



MOP-15 HIGHLIGHTS:

WEDNESDAY, 12 NOVEMBER 2003

Delegates met in Plenary throughout the day, and agreed to forward several draft decisions to the high-level segment for adoption, including those relating to: non-compliance issues; implications of entry into force of the Beijing Amendment; advancement of the deadline for annual data reporting; and exemptions of ozone-depleting substances (ODS) from the control measures relating to review of additional exempted uses of controlled substances as process agents; and laboratory and analytical uses. Contact groups met in the afternoon to finalize outstanding draft decisions.

PLENARY

NON-COMPLIANCE ISSUES CONSIDERED BY THE IMPLEMENTATION COMMITTEE: Patrick McInerney (Australia), President of the Implementation Committee, reported on the issues addressed by its 31st meeting on 5-7 November, and presented document UNEP/OzL.Pro.15/CRP.10, which contains recommendations on decisions relating to, *inter alia*: data and information provided by Parties; potential non-compliance with consumption of the controlled substances in Annex E by non Article 5 Parties in 2002, and requests for plans of action; and numerous recommendations on non-compliance with the Montreal Protocol by a variety of Parties.

EGYPT, LATVIA and THAILAND informed the Plenary that they had submitted data and information to the Committee, which indicate they are already in compliance. IRAN said the methodology of data and information reporting and lack of financial assistance from the Multilateral Fund made it difficult for Parties to comply. ARMENIA informed that it had ratified the London and Copenhagen Amendments. NICARAGUA said it had not used methyl bromide in agriculture for many years. President McIn-

erney said that the decision contained in CRP.10 will be redrafted, taking into account comments by Parties, and that individual cases will be reviewed the following year.

IMPLICATIONS OF ENTRY INTO FORCE OF THE BEIJING AMENDMENT REGARDING HCFCs: The US presented the outcome of the contact group on obligations of Parties to the Beijing Amendment under Protocol Article 4 (non-Parties to the Montreal Protocol) regarding HCFCs (UNEP/OzL.Pro.15/CRP.15). He said the contact group, which met on Saturday, 8 November, agreed that, *inter alia*: the term "State not party to this Protocol" will not apply to Article 5 Parties until 1 January 2016, when HCFC production and consumption measures will be in effect for such countries; and the term "State not party to this Protocol" includes all other States and regional economic integration organizations that have not agreed to be bound by the Copenhagen and Beijing amendments. He also explained minor editorial changes to CRP.15. A large number of countries expressed their support to the draft decision, which was approved, with minor editorial amendments.

ADVANCEMENT OF THE DEADLINE FOR ANNUAL DATA REPORTING: The EC presented a draft decision (UNEP/OzL.Pro.15/CRP.11), which, in his words, reflected a "double-barreled approach": a political commitment to report production and consumption data by 30 June, to be followed later by an amendment to the Protocol. ARGENTINA, however, felt that the text amounted to amending the Protocol. BRAZIL and JAPAN suggested textual changes, which introduce the notion of a voluntary provisional arrangement. CHINA noted that it would be ready to discuss advancing the deadline with the EC, but referred to established national procedures for collecting statistical data, which preclude support for the text in its current form. BANGLADESH, INDONESIA and NIGERIA associated themselves with this position. RUSSIA referred to existing national practices that hamper a deadline change, but expressed readiness to support

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the EC proposal, provided a transitional period of one or two years is envisaged before proceeding to a compulsory mode. In response to a query from MEXICO on the legal validity of the EC proposal, the Secretariat remarked that a multilateral agreement prevails over a MOP decision. In the afternoon, the EC presented the revised draft decision (UNEP/OzL.Pro.15/CRP.11/Rev.1), which invites Parties to forward data preferably by 30 June. With some minor editorial amendments, the draft decision was approved.

EXEMPTIONS OF ODS FROM THE CONTROL

MEASURES: CANADA presented a revised draft decision on production for basic domestic needs (UNEP/OzL.Pro.15/CRP.12/Rev.1), which requests TEAP to conduct assessments of the quantities of production for basic domestic needs. The Environmental Investigation Agency urged Parties not to use such assessments as a pre-test for ignoring phase-out action. The draft decision was approved without amendment.

Review of Additional Exempted Uses of Controlled

Substances as Process Agents: Delegates discussed two draft decisions presented by the US: on the list of uses of controlled substances as process agents (UNEP/OzL.Pro.15/CRP.16); and on process agents (UNEP/OzL.Pro.15/CRP.17). Many delegates voiced support to the drafts. In response to Japan's comment, the US clarified that many process agents on the list are used and proposed by both Article 2 and Article 5 Parties. JAPAN indicated that the last two process agents listed in CRP.17 had not been formally reviewed by TEAP. However, following clarifications from the US and the TEAP, JAPAN agreed to the inclusion of such agents with an understanding that all listed process agents will be formally reviewed by TEAP in the future. CRP.16 and CRP.17 were approved. ARGENTINA agreed to withdraw its proposal (UNEP/OzL.Pro.15/CRP.3), which referred to the same issue.

Laboratory and Analytical Uses: The EC presented the draft decision in UNEP/OzL.Pro.15/CRP.19. It extends the global laboratory and analytical use-exemption until 31 December 2007, and requests TEAP to report annually on procedures that can be performed without using controlled substances. The decision was approved by the Plenary.

Conditions for Granting Critical-Use Exemptions for Methyl Bromide: *Products treated with methyl bromide:* KENYA presented UNEP/OzL.Pro.15/CRP.8 on trade in products treated with methyl bromide. CANADA and the US called for more search on the issue. CANADA suggested that this proposal could be examined at OEWG-24. Co-Chair Klaly took note of CRP.8 and said it would be dealt with at OEWG-24.

Compliance Status of Parties: Delegates reviewed a draft decision on methyl bromide (UNEP/OzL.Pro.15/CRP.9/Rev.1) jointly submitted by Algeria, Australia, Canada, the EU, Switzerland, Tunisia and the US. The decision asks the Implementation Committee and the MOP to defer the consideration of the compliance status of countries that use over 80% of their consumption of methyl bromide on high-moisture dates until two years after TEAP formally points out methyl bromide alternatives for such product. The draft decision was approved.

INTERNATIONAL TRANSIT TRADE: SRI LANKA introduced proposal UNEP/OzL.Pro.15/CRP.14 on the international transit trade in ODS. CANADA and the US remarked that this draft decision is similar to the one rejected by MOP-14 and, with NEW ZEALAND, asked for deferring it to OEWG-24. PAKISTAN noted that the proposal only asks UNEP to conduct a study, and urged the meeting to consider it. SRI LANKA said many countries encounter problems with the illegal trade in ODS, and the study would assist Parties in dealing with the issue. The proposal, however, was deferred to OEWG-24.

IN THE BREEZEWAYS I

Delegates from developing countries, on their way to lunch, were heard sighing with relief, since the Plenary finally approved the draft decision on the interpretation of the Beijing Amendment relating to HCFC, which will not apply to such countries until 2016.

IN THE BREEZEWAYS II

Several delegates with observer status were spotted in the corridors, complaining that a methyl bromide-producer lobbyist insisted on them leaving the conference room where a discussion on critical-use exemptions for methyl bromide was in progress.

THINGS TO LOOK FOR TODAY

PLENARY: The high-level segment will commence at 10:00 am and 3:00 pm at Conference Room 2. Delegates will hear statements from, among others, the representative of the Government of Kenya, UNEP Executive Director, and MOP-15 President. The preparatory segment will then reconvene to consider outstanding items, including the draft decision on the critical-use exemption for methyl bromide.

CONTACT GROUPS: The contact group on CUEs for methyl bromide will meet at 9:00 am in Conference Room 3 to finalize drafting its decision.