

A RESOLUTION

Ratifying the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer.

1 WHEREAS, the FSM is a Party to the Vienna Convention for the
2 Protection of the Ozone Layer, which entered into force on
3 September 22, 1988, and which has as its objective the protection
4 of the earth's ozone layer through precautionary measures to
5 control global emissions of substances that deplete the ozone
6 layer; and

7 WHEREAS, the FSM is a Party to the Montreal Protocol to the
8 Vienna Convention, which entered into force on January 1, 1989,
9 and which regulates the production and use of chlorofluorocarbons
10 (CFCs), halons and carbon tetrachloride as gases known to deplete
11 the ozone layer; and

12 WHEREAS, amendments to the Montreal Protocol were adopted on
13 June 29, 1990, at the Second Meeting of the Parties to the
14 Montreal Protocol in London, and entered into force on August 10,
15 1992 (the "London Amendment"); and

16 WHEREAS, the London Amendment includes controls on ten other
17 fully-halogenated CFCs as well as carbon tetrachloride and methyl
18 chloroform under the Montreal Protocol, strengthens provisions on
19 the transfer of technology and funding to enable developing
20 countries to comply with the Protocol, and establishes schedules
21 for the phasing out of production and consumption of these

1 controlled substances; and

2 WHEREAS, further amendments to the Montreal Protocol were
3 adopted at the Fourth Meeting of the Parties to the Montreal
4 Protocol in Copenhagen, and entered into force on June 14, 1994
5 (the "Copenhagen Amendment"); and

6 WHEREAS, the Copenhagen Amendment includes controls on
7 hydrochlorofluorocarbons (HCFCs), hydrobromofluorocarbons (HBFCs)
8 and methyl bromide under the Montreal Protocol, and establishes
9 schedules for the phasing out of production and consumption of
10 these controlled substances; and

11 WHEREAS, further amendments to the Montreal Protocol were
12 adopted at the Ninth Meeting of the Parties to the Montreal
13 Protocol in Montreal, and entered into force on November 10, 1999
14 (the "Montreal Amendment"); and

15 WHEREAS, the Montreal Amendment incorporates new provisions
16 requiring that:

17 (1) if after the phase-out date for a certain controlled
18 substance, a Party cannot comply with its obligations under the
19 Protocol, it shall cease domestic production, other than for
20 essential uses, and ban the export of used, recycled and reclaimed
21 quantities of that substance;

22 (2) each Party shall establish and implement a system for
23 licensing the import and export of new, used and recycled and
24 reclaimed controlled substances; and

1 (3) there shall be a trade ban on the import and export of
2 methyl bromide to non-Parties to the Copenhagen Amendment
3 beginning November 10, 2000; and

4 WHEREAS, further amendments to the Montreal Protocol were
5 adopted at the Eleventh Meeting of the Parties to the Montreal
6 Protocol in Beijing, which have not yet entered into force (the
7 "Beijing Amendment"); and

8 WHEREAS, the Beijing Amendment introduces new controls on
9 the production of HCFCs, and introduces new controls on
10 bromochloromethane, including a phase-out of both production
11 and consumption by January 1, 2002; and

12 WHEREAS, the continued availability to the Federated
13 States of Micronesia of substances that are controlled by the
14 Protocol is currently necessary for certain applications, such
15 as the use of methyl bromide for quarantine control fumigation;
16 and

17 WHEREAS, the FSM supports the goals of the London,
18 Copenhagen, Montreal and Beijing Amendments to the Montreal
19 Protocol, and through accession will maintain certain
20 importation privileges and other benefits available only to
21 Parties that have acceded to these Amendments; now, therefore,

22 BE IT RESOLVED by the Twelfth Congress of the Federated
23 States of Micronesia, Second Regular Session, 2001, that pursuant
24 to article IX, section 2(b) of the Constitution of the Federated
25 States of Micronesia, the Congress hereby ratifies the London,
26 Copenhagen, Montreal and Beijing Amendments to the Montreal

1 Protocol; and

2 BE IT FURTHER RESOLVED that certified copies of this
3 resolution be transmitted to the President of the Federated States
4 of Micronesia, to the Secretary of Foreign Affairs for the
5 preparation and deposit of an appropriate instrument of accession
6 pursuant to the provisions of the Montreal Protocol and its
7 amendments, to the Secretary of Economic Affairs, to the Secretary
8 of Health, Education and Social Affairs, to the Secretary of
9 Finance and Administration, to the Governor of each State and to
10 each State Environmental Protection Agency or duly designated
11 State entity responsible for environmental protection.

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13 Date: 10/11/01

Introduced by: /s/ Joseph J. Urusemal
Joseph J. Urusemal
(by request)

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