



## FIRST EXTRAORDINARY MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL: 24-26 MARCH 2004

The first Extraordinary Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (ExMOP) opens today in Montreal, Canada. Delegates will consider items that were not resolved at the Fifteenth Meeting of the Parties to the Montreal Protocol (MOP-15), which took place from 10-14 November 2003 in Nairobi, Kenya. These items relate to methyl bromide, an ozone-depleting substance (ODS) used as a pesticide. Issues include: further specific interim reductions; nomination for critical-use exemptions (CUEs); conditions for granting CUEs; and consideration of the work procedures of the Methyl Bromide Technical Options Committee (MTOC) relating to the evaluation of critical-use nominations (CUNs).

### A BRIEF HISTORY OF THE OZONE REGIME

Concerns that the Earth's stratospheric ozone layer could be at risk from chlorofluorocarbons (CFCs) and other anthropogenic substances were first raised in the early 1970s. At that time, scientists warned that the release of these substances into the atmosphere could deplete the ozone layer, thus hindering its ability to prevent harmful ultraviolet (UV-B) rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, as well as harm humans through higher rates of skin cancers, cataracts and weakened immune systems. In response to this growing concern, the United Nations Environment Programme (UNEP) convened a conference in March 1977 that adopted a World Plan of Action on the Ozone Layer and established a Coordinating Committee to guide future international action.

**VIENNA CONVENTION:** In May 1981, the UNEP Governing Council launched negotiations on an international agreement to protect the ozone layer and, in March 1985, the Vienna Convention for the Protection of the Ozone Layer was adopted. The Convention called for cooperation on monitoring, research and data exchange, but did not impose obligations to reduce ODS use. To date, the Convention has 187 Parties.

**MONTREAL PROTOCOL:** Efforts to negotiate binding obligations on ODSs continued, leading to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer in September 1987. The Montreal Protocol introduced control measures for some CFCs and halons for developed countries (non-Article 5 Parties). Developing countries (Article 5 Parties) were granted a grace period allowing them to increase their use of these

ODSs before taking on commitments. To date, the Protocol has 186 Parties. Since 1987, several amendments and adjustments to the Protocol have been adopted, with amendments adding new obligations and additional ODSs, and adjustments tightening existing control schedules. Amendments require ratification by a defined number of Parties before they enter into force, while adjustments enter into force automatically.

**LONDON AMENDMENT AND ADJUSTMENTS:** Delegates to MOP-2, which took place in London in 1990, tightened control schedules and agreed to add ten more CFCs to the list of ODSs, as well as carbon tetrachloride (CTC) and methyl chloroform. To date, 171 Parties have ratified the London Amendment. In addition, MOP-2 established the Multilateral Fund for the Implementation of the Montreal Protocol. The Fund meets the incremental costs of developing country implementation of the Protocol's control measures and finances clearing-house functions, including technical assistance, information, training and costs of the Fund's Secretariat. The Fund is replenished every three years, and has disbursed over US\$1.3 billion since its establishment.

**COPENHAGEN AMENDMENT AND ADJUSTMENTS:** At MOP-4, held in Copenhagen in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons (HBFCs) and hydrochlorofluorocarbons (HCFCs). MOP-4 also agreed to enact non-compliance procedures, including the establishment of an Implementation Committee. The Implementation Committee examines cases of possible non-compliance by Parties and the circumstances surrounding these, and makes recommendations to the MOP aimed at bringing about full compliance. To date, 159 Parties have ratified the Copenhagen Amendment.

**MONTREAL AMENDMENT AND ADJUSTMENTS:** At MOP-9, held in Montreal in 1997, in addition to further tightening existing control schedules, delegates agreed to a new licensing system for the import and export of ODSs. They also agreed to a ban on trade in methyl bromide with non-Parties to the Copenhagen Amendment. To date, 113 Parties have ratified the Montreal Amendment.

**BEIJING AMENDMENT AND ADJUSTMENTS:** At MOP-11, held in Beijing in 1999, delegates agreed to controls on HCFC production and bromochloromethane (BCM), and to reporting on methyl bromide for quarantine and pre-shipment applications. To date, 66 Parties have ratified the Beijing Amendment. In addition, MOP-11 agreed to replenish the Multilateral Fund with US\$477.7 million for the triennium 2000-2002.

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**MOP-12:** MOP-12 took place in Ouagadougou, Burkina Faso in 2000. MOP-12 decisions included: a correction to the Beijing Adjustments; measures to phase out CFC-based metered-dose inhalers (MDIs); and monitoring of international trade. MOP-12 also adopted the Ouagadougou Declaration, which encourages Parties to, *inter alia*: take steps to prevent illegal production, consumption and trade in ODSs and ODS-containing equipment and products; and harmonize customs codes.

**MOP-13:** MOP-13, held in Colombo, Sri Lanka, in 2001, adopted decisions on: the terms of reference for a study by the Technology and Economic Assessment Panel (TEAP) on the 2003-2005 replenishment of the Multilateral Fund; monitoring of international trade and prevention of illegal trade in ODSs; and other issues. MOP-13 also adopted the Colombo Declaration, which encourages Parties to, *inter alia*: apply due care in using substances that may have ODP; and determine and use available, accessible and affordable alternatives and technologies that minimize environmental harm while protecting the ozone layer.

**MOP-14:** MOP-14 convened in Rome, Italy in 2002. Delegates adopted 46 decisions, covering such matters as the Multilateral Fund's fixed-exchange-rate mechanism, compliance issues, phase-out of CFC-based MDIs, and interaction with the World Trade Organization. MOP-14 agreed to replenish the Multilateral Fund with US\$573 million for 2003-2005. Delegates also considered the phase-out of methyl bromide, the destruction of ODSs, and synergies between ozone depletion and climate change.

**MOP-15:** MOP-15 convened in Nairobi, Kenya, in November 2003. MOP-15 adopted a number of decisions, including on: implications of entry into force of the Beijing Amendment, particularly as it relates to hydrochlorofluorocarbons (HCFCs); status of destruction technologies for ODSs and the code of good house-keeping; handling of ODSs in foams and industry plants; and compliance issues. Parties could not reach agreement on four items relating to methyl bromide and decided to continue their consideration at an extraordinary MOP.

**CURRENT ODS CONTROL SCHEDULES:** Regarding the ODS control schedules resulting from the various amendments and adjustments to the Montreal Protocol, non-Article 5 Parties were required to phase out: halons by 1994; CFCs, CTC, methyl chloroform and HBFCs by 1996; and BCM by 2002. They must still phase out: methyl bromide by 2005 and consumption of HCFCs by 2030 (with interim targets up to those dates). Production of HCFCs must be stabilized by 2004. Article 5 Parties were required to phase out HBFCs by 1996 and BCM by 2002. They must still phase out: CFCs, halons and CTC by 2010; methyl chloroform and methyl bromide by 2015; and consumption of HCFCs by 2040 (with interim targets up to those dates). Production of HCFCs must be stabilized by 2016.

## INTERSESSIONAL HIGHLIGHTS

### INTERGOVERNMENTAL PANEL ON CLIMATE

**CHANGE/TEAP SPECIAL REPORT:** The Steering Committee and lead authors of the Special Report "Safeguarding the ozone layer and the global climate system: issues related to hydrofluorocarbons and perfluorocarbons" met from 12-14 January 2004, in Boulder, Colorado, USA. The Steering Committee developed a plan for completing a First Order Draft of the Special Report.

**SECOND MEETING OF THE STEERING PANEL ON THE EVALUATION AND REVIEW OF THE FINANCIAL MECHANISM:** The second meeting of the Steering Panel convened from 19-20 January 2004, in San Jose, Costa Rica. The Panel selected ICF Consulting to evaluate the Montreal Protocol's financial mechanism and present its findings to MOP-16.

### METHYL BROMIDE TECHNICAL OPTIONS

**COMMITTEE:** The MBTOC met from 10-12 February 2004 in Los Angeles, USA. It finalized recommendations to MOP-15 on

the CUNs classified as 'noted.' Of the 47 'noted' CUNs, 44 were recommended fully or in part (8275.1 tonnes), and three were not (8.6 tonnes). The results of the meeting are included in the TEAP 2004 Supplementary Report on CUNs.

**TEAP 2004 SUPPLEMENTARY REPORT ON CRITICAL-USE NOMINATIONS:** TEAP published its 2004 Supplementary Report on 14 February 2004. In the report, TEAP proposed that Parties: consider allowing methyl bromide for uses nominated for 2005 and 2006 CUEs but not approved by Parties when the resulting emissions are offset through collection and destruction of one kilogram of halon 1211 for each five kilograms of methyl bromide; and be allowed to use methyl bromide for CUNs approved by Parties for 2007 and beyond if the ODP of methyl bromide is offset by destructing a sufficient quantity of halons or CFCs. TEAP also proposed an accounting framework comparable to that used for essential-use nominations, which lists the quantity available from inventory and stockpile, the quantity allocated for CUEs, and the quantity used, with a year-end balance.

**INFORMAL CONSULTATIONS ON METHYL BROMIDE:** Representatives from 22 Parties acting in their personal capacities met in informal consultations from 4-5 March 2004, in Buenos Aires, Argentina. Regarding the TEAP's proposals relating to CUEs for methyl bromide, some participants expressed concern over the proposal to allow offsetting methyl bromide emissions by destroying halons. Concerns were also raised over some concepts and approaches used by the TEAP in evaluating CUNs and recommending CUEs. Participants disagreed on further specific interim reductions for phasing out methyl bromide for Article 5 Parties, and on the treatment of stockpiles and the multi-year approach to CUEs. Regarding conditions for granting CUEs, participants stressed the importance of: fairness; certainty and confidence; practicality and flexibility; and transparency. Concerning the MBTOC's work procedures relating to CUN evaluation, participants noted the importance of, *inter alia*, defining the expertise required in the Committee and elaborating criteria and procedures for selecting experts.

**FIRST MEETING OF THE BUREAU OF MOP-15:** The Bureau met on 22 March 2004 in Montreal, Canada. Bureau members agreed to pursue an open-ended consultation on the day preceding the ExMOP to enable Parties not present at the Buenos Aires informal consultations to comment on the Chairman's report of these consultations.

**OPEN-ENDED INFORMAL CONSULTATIONS:** The open-ended informal consultations, co-chaired by Oladapo Afolabi (Nigeria) and Jukka Uosukainen (Finland), convened on 23 March 2004 in Montreal, Canada. Delegates discussed the prioritization of conditions for granting CUEs, and considered a proposal on how to address differences on methyl bromide CUEs. Delegates exchanged views on revitalizing the MBTOC and on adjustments of the Montreal Protocol regarding further specific interim reductions of methyl bromide for the period beyond 2005, applicable to Article 5 Parties.

## THINGS TO LOOK FOR TODAY

**OPENING PLENARY:** The ExMOP will open at 10:00 am to hear opening statements. Participants are expected to adopt the agenda and consider other organizational matters before beginning consideration of the various substantive issues and draft decisions on the agenda.

**OTHER:** Look for a Co-Chairs' summary of the open-ended informal consultations, and for conference room papers on conditions for granting CUEs, reporting formats, multi-year exemptions and guidelines to the MBTOC. Contact groups are also likely to be convened.