



## FIFTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL: 10-14 NOVEMBER 2003

The Fifteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-15) begins today at the UN's Gigiri complex in Nairobi, Kenya. A preparatory segment will be held from 10-12 November, followed by a high-level segment for ministers and other heads of delegations from 13-14 November. Approximately 500 participants are expected to attend MOP-15 and they will take up a variety of issues, including the terms of reference for a study on the management of the Protocol's financial mechanism, cases of non-compliance with the treaty, financial reports for the Vienna Convention for the Protection of the Ozone Layer and for the Montreal Protocol, and an application by South Africa for technical and financial assistance from the Global Environment Facility (GEF). MOP-15 will also decide on exemptions from the Protocol's control measures for methyl bromide, an ozone-depleting substance (ODS) that is used as a pesticide. The implications of entry into force of the Protocol's Beijing Amendment, particularly as it relates to hydrochlorofluorocarbons (HCFCs), is also on the agenda.

### 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, as well as 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 ODS. To date, the Convention has 185 Parties.

**MONTREAL PROTOCOL:** Efforts to negotiate binding obligations on ODS continued, leading to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer in September 1987. 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 these ODS before taking on commitments. To date, the Protocol has 184 Parties.

Since 1987, several amendments and adjustments to the Protocol have been agreed, 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 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, 166 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 of developing country implementation of the Protocol's control measures and finances clearing-house functions, including technical assistance, information, training and 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 in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons (HBFCs) and hydrochlorofluorocarbons (HCFCs). MOP-4 also agreed to enact non-compliance procedures, including the establishment of an Implementation Committee. The Implementation Committee examines cases of possible non-compliance by Parties and the circumstances surrounding these, and makes recommendations to the MOP aimed at bringing about full compliance. To date, 154 Parties have ratified the Copenhagen Amendment.

**MONTREAL AMENDMENT AND ADJUSTMENTS:** At MOP-9, held in Montreal in 1997, in addition to further tightening the existing control schedules, delegates agreed to a new licensing system for the import and export of ODS. They also agreed to a ban on trade in methyl bromide with non-Parties to the Copenhagen Amendment. To date, 107 Parties have ratified the Montreal Amendment.

**BEIJING AMENDMENT AND ADJUSTMENTS:** At MOP-11, held in Beijing in 1999 together with COP-5 of the Vienna Convention, delegates agreed to controls on HCFC production and bromochloromethane (BCM), and to reporting on methyl bromide for quarantine and pre-shipment applications. To date, 57



Parties have ratified the Beijing Amendment. In addition, MOP-11 agreed to replenish the Multilateral Fund with US\$477.7 million for the triennium 2000-2002.

**MOP-12:** MOP-12 took place in Ouagadougou, Burkina Faso, from 11-14 December 2000. MOP-12 adopted decisions on: a correction to the Beijing Adjustments; measures to facilitate the transition from CFC-based metered-dose inhalers (MDIs); monitoring of international trade and prevention of illegal trade in ODS; and other issues. MOP-12 also adopted the Ouagadougou Declaration, which encourages Parties to, *inter alia*: take steps to prevent illegal production, consumption and trade in ODS and ODS-containing equipment and products; and harmonize customs codes.

**MOP-13:** MOP-13 took place in Colombo, Sri Lanka, from 16-19 October 2001. MOP-13 adopted decisions on: the terms of reference for a study by the Technology and Economic Assessment Panel (TEAP) on the 2003-2005 replenishment of the Multilateral Fund; a review of the Multilateral Fund's fixed-exchange-rate mechanism (FERM); Parties' compliance; procedures for assessing the ozone-depleting potential (ODP) of new substances; CFC production for MDIs; monitoring of international trade and prevention of illegal trade in ODS; the budget of the Trust Fund; and other issues. MOP-13 also adopted the Colombo Declaration, which encourages Parties to, *inter alia*: apply due care in using substances that may have ODP; and determine and use available, accessible and affordable alternatives and technologies that minimize environmental harm while protecting the ozone layer.

**MOP-14:** MOP-14 convened in Rome, Italy, from 25-29 November 2002. Delegates adopted a record 46 decisions, covering such matters as the Multilateral Fund replenishment and its FERM, compliance issues, illegal trade, the transition from CFCs for MDIs, the relationship with the climate change regime; and interaction with the World Trade Organization.

One of the key tasks on the agenda was the replenishment of the Multilateral Fund, which was allocated a budget of US\$573 million for 2003-2005. Delegates also considered the phase-out of methyl bromide, illegal trade in ODS, compliance procedures, the destruction of ODS, and synergies between ozone depletion and climate change.

**CURRENT ODS CONTROL SCHEDULES:** Regarding the ODS control schedules resulting from the various amendments and adjustments to the Montreal Protocol, developed countries were required to phase out: halons by 1994; CFCs, CTC, methyl chloroform and HBFCs by 1996; and BCM by 2002. They must still phase out: methyl bromide by 2005 and consumption of HCFCs by 2030 (with interim targets up to those dates). Production of HCFCs must be stabilized by 2004.

Developing countries were required to phase out HBFCs by 1996 and BCM by 2002. They must still phase out: CFCs, halons and CTC by 2010; methyl chloroform and methyl bromide by 2015; and consumption of HCFCs by 2040 (with interim targets up to those dates). Production of HCFCs must be stabilized by 2016.

### INTERSESSIONAL HIGHLIGHTS

#### 30TH MEETING OF THE IMPLEMENTATION

**COMMITTEE:** Non-compliance by many Parties to the Montreal Protocol was the focus of the 30th Meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol, which was held from 4-7 July 2003, in Montreal, Canada. The Committee considered a substantial agenda of compliance-related matters, including cases of non-compliance with previous decisions by Parties. The Committee agreed to request additional information from several countries, expressed concern at some Parties' apparent non-compliance, and commended others on their success in addressing earlier problems.

Delegates also discussed ways to improve the Committee's work. Several speakers observed that closer liaison with the implementing agencies would be of value in supplying relevant information to the Committee. Some delegates also suggested that implementing agencies should be given the opportunity to comment on documents prepared by the Ozone Secretariat before they are circulated to the Committee, and that all documents should be circulated to the Committee prior to its meetings. The Committee agreed to present a draft decision to MOP-15 urging the implementing agencies, and in particular UNEP's Compliance Assistance Programme, to assist the Committee, through the Ozone Secretariat, in following up decisions of the Parties on non-compliance and data reporting.

**23RD MEETING OF THE OPEN-ENDED WORKING GROUP (OEWG):** Delegates attending the 23rd meeting of the OEWG of the Parties to the Montreal Protocol engaged in a review of progress and prepared for MOP-15. The OEWG, which met in Montreal from 7-11 July 2003, considered a proposal to amend the Protocol submitted by the European Community, as well as issues addressed by the TEAP in its 2003 progress report, and a report from the Halons Technical Options Committee.

Delegates examined issues related to methyl bromide use in some detail. They also looked at progress made on the issue of a global harmonized system for the classification of ozone-depleting substances, and discussed the terms of reference for the evaluation of the Multilateral Fund. In their discussions on methyl bromide, some participants expressed concern at the assumptions used by the Methyl Bromide Technical Options Committee in its recent evaluation, and several speakers also drew attention to the considerable number of nominations for exemptions. However, following deliberations in a contact group, progress was reported on many of the matters under discussion. The report of the OEWG contains proposals for a number of draft decisions that are to be taken up at MOP-15, including text on conditions for granting critical-use exemptions for methyl bromide.

**OTHER RECENT MEETINGS:** Other meetings held ahead of MOP-15 include those of the Environmental Effects Assessment Panel, which met in Edinburgh, Scotland, from 17-20 September, and the Methyl Bromide Technical Options Committee, which convened from 22-24 September in Brussels, Belgium, to conclude its evaluations of the Critical Use Nominations submitted by Parties in 2003. More recently, the Implementation Committee gathered for its 31st Meeting from 5-7 November in Nairobi and decided to meet again on 10 November, at 8:00 am to finish its work on analysing the data provided by Parties on ODS, and to finalize draft decisions. On 8 November, a MOP Bureau Meeting was held in preparation for MOP-15, and a meeting to elaborate a common interpretation of the Beijing Amendment also took place. Both meetings were held in Nairobi.

### THINGS TO LOOK FOR TODAY

**OPENING PLENARY:** MOP-15 will begin at 10:00 am in Conference Room 2 at the UN complex in Gigiri, Nairobi. Following opening remarks by a representative of the Kenyan Government and UNEP Executive Director Klaus Töpfer, participants will turn to organizational issues, including the adoption of the agenda. They are then expected to begin their substantive consideration of the various issues and draft decisions on the agenda.

The Implementation Committee will have a meeting at 8:00 am, in a Conference Room to be announced, for finishing its work.