

## MOP-19 HIGHLIGHTS:

### THURSDAY, 20 SEPTEMBER 2007

The nineteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-19) continued on Thursday with contact groups meeting throughout the day on hydrochlorofluorocarbons (HCFCs), illegal trade in ozone-depleting substances (ODS), critical-use nominations (CUNs) for methyl bromide, a possible Montreal Declaration, and terms of reference (ToR) for a study on the Multilateral Fund replenishment. In the evening, plenary convened in a preparatory segment to hear progress reports from contact groups and discuss agenda items on: laboratory and analytical uses of ODS and carbon tetrachloride; assessment panel membership and 2010 quadrennial reports; essential-use nominations; and financial requirements of the Methyl Bromide Technical Options Committee (MBTOC). The HCFCs contact group continued to work late into the night.

#### PLENARY

**REPORTS FROM CONTACT GROUPS: CUNs:** Contact group Chair Pierre Pinault (Canada) reported a “fruitful exchange” of views on technical matters, specifically stocks, inventories and justifications for particular CUNs. He asked the parties to follow up on these items with bilateral discussions and consultations with MBTOC. He said that the group had agreed on some of the relevant numbers but that there were still brackets on others in the draft decision, which is now a combination of the EU and US proposals. He also reported that differences still exist in the preambular language and in text on CUNs. He said that the parties will continue to work on narrowing the technical differences and to redraft language where there are differences. The contact group will reconvene on Friday with a view to preparing a decision for plenary.

**Illegal Trade:** Contact group Chair Paul Krajnik (Austria) reported that a draft decision had been agreed and was available for review (UNEP/OzL.Pro.19/CRP.14). He noted that the third operative paragraph contains a list of voluntary options for parties to consider applying domestically to combat illegal trade. Krajnik explained these measures were derived from the “ODS Tracking Feasibility Study” report. Delegates agreed to forward the decision to the high-level segment for consideration.

On the proposal on harmful trade of methyl bromide, Krajnik reported that an extensive exchange of views occurred, but participants did not reach agreement, and that the proposal would not go forward. KENYA agreed to provide the proposal as an adjustment to basic domestic needs at MOP-20.

**HCFCs:** Preparatory segment Co-Chair Levaggi updated delegates on progress in the contact group, which was still in session, and said there were “encouraging signs” from both the contact group and the legal drafting group. She said the group will also meet tomorrow.

**Montreal Declaration:** Co-Chair Pinault (Canada) reported that parties had nearly completed the draft Montreal Declaration (UNEP/OzL.Pro.19/CRP.16) and drew attention to the “placeholder” for text reflecting any success in agreeing to an adjusted HCFC phase-out. NIGERIA lamented the absence of text reflecting the future aspirations of parties regarding: research and development of alternatives; cooperation; innovative funding; and capacity building. The EC, supported by MEXICO and TANZANIA, called for brackets to be removed from text on cooperation between the Montreal Protocol and other international agreements. The EC also urged for text to be inserted on the positive impact of synergies with other agreements. The contact group will reconvene on Friday morning.

**ASSESSMENT PANELS' 2010 QUADRENNIAL REPORTS:** CANADA noted that a small contact group, consisting of the US, EU, AUSTRALIA and CANADA had met and reviewed ToRs for the panels. A draft decision will be prepared for plenary on Friday.

**ASSESSMENT PANEL MEMBERSHIP:** The UK reported that the US had provided two nominations to replace current co-chairs. A draft decision will be prepared for plenary on Friday.

**ESSENTIAL-USE NOMINATIONS:** The RUSSIAN FEDERATION reported to plenary on discussions on their proposal for CFC-113 exemptions for aerospace uses (UNEP/OzL.Pro.19/3 Draft Decision XIX/H) with the EU and Mexico, saying that agreement had been reached. The US confirmed that they had accepted the draft and preparatory segment Co-Chair Sorensen forwarded this draft to the high-level segment.

**LABORATORY AND ANALYTICAL USE OF ODS AND CARBON TETRACHLORIDE:** The US reported agreement on a non-paper that merged the two draft decision texts (UNEP/

OzI.Pro.19/3, Decisions XIX/L and XIX/M) and noted that the texts contained a paragraph on TEAP and Chemical Technical Options Committee (CTOC) recommendations that was sourced from Chile's proposal on carbon tetrachloride. The US also said that one of the substances listed in Chile's proposal now has an alternative, outlined in the CTOC assessment, and suggested it be removed from the proposal. Co-Chair Sorensen said that the issue will be deferred until Friday as the paper had not been distributed in time for parties' consideration.

#### FINANCIAL REQUIREMENTS OF THE MBTOC:

SWITZERLAND introduced a proposal (UNEP/OzL.Pro.19/CRP.15) requesting financial assistance for the MBTOC for supporting the administrative cost of two meetings and travel by experts. He said that financial support for the committee is not unprecedented, and the committee needs the support of the parties. The US voiced opposition to the proposal. The EC asked the plenary to postpone discussion on the proposal to allow coordination among EU members.

#### CONTACT GROUPS

**ILLEGAL TRADE:** The group, chaired by Paul Krajnik (Austria), focused on reaching consensus on operative paragraphs and preambular text. Delegates agreed on text requesting the Ozone Secretariat to continue collaborating with the World Customs Organization on possible actions taken to introduce new amendments by parties to the Harmonized Commodity Description and Coding System of ODS, and report the results. Parties also agreed to note that action may occur, relevant to trade in ODS, in other fora such as the World Customs Organization.

Delegates also agreed on: a paragraph acknowledging the contribution of better implementation and enforcement of existing mechanisms toward effective monitoring of transboundary movements of ODS; and language acknowledging the initiative to combat illegal trade through informal prior informed consent procedures, such as "Project Sky Hole Patching."

One party emphasized that lack of facilities to store seized ODS can limit the efficiency of controlling illegal trade. Another party proposed reference to recognizing the benefits of transparency and information-sharing for combating illegal trade. Participants agreed to refer to transparency in the preamble, but decided against the addition of an operative paragraph.

The group reconvened in the late afternoon to consider a proposal on the prevention of methyl bromide trade that is harmful to Article 5 parties. KENYA introduced the draft decision, explaining that it aimed to address excess supply of methyl bromide by requiring quantification of stocks and expected imports, but that it was not intended to affect methyl bromide for quarantine purposes. Numerous parties suggested that the issue would be better addressed through effective licensing, a requirement of the Protocol. In an extensive exchange of views many delegates foresaw implementation difficulties, including increased burdens for countries that re-export to smaller markets. Chair Krajnik concluded that no agreement could be reached on the decision. Some participants suggested the issue of harmful trade in methyl bromide would be more appropriately dealt with by adaptation of the basic domestic needs submitted next year. KENYA agreed to revisit the issue at MOP-20.

#### TOR FOR THE STUDY ON MULTILATERAL FUND

**REPLENISHMENT:** The group resolved text on the possible replenishment periods to be considered by the study. One participant noted that MOP-20 will determine the length of the next replenishment, which is not fixed, although another described a three-year replenishment period as a "tradition" that should be retained. The group agreed to refer to a "longer" replenishment, rather than specifying possible lengths. The agreed text requests the Panel to provide information on the levels of funding required for replenishment in the years 2012, 2013 and 2014, and to study the financial and other implications of a possible longer replenishment period.

The group then considered if and how TEAP could take into account the conclusions of the Executive Committee study on environmentally-sound destruction of ODS. No agreement was reached, and the group will revisit the issue on Friday after consulting with TEAP.

**MONTREAL DECLARATION:** Parties agreed upon many outstanding paragraphs and refined much of the preambular and operative text. Parties agreed to acknowledge that the Protocol "operates" instead of "is founded" on the concept of common but differentiated responsibilities. Delegates also separated the text recognizing the continued role of the Protocol in benefiting vulnerable parts of the planet and their populations, from the text on measures to prevent existing and new ODS from threatening the ozone layer. Parties also agreed to incorporate text on: preserving the spirit of the Montreal Protocol; and continued stringent controls, effective compliance and proper financing. The drafting of a paragraph on HCFC amendments was deferred until Friday.

By the session's end, brackets remained only on recognizing environmental agreements, and preferential access to technology. The group will reconvene on Friday.

**HCFCs:** A closed contact group met all day and into the evening, discussing baseline and freeze dates, and step-down targets for a possible accelerated phase-out of HCFCs.

**CUNs:** The group, chaired by Pierre Pinault (Canada), met in a closed session to discuss proposals for CUNs for methyl bromide. Discussions will continue on Friday.

#### IN THE CORRIDORS

As the doors closed and the HCFC contact group kicked off on Thursday, non-parties gathered in the halls to take stock of who was "in," and who was not. Some wondered at the mysterious absence of one key party, while others noticed the admittance of TEAP and Multilateral Fund representatives. As sun-starved delegates emerged during breaks, many were upbeat, reporting steady progress towards consensus on baseline and freeze dates. But some well-informed negotiators lamented that the "not-quite-agreed" freeze date was probably beyond the next Multilateral Fund replenishment period, raising the specter of an interim decrease in the Fund. Others countered that the potential of incentives for early action could ensure earlier access to funding for those Article 5 countries ready to phase out HCFCs sooner. Looking ahead, most delegates predicted another busy day on Friday, a late closing plenary and a marathon race to the finish line.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of MOP-19 will be available on Monday, 24 September 2007, online at: <http://www.iisd.ca/ozone/mop19/>