



SIXTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL: 22-26 NOVEMBER 2004

The Sixteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-16) begins today in Prague, Czech Republic. The meeting will start with a preparatory segment from 22-24 November, followed by a high-level portion for ministers and other heads of delegation from 25-26 November. Delegates will consider a range of issues, including exemptions allowing the use of methyl bromide, an ozone-depleting pesticide that has been the subject of lengthy negotiations in recent meetings. Other topics on the agenda include the Multilateral Fund for the Implementation of the Montreal Protocol, as well as issues related to ratification, data reporting, compliance and international and illegal trade, administrative matters, and proposed adjustments and amendments to the Protocol.

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, 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.

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 189 Parties.

MONTREAL PROTOCOL: Efforts to negotiate binding obligations on ODS continued, leading in September 1987 to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer. 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 ODS before

taking on commitments. To date, the Protocol has 188 Parties. Since 1987, several amendments and adjustments to the Protocol have been adopted, with amendments adding new obligations and additional ODS 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, UK in 1990, tightened control schedules and agreed to add ten more CFCs to the list of ODS, as well as carbon tetrachloride and methyl chloroform. To date, 175 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 incurred by developing country Parties in implementing the Protocol's control measures and finances clearinghouse functions, including technical assistance, information, training and the 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, 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, including the establishment of an Implementation Committee. The Committee examines cases of possible non-compliance by Parties, and makes recommendations to the MOP aimed at securing full compliance. To date, 164 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 a ban on trade in methyl bromide with non-Parties to the Copenhagen Amendment. To date, 120 Parties have ratified the Montreal Amendment.

BEIJING AMENDMENT AND ADJUSTMENTS: At MOP-11, held in Beijing, China in 1999, delegates agreed to controls on HCFCs and bromochloromethane, and to reporting on methyl bromide for quarantine and pre-shipment applications. In addition, MOP-11 agreed to replenish the Multilateral Fund with US\$477.7 million for the triennium 2000-2002. To date, 83 Parties have ratified the Beijing Amendment.

MOPs 12-14: MOP-12, held in Ouagadougou, Burkina Faso in 2000, adopted the Ouagadougou Declaration, which encouraged Parties to, *inter alia*, take steps to prevent illegal production, consumption and trade in ODS, and harmonize customs codes. The following year in Colombo, Sri Lanka,

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delegates to MOP-13 adopted the Colombo Declaration, which encouraged Parties to apply due care in using substances that may have ozone-depleting potential, and to determine and use available, accessible and affordable alternatives and technologies that minimize environmental harm while protecting the ozone layer. At MOP-14, held in Rome, Italy in 2002, delegates adopted 46 decisions, covering such matters as the Multilateral Fund's fixed-exchange-rate mechanism, compliance issues, and interaction with the World Trade Organization. MOP-14 also agreed to replenish the Multilateral Fund with US\$573 million for 2003-2005.

MOP-15: Like its predecessors, MOP-15, held in Nairobi, Kenya in November 2003, also resulted in decisions on a range of relevant issues, including on implications of entry into force of the Beijing Amendment. However, Parties could not reach agreement on four items relating to methyl bromide, an ozone-depleting pesticide scheduled for a 2005 phase-out by non-Article 5 Parties. Disagreements surfaced over the size of exemptions to allow the ongoing use of methyl bromide for "critical" purposes where no technically or economically feasible alternatives were available. Some delegates argued that exemptions sought by the US, Spain, Italy and some other countries were excessive. Meanwhile, the US and the EU differed over the time period of exemptions, with the EU arguing that they should be approved on a yearly basis, while the US favored multi-year exemptions. Consequently, delegates felt compelled to take the unprecedented step of calling an "extraordinary" MOP.

EXTRAORDINARY MOP: The Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP) took place from 24-26 March 2004, in Montreal. Parties achieved compromises on various methyl bromide-related issues, including nominations for critical-use exemptions (CUEs), conditions for granting and reporting on CUEs, and the work procedures of the Methyl Bromide Technical Options Committee (MBTOC).

On the key issue of exemptions, Parties adopted 13,256 tonnes of CUEs for 11 non-Article 5 Parties for 2005 only. The introduction by the US and the EC of a "double-cap" concept distinguishing between old and new production was central to reaching this compromise. According to the agreement, a cap was set for new production at 30% of Parties' 1991 baseline levels. This means that for 2005, Parties must use existing stockpiles if the capped amount is insufficient to supply their CUE needs. Exemptions beyond 2005 have not yet been agreed.

In addition, delegates established an *ad hoc* working group to review the MBTOC's working procedures and terms of reference. A review of further interim measures for Article 5 Parties was deferred to MOP-16.

INTERSESSIONAL HIGHLIGHTS

OPEN-ENDED WORKING GROUP: The twenty-fourth meeting of the Montreal Protocol's Open-ended Working Group (OEWG) took place in Geneva, Switzerland from 13-16 July 2004. Various issues relating to methyl bromide were discussed, including the US proposal to grant multi-year exemptions. While a number of delegations supported the proposal on the grounds that it could improve flexibility and transparency, some participants wondered whether multi-year exemptions might encourage Parties to exaggerate their needs, or discourage the development of alternatives. The proposal was slated for further discussion at MOP-16. Parties also discussed the development of the accounting framework and the handbook for reporting on methyl bromide. The issue will also be taken up at MOP-16.

The OEWG also considered requests for essential-use exemptions to use other ozone-depleting substances. On

exemptions for CFCs used in metered-dose inhalers, the EC introduced a draft decision setting out a timetable to review essential-use nominations and requesting additional guidance on the matter. The issue was discussed further in a contact group, and will be taken up at MOP-16.

Parties also discussed their obligations under the Beijing Amendment, the prevention of illegal trade in ODS, the UN globally harmonized system for classifying and labeling ODS, and the work of various technical options committees, including those dealing with halons, rigid and flexible foams, aerosols, sterilants and carbon tetrachloride.

By the conclusion of the meeting, the OEWG had forwarded 14 draft decisions for consideration at MOP-16. These covered issues such as methyl bromide, terms of reference for a study on the 2006-2008 replenishment of the Multilateral Fund, the development of a system for tracking international trade in ODS, and carbon tetrachloride emissions.

METHYL BROMIDE TECHNICAL OPTIONS

COMMITTEE: The MBTOC met in Bangkok, Thailand from 30 August - 3 September 2004, to finalize its evaluation of the latest round of critical use nominations (CUNs) for methyl bromide. As a result of its work, the Technology and Economic Assessment Panel (TEAP) was able to publish its final report on *Critical Use Nominations for Methyl Bromide* in October 2004, and a revised draft of its *Handbook on Critical Use Nominations for Methyl Bromide* in November 2004.

AD HOC WORKING GROUP ON METHYL BROMIDE:

The *Ad Hoc* Working Group, established at the ExMOP to review the MBTOC's procedures and terms of reference, has met twice since mid-2004. At its first meeting, held from 10-12 July 2004, in Geneva, delegates discussed MBTOC's membership and working procedures, and further guidance on criteria for evaluation of CUNs. More recently, the Committee met in Prague from 19-20 November 2004, to follow-up on relevant issues ahead of MOP-16. At this meeting, the Committee focused on the following issues: further guidance for the application of criteria for granting exemptions; proposals and draft decisions resulting from the OEWG meeting in July; MBTOC membership; and multi-year exemptions.

EXECUTIVE COMMITTEE OF THE MULTILATERAL

FUND: The Executive Committee of the Multilateral Fund convened for its 43rd Meeting from 5-9 July 2004, in Geneva. The Committee considered a range of issues, including late contributions, business planning and resource management, and actions to improve the financial mechanism. A report for MOP-16 on the Executive Committee's work was published in September 2004 (UNEP/OzL.Pro.16/10).

OTHER RECENT EVENTS: Other recent events include meetings of the Implementation Committee under the non-Compliance Procedure, and of the MOP Bureau. The 33rd Meeting of the Implementation Committee was held from 17-19 November 2004 in Prague. The Implementation Committee discussed most of the outstanding cases of non-compliance, making 16 recommendations both on general issues of non-compliance and with regard to specific cases.

A MOP Bureau meeting took place on 21 November to discuss organizational matters prior to the start of MOP-16. A Scientific Symposium was also held in Prague shortly before MOP-16, on 19 November, where participants were briefed on recent scientific findings. A report on this meeting will be presented at MOP-16.

In addition, several other relevant reports have been released prior to MOP-16. These include the Report of the Process Agents Task Force (October 2004) and the Report of the Chiller Task Force (June 2004).