

TWENTY-FIRST MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER: 4 – 8 NOVEMBER 2009

This twenty-first meeting is convening from 4-8 November 2009, in Port Ghalib, Egypt. A preparatory segment will take place from Wednesday to Friday, and the high-level segment will convene on Saturday and Sunday.

Delegates will consider decisions on a range of issues, *inter alia*: environmentally sound management of banks of ozone-depleting substances; a proposal on nominations for essential-use exemptions for 2010 and 2011; campaign production of chlorofluorocarbons (CFCs) for metered-dose inhalers (MDIs); issues related to methyl bromide; issues arising out of the report of the Technology and Economic Assessment Panel (TEAP); and issues related to the financial mechanism of the Montreal Protocol. During the meeting, delegates will also consider an amendment proposal from Canada, Mexico and the US, as well as a proposal submitted by the Federated States of Micronesia (FSM) and Mauritius, on phasing down hydrofluorocarbons (HFCs) under the Montreal Protocol.

A BRIEF HISTORY OF THE OZONE REGIME

Concerns that the Earth's stratospheric ozone layer could be at risk from 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, hindering its ability to prevent harmful ultraviolet rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, and 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 on ozone protection.

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 the use of ozone-depleting substances (ODS). The Convention now has 196 parties.

MONTREAL PROTOCOL: In September 1987, efforts to negotiate binding obligations to reduce the use of ODS led to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer. The 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 ODS before taking on commitments. The Protocol currently has 196 parties.

Since 1987, several amendments and adjustments to the Protocol have been adopted, adding new obligations and additional ODS, and adjusting 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 the second Meeting of the Parties (MOP-2), which took place in London, UK, in 1990, tightened control schedules and agreed to add ten more CFCs to the list of ODS, as well as carbon tetrachloride (CTC) and methyl chloroform. To date, 193 parties have ratified the London Amendment. MOP-2 also established the Multilateral Fund (MLF), which meets the incremental costs incurred by Article 5 parties in implementing the Protocol's control measures and finances clearinghouse functions, including technical assistance, information, training, and the costs of the MLF Secretariat. The Fund is replenished every three years, and has received pledges of over US\$2.8 billion since its inception.

COPENHAGEN AMENDMENT AND ADJUSTMENTS: At MOP-4, held in Copenhagen, Denmark, in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons (HCFCs). MOP-4 also agreed to enact non-compliance procedures and to establish an Implementation Committee. The Implementation Committee examines cases of possible non-compliance by parties, and makes recommendations to the MOP aimed at securing full compliance. To date, 190 parties have ratified the Copenhagen Amendment.

MONTREAL AMENDMENT AND ADJUSTMENTS: At MOP-9, held in Montreal, Canada, in 1997, delegates agreed to a new licensing system for the import and export of ODS, in addition to tightening existing control schedules. They also

agreed to ban trade in methyl bromide with non-parties to the Copenhagen Amendment. To date, 178 parties have ratified the Montreal Amendment.

BEIJING AMENDMENT AND ADJUSTMENTS: At MOP-11, held in Beijing, China, in 1999, delegates agreed to controls on bromochloromethane and additional controls on HCFCs, and to reporting on methyl bromide for quarantine and pre-shipment (QPS) applications. At present, 160 parties have ratified the Beijing Amendment.

MOP-15 AND FIRST EXTRAORDINARY MOP: MOP-15, held in Nairobi, Kenya, in 2003, resulted in decisions on issues including the implications of the entry into force of the Beijing Amendment. However, disagreements surfaced over exemptions allowing the use of methyl bromide beyond 2004 for critical uses where no technically or economically feasible alternatives were available. Delegates could not reach agreement and took the unprecedented step of calling for an “extraordinary” MOP. The first Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP-1) took place in March 2004, in Montreal, Canada. Parties agreed to critical-use exemptions (CUEs) for methyl bromide for 2005 only. The introduction of a “double-cap” concept distinguishing between old and new production of methyl bromide was central to this compromise. Parties agreed to a cap on new production of 30% of parties’ 1991 baseline levels, meaning that where the capped amount was insufficient for approved critical uses in 2005, parties were required to use existing stockpiles.

MOP-16 AND EX-MOP2: MOP-16 took place in Prague, the Czech Republic, in November 2004. Work on methyl bromide exemptions for 2006 was not completed and parties decided to hold a second Ex-MOP. ExMOP-2 was held in July 2005, in Montreal, Canada. Parties agreed to supplementary levels of CUEs for 2006. Under this decision, parties also agreed that: CUEs allocated domestically that exceed levels permitted by the MOP must be drawn from existing stocks; methyl bromide stocks must be reported; and parties must “endeavor” to allocate CUEs to the particular use categories specified in the decision.

COP-7/MOP-17: MOP-17 was held jointly with the seventh Conference of the Parties to the Vienna Convention (COP-7) in Dakar, Senegal, in December 2005. Parties approved essential-use exemptions for 2006 and 2007, supplemental CUEs for 2006 and CUEs for 2007, and production and consumption of methyl bromide in non-Article 5 parties for laboratory and analytical critical uses. Other decisions included the replenishment of the MLF with US\$470.4 million for 2006-2008, and agreement on terms of reference for a feasibility study on developing a monitoring system for the transboundary movement of controlled ODS.

MOP-18: MOP-18 took place in New Delhi, India, from 30 October - 3 November 2006. Parties adopted decisions on, *inter alia*: future work following the Ozone Secretariat’s workshop on the Special Report of the Intergovernmental Panel on Climate Change and the TEAP; difficulties faced by some Article 5 parties manufacturing CFC-based MDIs; treatment of stockpiled ODS relative to compliance; and a feasibility study on developing a system for monitoring the transboundary movement of ODS.

MOP-19: MOP-19 took place in Montreal, Canada in September 2007. Delegates adopted 29 decisions, including on: an accelerated phase-out of HCFCs; essential-use nominations and other issues arising out of the 2006 reports of the TEAP; critical-use nominations for methyl bromide; and monitoring transboundary movements and illegal trade in ODS.

COP-8/MOP-20: MOP-20 was held jointly with COP-8 of the Vienna Convention in Doha, Qatar in November 2008. Parties agreed to replenish the MLF with US\$490 million for 2009-2011 and adopted other decisions concerning, *inter alia*: the environmentally sound disposal of ODS; approval of 2009 and 2010 CUEs for methyl bromide; and compliance and reporting issues. This meeting was also the Protocol’s first paperless meeting.

CURRENT ODS CONTROL SCHEDULES: Under the amendments to the Montreal Protocol, non-Article 5 parties were required to phase out production and consumption of: halons by 1994; CFCs, CTC, hydrobromochlorofluorocarbons and methyl chloroform by 1996; bromochloromethane by 2002; and methyl bromide by 2005. Article 5 parties were required to phase out production and consumption of hydrobromochlorofluorocarbons by 1996 and bromochloromethane by 2002. Article 5 parties must still phase out: production and consumption of CFCs, halons and CTC by 2010; and methyl chloroform and methyl bromide by 2015. Under the accelerated phase-out of HCFC adopted at MOP-19, HCFC production and consumption by Article 2 countries was to be frozen in 2004 and phased-out by 2020, while in Article 5 parties, HCFC production and consumption is to be frozen by 2013 and phased-out by 2030 (with interim targets prior to those dates, starting in 2015 for Article 5 parties). There are exemptions to these phase-outs to allow for certain uses lacking feasible alternatives.

INTERSESSIONAL HIGHLIGHTS

EXECUTIVE COMMITTEE: The Executive Committee of the MLF held its fifty-eighth session to consider issues associated with the Fund convened from 6-10 July in Montreal, Canada. The session addressed, *inter alia*: status of contributions and disbursements; status of resources and planning; and programme implementation.

OPEN-ENDED WORKING GROUP: The twenty-ninth meeting of the Montreal Protocol’s Open-ended Working Group (OEWG-29) convened in Geneva, Switzerland from 15-18 July 2009. Delegates considered several issues arising from the 2009 Progress Report of the TEAP, as well as the treatment of stockpiled ODS relative to compliance, a proposed evaluation of the MLF, and institutional strengthening of national ozone units. OEWG-29 also considered a proposal by Mauritius and the FSM to amend the Montreal Protocol to collect and destroy ODS banks and to regulate the phase-down of HFCs. OEWG-29 was preceded by the Workshop on the Environmentally Sound Management of Banks of ODS, held 13 July 2009, and the Dialogue on High Global Warming Potential (GWP) ODS Alternatives, held 14 July 2009.

TEAP AND TOCs: Several of the Technical Options Committees (TOCs) met between May and October 2009 to further their work in the lead-up to MOP-20. The work of the TOCs and the Task Force are included in the TEAP’s 2009 reports, which will be considered at MOP-21.

IMPLEMENTATION COMMITTEE: The forty third meeting of the Implementation Committee under the Non-Compliance Procedure convened in Port Ghalib, Egypt, from 31 October - 1 November 2009. The Implementation Committee considered information provided by the Secretariat of the MLF on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies and non-compliance related issues. Its recommendations will be considered at MOP-21.