

EIGHTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER: 30 OCTOBER – 3 NOVEMBER 2006

The eighteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-18) begins today in New Delhi, India. A preparatory segment will be held from 30 October – 1 November, followed by a high-level segment for ministers and other heads of delegation from 2-3 November. Throughout the meeting, delegates will consider decisions on a range of issues, including: essential-use exemptions for chlorofluorocarbons (CFCs); draft terms of reference for case studies on the environmentally sound destruction of ozone-depleting substances (ODS); sources and reductions of carbon tetrachloride emissions; multi-year exemptions for methyl bromide use; difficulties faced by some Article 5 parties in phasing out CFC-based metered dose inhalers; and compliance. Other matters to be addressed include: treatment of stockpiled ODS relative to compliance; a feasibility study on developing a system for monitoring the transboundary movement of ODS; methyl bromide-related issues; and key challenges to be faced by parties in the future protection of the ozone layer.

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 ODS. The Convention now has 190 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 190 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 their entry 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, 183 parties have ratified the London Amendment. MOP-2 also established the Multilateral Fund for the Implementation of the Montreal Protocol (Multilateral Fund). The Multilateral Fund 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 Multilateral Fund Secretariat. The Fund is replenished every three years, and has received pledges of US\$2.1 billion from 1991-2005.

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, 174 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, 147 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. MOP-11 also agreed to replenish the Multilateral Fund with US\$440 million for 2000-2002. At present, 116 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 take steps to prevent illegal production, consumption and trade in ODS, and to harmonize customs codes. The following year in Colombo, Sri Lanka, delegates to MOP-13 adopted the Colombo Declaration, which encouraged parties to apply due care in using substances that may have ozone depletion 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, the MOP's decisions covered such matters as compliance, interaction with the World Trade Organization, and replenishment of the Multilateral Fund with US\$474 million for 2003-2005.

MOP-15: Like its predecessors, MOP-15, held in Nairobi, Kenya, in November 2003, resulted in decisions on a range of 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 are available. As delegates could not reach agreement, they took the unprecedented step of calling for an "extraordinary" MOP.

FIRST EXTRAORDINARY MOP: The first Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP-1) took place from 24-26 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 for 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. Parties also achieved compromises on conditions for approving and reporting on CUEs, and the working procedures of the Methyl Bromide Technical Options Committee (MBTOC).

MOP-16: MOP-16 took place in Prague, Czech Republic, from 22-26 November 2004. The parties adopted decisions on the Multilateral Fund, ratification, compliance, trade in ODS and other matters, but work on methyl bromide exemptions for 2006 was not completed. For the second time, parties decided to hold an extraordinary MOP.

SECOND EXTRAORDINARY MOP: ExMOP-2 was held on 1 July 2005, in Montreal, Canada. Parties agreed to supplementary levels of CUEs for 2006 left unresolved at MOP-16. 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 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 in Dakar, Senegal, from 12-16 December 2005. Parties approved essential-use exemptions for 2006 and 2007, supplemental CUEs for 2006 and CUEs for 2007. They authorized production and consumption of methyl bromide in non-Article 5 parties for laboratory and analytical critical uses, and requested the Technology and Economic Assessment Panel (TEAP) to report on such uses, with a view to adopting an illustrative list at

MOP-18. Other decisions concerned, *inter alia*: submission of information on methyl bromide in space fumigation; replenishment of the Multilateral Fund with US\$470.4 million for 2006-2008; and the terms of reference for a feasibility study on developing a monitoring system for the transboundary movement of controlled ODS. Parties deferred consideration of: the US's proposal on multi-year CUEs; Canada's proposal on disclosure of interest guidelines for bodies such as the TEAP and its Technical Options Committees (TOCs); and the European Community's proposal for an adjustment to the methyl bromide phase-out schedule for Article 5 parties.

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. Consumption of HCFCs is to be phased out by 2030 (with interim targets prior to those dates), with production to have been stabilized by 2004. Article 5 parties were required to phase out production and consumption of bromochloromethane by 2002. These parties must still phase out: production and consumption of CFCs, halons and CTC by 2010, and methyl chloroform and methyl bromide by 2015; and consumption of HCFCs by 2040 (with interim reduction targets prior to phase-out). Production of HCFCs in Article 5 countries must be stabilized by 2016. There are exemptions to these phase-outs to allow for certain uses lacking feasible alternatives or in particular circumstances.

INTERSESSIONAL HIGHLIGHTS

OPEN-ENDED WORKING GROUP: The twenty-sixth meeting of the Montreal Protocol's Open-ended Working Group (OEWG) took place in Montreal, Canada, from 3-6 July 2006. Delegates agreed to forward seven draft decisions to MOP-18, on: essential-use exemptions; draft terms of reference for the conduct of case studies on the environmentally sound destruction of CFC-containing refrigeration and air-conditioning equipment; sources and reductions of CTC emissions; difficulties faced by some Article 5 parties in phasing out CFC-based metered-dose inhalers (MDIs); and multi-year exemptions for methyl bromide use. Other matters discussed included treatment of stockpiled ODS relative to compliance and commencing a discussion on the future of the Montreal Protocol.

EXPERTS' WORKSHOP: An experts' workshop to consider issues arising out of the IPCC/TEAP Special Report and the TEAP Supplementary Report was held on 7 July 2006, in Montreal, Canada. Participants developed a list of practical measures, arising from these reports, to address ozone depletion. These measures will be considered as part of the workshop report at MOP-18.

EXECUTIVE COMMITTEE: The Executive Committee of the Multilateral Fund held its forty-ninth session to consider issues associated with the Fund from 10-14 July 2006, in Montreal, Canada. A report on the activities of the Executive Committee will be considered at MOP-18.

TOCs: A number of the TOCs met between August and October 2006 to further their work in the lead-up to MOP-18. This included a meeting of the MBTOC from 28 August – 2 September 2006, in Yokohama, Japan. Among other matters, MBTOC considered CUNs it had previously classified as "unable to assess." The work of the TOCs is included in the TEAP's 2006 reports, which will be considered at MOP-18.

IMPLEMENTATION COMMITTEE: The Implementation Committee held its thirty-seventh session from 25-27 October 2006, in New Delhi, India. At this meeting it, *inter alia*, considered compliance and data reporting issues and made related recommendations, which will be considered at MOP-18.