guatemala.....		11 Jan 2024	Nigeria.....		20 Dec 2018
Guinea.....		5 Dec 2019	Niue.....		24 Apr 2018
Guinea-Bissau.....		22 Oct 2018	North Macedonia.....		12 Mar 2020
Holy See.....		17 Jun 2020	Norway.....		6 Sep 2017
Honduras.....		28 Jan 2019	Palau.....		29 Aug 2017
Hungary.....		14 Sep 2018 AA	Panama.....		28 Sep 2018
Iceland.....		25 Jan 2021 A	Paraguay.....		1 Nov 2018 A
India.....		27 Sep 2021	Peru.....		7 Aug 2019
Indonesia.....		14 Dec 2022	Philippines.....		3 Nov 2022
Ireland.....		12 Mar 2018	Poland.....		7 Jan 2019
Italy.....		25 May 2022	Portugal.....		17 Jul 2018 AA
Japan.....		18 Dec 2018 A	Republic of Korea.....		19 Jan 2023
Jordan.....		16 Oct 2019	Republic of Moldova.....		22 Sep 2023 A
Kenya.....		22 Sep 2023 A	Romania.....		1 Jul 2020 A
Kiribati.....		26 Oct 2018	Russian Federation.....		3 Oct 2020 A
Kyrgyzstan.....		8 Sep 2020	Rwanda.....		23 May 2017
Lao People's Democratic Republic.....		16 Nov 2017 A	Samoa.....		23 Mar 2018
Latvia.....		17 Aug 2018	San Marino.....		20 Oct 2020 A
Lebanon.....		5 Feb 2020	Sao Tome and Principe..		4 Oct 2019
Lesotho.....		7 Oct 2019	Senegal.....		31 Aug 2018
			Serbia.....		8 Oct 2021

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Seychelles		20 Aug 2019 A	Trinidad and Tobago		17 Nov 2017
Sierra Leone.....		15 Jun 2020	Tunisia		27 Aug 2021
Singapore		1 Jun 2022	Türkiye.....		10 Nov 2021
Slovakia		16 Nov 2017	Turkmenistan.....		31 Aug 2020
Slovenia		7 Dec 2018	Tuvalu.....		21 Sep 2017
Solomon Islands		23 May 2022	Uganda.....		21 Jun 2018
Somalia		27 Nov 2019	United Arab Emirates ...		19 Apr 2024 A
South Africa.....		1 Aug 2019	United Kingdom of Great Britain and Northern Ireland ⁴		14 Nov 2017
Spain	20 Jan 2022	9 Jun 2023 A	United Republic of Tanzania.....		25 Mar 2022
Sri Lanka.....		28 Sep 2018	United States of America.....		31 Oct 2022
St. Lucia.....		2 Nov 2021	Uruguay		12 Sep 2018
St. Vincent and the Grenadines		7 Nov 2022	Vanuatu.....		20 Apr 2018
Sweden.....		17 Nov 2017	Venezuela (Bolivarian Republic of)		5 Dec 2022
Switzerland		7 Nov 2018	Viet Nam.....		27 Sep 2019 AA
Syrian Arab Republic ...		5 Apr 2021	Zambia		15 Mar 2021
Tajikistan		29 Jun 2022	Zimbabwe		18 Oct 2022 A
Thailand.....		3 Apr 2024			
Togo.....		8 Mar 2018 A			
Tonga.....		17 Sep 2018			

Declarations

(Unless otherwise indicated, the declarations were made upon acceptance, approval or ratification.)

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).”

TÜRKIYE

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...”

