


THIRTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }

6 FEB -8 P2:18

SENATE

P.S. RES. NO. 438

RECEIVED BY: 

Prepared by the Committee on Foreign Relations

**RESOLUTION**  
**CONCURRING IN THE RATIFICATION OF THE BEIJING AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER**

**WHEREAS**, the Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer was adopted at the Eleventh Meeting of the Parties to the Montreal Protocol held in Beijing, China on 3 December 1991;

**WHEREAS**, the Beijing Amendment, consisting of three (3) articles, aims to strengthen the control procedures under the Montreal Protocol on Substances that Deplete the Ozone Layer which was concluded in 1987;

**WHEREAS**, the Philippines ratified the Montreal Protocol on Substances that Deplete the Ozone Layer in 1991. The 1990 London Amendment and the 1992 Copenhagen Amendments were also ratified in 1993 and 2001, respectively;

**WHEREAS**, the Beijing Amendment provides for the inclusion of bromochloromethane in the list of controlled substances. It also introduces production and consumption control for bromochloromethane, production controls for HCFCs and reporting requirements for methyl bromide for quarantine and pre-shipment applications;

**WHEREAS**, under the Beijing Amendment, no State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Ninth Meeting of the Parties in Montreal on 17 September 1997;

**WHEREAS**, Article 3, Paragraph 1 of the Beijing Amendment provides that it shall enter into force on 1 January 2001, provided that at least twenty (20) 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 (90<sup>th</sup>) day following the date on which it has been fulfilled. After its entry into force, the Amendment, in accordance with Article 3(3), shall enter into force for any other Party to the Protocol on the ninetieth (90<sup>th</sup>) day following the date of deposit of its instrument of ratification, acceptance or approval;

**WHEREAS**, to date, 83 out of the 188 signatories to the Protocol have ratified this Amendment. Malaysia is the only country in the South East Asia who has ratified this Amendment. The United States also ratified this Amendment in October 2003;

**WHEREAS**, in the hearing conducted by the Senate Committee on Foreign Relations on 1 December 2005, concerned government agencies, such as the

Department of Foreign Affairs (DFA) and Department of Environment and Natural Resources (DENR), and concerned non-government organizations (NGOs), such as the Philippine Network on Climate Change, strongly supported for Senate concurrence on the Amendment;

**WHEREAS**, pursuant to Section 21, Article VII of the 1987 Philippine Constitution, *"No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate"*;

**NOW, THEREFORE**, be it resolved that the Senate of the Philippines concur as it hereby concurs in the ratification of the Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer.

Adopted,

  
**MIRIAM DEFENSOR SANTIAGO**  
Chairperson

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Reference: C N 1231 1999 TREATIES-1 (Depositary Notification)

MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE  
LAYER, MONTREAL, 16 SEPTEMBER 1987

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES  
THAT DEplete THE OZONE LAYER

BEIJING, 3 DECEMBER 1999

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary,  
communicates the following

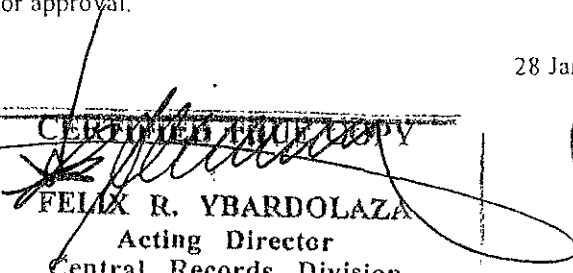
At the Eleventh Meeting of the Parties to the above Protocol, held in Beijing from  
29 November to 3 December 1999, the Parties adopted, in accordance with the procedure laid down in  
article 9, paragraph 4 of the 1985 Vienna Convention for the Protection of the Ozone Layer, the  
Amendment to the Montreal Protocol as set out in Annex V to the report of the Eleventh Meeting of  
the Parties (Decision XI/5)

The text of the above Amendment, in the six official languages of its conclusion, is attached  
as an Annex to this notification.

In accordance with its article 3, paragraph 1, the Amendment shall enter into force on  
1 January 2001, 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

After its entry into force, the Amendment, in accordance with its article 3, paragraph 3, 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.

28 January 2000

  
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FELIX R. YBARDOLAZA  
Acting Director  
Central Records Division  
Department of Foreign Affairs

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C.N.1231.1999.TREATIES-1 (Annex)

Decision XIV *Further Amendment of the Montreal 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 V to the report of the Eleventh Meeting of the Parties:

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*[Handwritten Signature]*  
FELIX R. YBARDOLAZA  
Acting Director  
Central Records Division  
Department of Foreign Affairs

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D. Article 2I

The following Article shall be inserted after Article 2H of the Protocol:

**Article 2I: Bromochloromethane**

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelve-month period thereafter, its calculated level of consumption and production of the controlled substance in Group III of Annex C 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.

E. Article 3

In Article 3 of the Protocol, for the words:

Articles 2, 2A to 2H

there shall be substituted:

Articles 2, 2A to 2I

F. Article 4, paragraphs 1quin. and 1sex.

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 1 *qua*:

1 *quin.* As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of Annex C from any State not party to this Protocol.

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

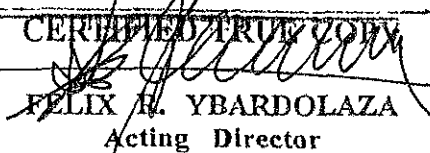
G. Article 4, paragraphs 2 quin. and 2 sex.

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 2 *qua*:

2 *quin.* As of 1 January 2004, each Party shall ban the export of the controlled substances in Group I of Annex C to any State not party to this Protocol.

2 *sex.* Within one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Group III of Annex C to any State not party to this Protocol.

H. Article 4, paragraphs 5 to 7

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FELIX H. YBARDOLAZA  
Acting Director  
Central Records Division  
Department of Foreign Affairs

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L. Article 5, paragraph 8 ter (a)

The following sentence shall be added at the end of subparagraph 8 *ter* (a) of Article 5 of the Protocol:

As of 1 January 2016 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 8 of Article 2F and, as the basis for its compliance with these control measures, it shall use the average of its calculated levels of production and consumption in 2015;

M. Article 6

In Article 6 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

N. Article 7, paragraph 2

In paragraph 2 of Article 7 of the Protocol, for the words:

Annexes B and C

there shall be substituted:

Annex B and Groups I and II of Annex C

O. Article 7, paragraph 3

The following sentence shall be added after the first sentence of paragraph 3 of Article 7 of the Protocol:

Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications.

P. Article 10

In paragraph 1 of Article 10 of the Protocol, for the words:

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

CERTIFIED TRUE COPY

*[Signature]*

FELIX R. YBARDOLAZA  
 Acting Director  
 Central Records Division  
 Department of Foreign Affairs

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Article 3: Entry into force

1. This Amendment shall enter into force on 1 January 2001, 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.

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*[Signature]*  
HELIX R. YBARDOLAZA  
Acting Director  
Central Records Division  
Department of Foreign Affairs

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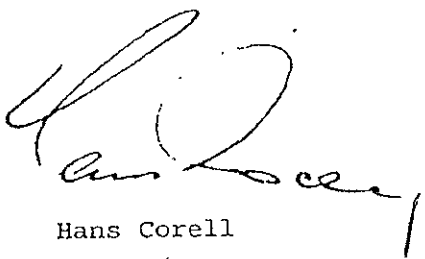
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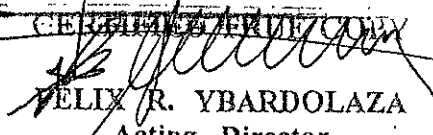
I hereby certify that the foregoing text is a true copy of the Amendment, adopted on 3 December 1999 at the Eleventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, which was held in Beijing, China, from 29 November 1999 to 3 December 1999.

Je certifie que le texte qui précède est une copie conforme de l'Amendement adopté le 3 décembre 1999 à la Onzième Réunion des Parties au Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone, tenue à Beijing, Chine, du 29 novembre 1999 au 3 décembre 1999.

For the Secretary-General,  
The Legal Counsel  
(Under-Secretary-General  
for Legal Affairs)

Pour le Secrétaire général,  
Le Conseiller juridique  
(Secrétaire général adjoint  
aux affaires juridiques)

  
Hans Corell

~~CERTIFIED TRUE COPY~~  
  
FELIX R. YBARDOLAZA  
Acting Director  
Central Records Division  
Department of Foreign Affairs

OCT 02 2003

United Nations, New York  
28 January 2000

Organisation des Nations Unies  
New York, le 28 janvier 2000