Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer

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Foreword

The Montreal Protocol on Substances that Deplete the Ozone Layer stands as one of the most successful examples of international cooperation to tackle a major global environmental threat. Since the negotiation of the Protocol in 1987, its Parties have continued to adapt the regime they established in response to scientific evidence and technological developments. The production and consumption of entire groups of harmful ozone-depleting chemicals has been successfully phased out in developed countries, and the same process is now well under way in developing countries. Overall, almost ninety five per cent of all ozone-depleting substances have been phased out. This is a remarkable effort by the Parties to the Montreal Protocol.

Since 1991 the publication of the *Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer (1987)* has proved to be a valuable reference source for the decisions the Parties have made in the process of developing the ozone regime. The Handbook itself is published in response to the Parties' decision (made in 1990) requesting the Secretariat to publish and update regularly a Handbook, setting out the Protocol, as adjusted and amended, together with the decisions of the Parties and other relevant material. Since that time, the Protocol has been adjusted five times and amended four times. These have been integrated into a single text which is included in this Handbook.

The Protocol also includes all the decisions of the Meeting of the Parties to the Montreal Protocol that have taken place since 1989. The number of decisions taken at each of these Meetings – covering policy, legal, non-compliance, science and technology, and other technical issues associated with the implementation of and compliance with the Protocol – initially averaged twenty every year. However, in recent years, with the increased number of issues of non-compliance with which the Parties have had to deal, the number of decisions adopted by each Meeting has averaged over forty. All these decisions are incorporated in this latest issue of the Handbook, along with other relevant information up to 2005.

Over the years the Handbook has proved to be valuable reference material for the Parties to the Montreal Protocol. It is my hope that this latest edition of the Handbook, which I commend to readers, will prove just as useful as repository of information on the implementation of the Montreal Protocol.

Achim Steiner
Executive Director
United Nations Environment Programme

Introduction

Welcome to the seventh edition of the Handbook for the Montreal Protocol.

Unlike the last (sixth) edition of the Handbook for the International Treaties for the Protection of the Ozone Layer, which was published by combining the information on the Vienna Convention and the Montreal Protocol, this seventh edition contains only information on the Montreal Protocol on Substances that Deplete the Ozone Layer. We have decided to publish this edition separately in order to accommodate the substantial number of decisions of the Parties to the Montreal Protocol that were taken from the fifteenth to seventeenth Meetings of the Parties between 2003 and 2005, which up until now have only been available from the reports of the Meetings.

In updating the information for this edition, no changes have been made to the text of the Montreal Protocol treaty itself or the summary of control measures under the Montreal Protocol in Section 1. Section 2, on decisions of the Meetings of the Parties, has been updated to include the decisions adopted at the fifteenth, sixteenth and seventeenth meetings of the Parties, as well as the decisions of the two extraordinary meetings of the Parties.

Also updated is Section 3, which covers destruction procedures for ozone-depleting substances based on the decisions of the Parties, the summary of essential-use exemptions approved by the Meetings of the Parties, the Assessment Panels (especially their terms of reference), the Multilateral Fund (with respect to the terms of reference of the Executive Committee, by incorporating the amendment to paragraph 2, based on decision XVI/38 of the Meeting of the Parties), Finance (by including the latest UN scale of assessments adopted by the United Nations General Assembly in 2005), and declarations by the Parties. No changes have been made to the sub-section on the non-compliance procedure, but a new sub-section has been added summarising critical-use exemptions for methyl bromide.

Section 4, on the Rules of Procedure, remains unaltered. The information on the evolution of the Montreal Protocol, which previously appeared in Section 4 of the sixth edition of the Handbook is now available from the Secretariat's website at ozone.unep.org. This valuable historical information on the original 1987 Montreal Protocol and the separate adjustments and amendments to the Protocol that were adopted by the Meetings of the Parties in 1990, 1992, 1995, 1997 and 1999, may be accessed under the Montreal Protocol sub-section within the Treaties and Ratification section of the website.

The Secretariat welcomes any suggestions for any further improvement of the format of this Handbook in the future – especially in respect of the expanding volume of information that has to be updated periodically and put together in a single volume.

Marco Gonzalez
Executive Secretary, Ozone Secretariat
United Nations Environment Programme

Section 1

The Montreal Protocol

Section 1.1

The Montreal Protocol on Substances that Deplete the Ozone Layer

as adjusted and amended by the Second Meeting of the Parties (London, 27–29 June 1990)
and by the Fourth Meeting of the Parties
(Copenhagen, 23–25 November 1992)
and further adjusted by the Seventh Meeting of the Parties
(Vienna, 5–7 December 1995)
and further adjusted and amended by the Ninth Meeting of the Parties
(Montreal, 15–17 September 1997)
and by the Eleventh Meeting of the Parties
(Beijing, 29 November – 3 December 1999)

Preamble

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

Aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries,

Acknowledging that special provision is required to meet the needs of developing countries, including the provision of additional financial resources and access to relevant technologies, bearing in mind that the magnitude of funds necessary is predictable, and the funds can be expected to make a substantial difference in the world's ability to address the scientifically established problem of ozone depletion and its harmful effects,

Noting the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

Considering the importance of promoting international co-operation in the research, development and transfer of alternative technologies relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

HAVE AGREED AS FOLLOWS:

Article 1: Definitions

For the purposes of this Protocol:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.

2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.

3. "Secretariat" means the Secretariat of the Convention.

4. "Controlled substance" means a substance in Annex A, Annex B, Annex C or Annex E to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.

5. "Production" means the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".

6. "Consumption" means production plus imports minus exports of controlled substances.

7. "Calculated levels" of production, imports, exports and consumption means levels determined in accordance with Article 3.

8. "Industrial rationalization" means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

Article 2: Control Measures

1. Incorporated in Article 2A.

2. Replaced by Article 2B.

3. Replaced by Article 2A.

4. Replaced by Article 2A.

5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2F, and Article 2H, provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

5 *bis.* Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the

Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.

6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the Secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1 (6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article and Articles 2A to 2I provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2I.

(b) The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

(c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol and have notified the Secretariat of their manner of implementation.

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

(i) Adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex C and/or Annex E should be made and, if so, what the adjustments should be; and

(ii) Further adjustments and reductions of production or consumption of the controlled substances should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be;

(b) Proposals for such adjustments shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Parties at which they are proposed for adoption;

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing a majority of the Parties operating under Paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting;

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

(a) whether any substances, and if so which, should be added to or removed from any annex to this Protocol, and

(b) the mechanism, scope and timing of the control measures that should apply to those substances;

11. Notwithstanding the provisions contained in this Article and Articles 2A to 2I Parties may take more stringent measures than those required by this Article and Articles 2A to 2I.

Introduction to the adjustments

The Second, Fourth, Seventh, Ninth and Eleventh Meetings of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decided, on the basis of assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annexes A, B, C and E to the Protocol as follows (the text here shows the cumulative effect of all the adjustments):

Article 2A: CFCs

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten per cent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group I of Annex A do not exceed 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the twelve-month control period for these controlled substances shall run from 1 January to 31 December each year.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group I of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not

exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

7. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

8. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

9. For the purposes of calculating basic domestic needs under paragraphs 4 to 8 of this Article, the calculation of the annual average of production by a Party includes any production entitlements that it has transferred in accordance with paragraph 5 of Article 2, and excludes any production entitlements that it has acquired in accordance with paragraph 5 of Article 2.

Article 2B: Halons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually, its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1986; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group II of Annex A for basic domestic needs for the period 1995 to 1997 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

Article 2C: Other fully halogenated CFCs

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, eighty per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same period, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty-five per cent of its calculated level of consumption in 1989. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, twenty-five per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2003 exceed that limit by up to fifteen per cent of its calculated level of production in 1989; thereafter, it may exceed that limit by a quantity equal to eighty per cent of the annual average of its production of the controlled substances in Group I of Annex B for basic domestic needs for the period 1998 to 2000 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1998 to 2000 inclusive.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

Article 2D: Carbon tetrachloride

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods,

ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2E: 1,1,1-Trichloroethane (Methyl chloroform)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production for 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2F: Hydrochlorofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the sum of:

   (a) Two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

   (b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.

2. Each Party shall ensure that for the twelve month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the sum referred to in paragraph 1 of this Article.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-five per cent of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, zero point five per cent of the sum referred to in paragraph 1 of this Article. Such consumption shall, however, be restricted to the servicing of refrigeration and air conditioning equipment existing at that date.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero.

7. As of 1 January 1996, each Party shall endeavour to ensure that:

   (a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;

   (b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and

   (c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

8. Each Party producing one or more of these substances shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of:

   (a) The sum of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

   (b) The sum of its calculated level of production in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of production in 1989 of the controlled substances in Group I of Annex A.

   However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production of the controlled substances in Group I of Annex C as defined above.

Article 2G: Hydrobromofluorocarbons

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 2H: Methyl bromide

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex

E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same period, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1999, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1991; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substance in Annex E for basic domestic needs for the period 1995 to 1998 inclusive. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.

5 *bis*. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed eighty per cent of the annual average of its production of the substance for basic domestic needs for the period 1995 to 1998 inclusive.

5 *ter*. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed zero.

6. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.

Article 2I: Bromochloromethane

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelve-month period thereafter, its calculated level of consumption and production of the controlled substance in Group III of Annex C does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Article 3: Calculation of control levels

For the purposes of Articles 2, 2A to 2I and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C or Annex E determine its calculated levels of:

(a) Production by:

(i) multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A, Annex B, Annex C or Annex E;

(ii) adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

Article 4: Control of trade with non-Parties

1. As of 1 January 1990, each party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol.

1 *bis.* Within one year of the date of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex B from any State not party to this Protocol.

1 *ter.* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of any controlled substances in Group II of Annex C from any State not party to this Protocol.

1 *qua*. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Annex E from any State not party to this Protocol.

1 *quin*. As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of Annex C from any State not party to this Protocol.

1 *sex.* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Group III of Annex C from any State not party to this Protocol.

2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol.

2 *bis.* Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Annex B to any State not party to this Protocol.

2 *ter*. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Group II of Annex C to any State not party to this Protocol.

2 *qua*. Commencing one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.

2 *quin*. As of 1 January 2004, each Party shall ban the export of the controlled substances in Group I of Annex C to any State not party to this Protocol.

2 *sex*. Within one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Group III of Annex C to any State not party to this Protocol.

3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *bis*. Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

3 *ter*. Within three years of the date of entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Group II of Annex C. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 *bis*. Within five years of the date of the entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex B. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4 *ter*. Within five years of the date of entry into force of this paragraph, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of Annex C. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A, B, C and E.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances in Annexes A, B, C and E.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A, B, C and E.

8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 *ter* of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2I and this Article, and have submitted data to that effect as specified in Article 7.

9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to a particular controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

Article 4A: Control of trade with Parties

1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.

2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.

Article 4B: Licensing

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.

2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.

3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.

4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

Article 5: Special situation of developing countries

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendment adopted at the Second

Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

1 *bis.* The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

(a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;

(b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

(c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of controlled substances of Annex B of 0.2 kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

(a) For controlled substances under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to consumption.

(b) For controlled substances under Annex B, the average of its annual calculated level of consumption for the period 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to consumption.

(c) For controlled substances under Annex A, either the average of its annual calculated level of production for the period 1995 to 1997 inclusive or a calculated level of production of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

(d) For controlled substances under Annex B, either the average of its annual calculated level of production for the period 1998 to 2000 inclusive or a calculated level of production of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2I become applicable to it, finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties, which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.

5. Developing the capacity to fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E and Article 2I, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, and their implementation by those same Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and the transfer of technology as provided by Article 10A.

6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E and Article 2I, or any or all obligations in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties, which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.

7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article 8 shall not be invoked against the notifying Party.

8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

8 *bis.* Based on the conclusions of the review referred to in paragraph 8 above:

(a) With respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;

(b) With respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2C to 2E shall be read accordingly.

8 *ter.* Pursuant to paragraph 1 *bis* above:

(a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2016, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, its calculated level of consumption in 2015. As of 1 January 2016 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 8 of Article 2F and, as the basis for its compliance with these control measures, it shall use the average of its calculated levels of production and consumption in 2015;

(b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2040, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero;

(c) Each Party operating under paragraph 1 of this Article shall comply with Article 2G;

(d) With regard to the controlled substance contained in Annex E:

(i) As of 1 January 2002 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses;

(iv) The calculated levels of consumption and production under this subparagraph shall not include the amounts used by the Party for quarantine and pre-shipment applications.

9. Decisions of the Parties referred to in paragraph 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

Article 6: Assessment and review of control measures

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2I on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the Secretariat, to the Parties.

Article 7: Reporting of data

1. Each Party shall provide to the Secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances

   – in Annex B and Groups I and II of Annex C for the year 1989;

   – in Annex E, for the year 1991,

   or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C and E respectively enter into force for that Party.

3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C and E and, separately, for each substance,

   – Amounts used for feedstocks,

   – Amounts destroyed by technologies approved by the Parties, and

   – Imports from and exports to Parties and non-Parties respectively,

   for the year during which provisions concerning the substances in Annexes A, B, C and E respectively entered into force for that Party and for each year thereafter. Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications. Data shall be forwarded not later than nine months after the end of the year to which the data relate.

3 *bis.* Each Party shall provide to the Secretariat separate statistical data of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

4. For Parties operating under the provisions of paragraph 8 (a) of Article 2, the requirements in paragraphs 1, 2, 3 and 3 *bis* of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

Article 8: Non-compliance

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

Article 9: Research, development, public awareness and exchange of information

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

   (a) best technologies for improving the containment, recovery, recycling, or destruction of controlled substances or otherwise reducing their emissions;

   (b) possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and

   (c) costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the Secretariat a summary of the activities it has conducted pursuant to this Article.

Article 10: Financial mechanism

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E and Article 2I, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of Article 5 of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

(a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;

(b) Finance clearing-house functions to:

(i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;

(ii) Facilitate technical co-operation to meet these identified needs;

(iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and

(iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries;

(c) Finance the secretarial services of the Multilateral Fund and related support costs.

4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.

5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.

6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:

(a) Strictly relates to compliance with the provisions of this Protocol;

(b) Provides additional resources; and

(c) Meets agreed incremental costs.

7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.

8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.

9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting.

10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

Article 10A: Transfer of technology

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

(a) that the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and

(b) that the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

Article 11: Meetings of the parties

1. The Parties shall hold meetings at regular intervals. The Secretariat shall convene the first meeting of the Parties not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that within six months of such a request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

(a) adopt by consensus rules of procedure for their meetings;

(b) adopt by consensus the financial rules referred to in paragraph 2 of Article 13;

(c) establish the panels and determine the terms of reference referred to in Article 6;

(d) consider and approve the procedures and institutional mechanisms specified in Article 8; and

(e) begin preparation of workplans pursuant to paragraph 3 of Article 10.

[The Article 10 in question is that of the original Protocol adopted in 1987.]

4. The functions of the meetings of the Parties shall be to:

(a) review the implementation of this Protocol;

(b) decide on any adjustments or reductions referred to in paragraph 9 of Article 2;

(c) decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;

(d) establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;

(e) review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;

(f) review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;

(g) assess, in accordance with Article 6, the control measures;

(h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;

(i) consider and adopt the budget for implementing this Protocol; and

(j) consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

Article 12: Secretariat

For the purposes of this Protocol, the Secretariat shall:

(a) arrange for and service meetings of the Parties as provided for in Article 11;

(b) receive and make available, upon request by a Party, data provided pursuant to Article 7;

(c) prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;

(d) notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;

(e) encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;

(f) provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-party observers; and

(g) perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.

Article 13: Financial provisions

1. The funds required for the operation of this Protocol, including those for the functioning of the Secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

Article 14: Relationship of this Protocol to the Convention

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

Article 15: Signature

This Protocol shall be open for signature by States and by regional economic integration organizations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

Article 16: Entry into force

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 17: Parties joining after entry into force

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2I and Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

Article 18: Reservations

No reservations may be made to this Protocol.

Article 19: Withdrawal

Any Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraph 1 of Article 2A. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Article 20: Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS PROTOCOL.

DONE AT MONTREAL THIS SIXTEENTH DAY OF SEPTEMBER, ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN.

Annex A: Controlled substances

Group	Substance	Ozone-Depleting Potential*
Group I		
$CFCl_3$	(CFC-11)	1.0
CF_2Cl_2	(CFC-12)	1.0
$C_2F_3Cl_3$	(CFC-113)	0.8
$C_2F_4Cl_2$	(CFC-114)	1.0
C_2F_5Cl	(CFC-115)	0.6
Group II		
CF_2BrCl	(halon-1211)	3.0
CF_3Br	(halon-1301)	10.0
$C_2F_4Br_2$	(halon-2402)	6.0

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

Annex B: Controlled substances

Group	Substance	Ozone-Depleting Potential
Group I		
CF_3Cl	(CFC-13)	1.0
C_2FCl_5	(CFC-111)	1.0
$C_2F_2Cl_4$	(CFC-112)	1.0
C_3FCl_7	(CFC-211)	1.0
$C_3F_2Cl_6$	(CFC-212)	1.0
$C_3F_3Cl_5$	(CFC-213)	1.0
$C_3F_4Cl_4$	(CFC-214)	1.0
$C_3F_5Cl_3$	(CFC-215)	1.0
$C_3F_6Cl_2$	(CFC-216)	1.0
C_3F_7Cl	(CFC-217)	1.0
Group II		
CCl_4	carbon tetrachloride	1.1
Group III		
$C_2H_3Cl_3$*	1,1,1-trichloroethane* (methyl chloroform)	0.1

* This formula does not refer to 1,1,2-trichloroethane.

Annex C: Controlled substances

Group	Substance	Number of isomers	Ozone-Depleting Potential*
Group I			
$CHFCl_2$	(HCFC-21)**	1	0.04
CHF_2Cl	(HCFC-22)**	1	0.055
CH_2FCl	(HCFC-31)	1	0.02
C_2HFCl_4	(HCFC-121)	2	0.01–0.04
$C_2HF_2Cl_3$	(HCFC-122)	3	0.02–0.08
$C_2HF_3Cl_2$	(HCFC-123)	3	0.02–0.06
$CHCl_2CF_3$	(HCFC-123)**	–	0.02
C_2HF_4Cl	(HCFC-124)	2	0.02–0.04
$CHFClCF_3$	(HCFC-124)**	–	0.022
$C_2H_2FCl_3$	(HCFC-131)	3	0.007–0.05
$C_2H_2F_2Cl_2$	(HCFC-132)	4	0.008–0.05
$C_2H_2F_3Cl$	(HCFC-133)	3	0.02–0.06
$C_2H_3FCl_2$	(HCFC-141)	3	0.005–0.07
CH_3CFCl_2	(HCFC-141b)**	–	0.11
$C_2H_3F_2Cl$	(HCFC-142)	3	0.008–0.07
CH_3CF_2Cl	(HCFC-142b)**	–	0.065
C_2H_4FCl	(HCFC-151)	2	0.003–0.005
C_3HFCl_6	(HCFC-221)	5	0.015–0.07
$C_3HF_2Cl_5$	(HCFC-222)	9	0.01–0.09
$C_3HF_3Cl_4$	(HCFC-223)	12	0.01–0.08
$C_3HF_4Cl_3$	(HCFC-224)	12	0.01–0.09
$C_3HF_5Cl_2$	(HCFC-225)	9	0.02–0.07
$CF_3CF_2CHCl_2$	(HCFC-225ca)**	–	0.025
CF_2ClCF_2CHClF	(HCFC-225cb)**	–	0.033
C_3HF_6Cl	(HCFC-226)	5	0.02–0.10
$C_3H_2FCl_5$	(HCFC-231)	9	0.05–0.09
$C_3H_2F_2Cl_4$	(HCFC-232)	16	0.008–0.10
$C_3H_2F_3Cl_3$	(HCFC-233)	18	0.007–0.23
$C_3H_2F_4Cl_2$	(HCFC-234)	16	0.01–0.28
$C_3H_2F_5Cl$	(HCFC-235)	9	0.03–0.52
$C_3H_3FCl_4$	(HCFC-241)	12	0.004–0.09
$C_3H_3F_2Cl_3$	(HCFC-242)	18	0.005–0.13
$C_3H_3F_3Cl_2$	(HCFC-243)	18	0.007–0.12
$C_3H_3F_4Cl$	(HCFC-244)	12	0.009–0.14
$C_3H_4FCl_3$	(HCFC-251)	12	0.001–0.01
$C_3H_4F_2Cl_2$	(HCFC-252)	16	0.005–0.04
$C_3H_4F_3Cl$	(HCFC-253)	12	0.003–0.03
$C_3H_5FCl_2$	(HCFC-261)	9	0.002–0.02
$C_3H_5F_2Cl$	(HCFC-262)	9	0.002–0.02
C_3H_6FCl	(HCFC-271)	5	0.001–0.03

Group	Substance	Number of isomers	Ozone-Depleting Potential*
Group II			
$CHFBr_2$		1	1.00
CHF_2Br	(HBFC-22B1)	1	0.74
CH_2FBr		1	0.73
C_2HFBr_4		2	0.3–0.8
$C_2HF_2Br_3$		3	0.5–1.8
$C_2HF_3Br_2$		3	0.4–1.6
C_2HF_4Br		2	0.7–1.2
$C_2H_2FBr_3$		3	0.1–1.1
$C_2H_2F_2Br_2$		4	0.2–1.5
$C_2H_2F_3Br$		3	0.7–1.6
$C_2H_3FBr_2$		3	0.1–1.7
$C_2H_3F_2Br$		3	0.2–1.1
C_2H_4FBr		2	0.07–0.1
C_3HFBr_6		5	0.3–1.5
$C_3HF_2Br_5$		9	0.2–1.9
$C_3HF_3Br_4$		12	0.3–1.8
$C_3HF_4Br_3$		12	0.5–2.2
$C_3HF_5Br_2$		9	0.9–2.0
C_3HF_6Br		5	0.7–3.3
$C_3H_2FBr_5$		9	0.1–1.9
$C_3H_2F_2Br_4$		16	0.2–2.1
$C_3H_2F_3Br_3$		18	0.2–5.6
$C_3H_2F_4Br_2$		16	0.3–7.5
$C_3H_2F_5Br$		8	0.9–1.4
$C_3H_3FBr_4$		12	0.08–1.9
$C_3H_3F_2Br_3$		18	0.1–3.1
$C_3H_3F_3Br_2$		18	0.1–2.5
$C_3H_3F_4Br$		12	0.3–4.4
$C_3H_4FBr_3$		12	0.03–0.3
$C_3H_4F_2Br_2$		16	0.1–1.0
$C_3H_4F_3Br$		12	0.07–0.8
$C_3H_5FBr_2$		9	0.04–0.4
$C_3H_5F_2Br$		9	0.07–0.8
C_3H_6FBr		5	0.02–0.7
Group III			
CH_2BrCl	bromochloromethane	1	0.12

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

Annex D:* A list of products** containing controlled substances specified in Annex A

	Products	Customs code number
1.	Automobile and truck air conditioning units (whether incorporated in vehicles or not)	.....
2.	Domestic and commercial refrigeration and air conditioning/heat pump equipment***	.....
	e.g. Refrigerators	.....
	Freezers	.....
	Dehumidifiers	.....
	Water coolers	.....
	Ice machines	.....
	Air conditioning and heat pump units	.....
3.	Aerosol products, except medical aerosols	.....
4.	Portable fire extinguisher	.....
5.	Insulation boards, panels and pipe covers	.....
6.	Pre-polymers	.....

* This Annex was adopted by the Third Meeting of the Parties in Nairobi, 21 June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

*** When containing controlled substances in Annex A as a refrigerant and/or in insulating material of the product.

Annex E: Controlled substance

Group	Substance	Ozone-Depleting Potential
Group I		
CH_3Br	methyl bromide	0.6

Section 1.2

Summary of control measures under the Montreal Protocol

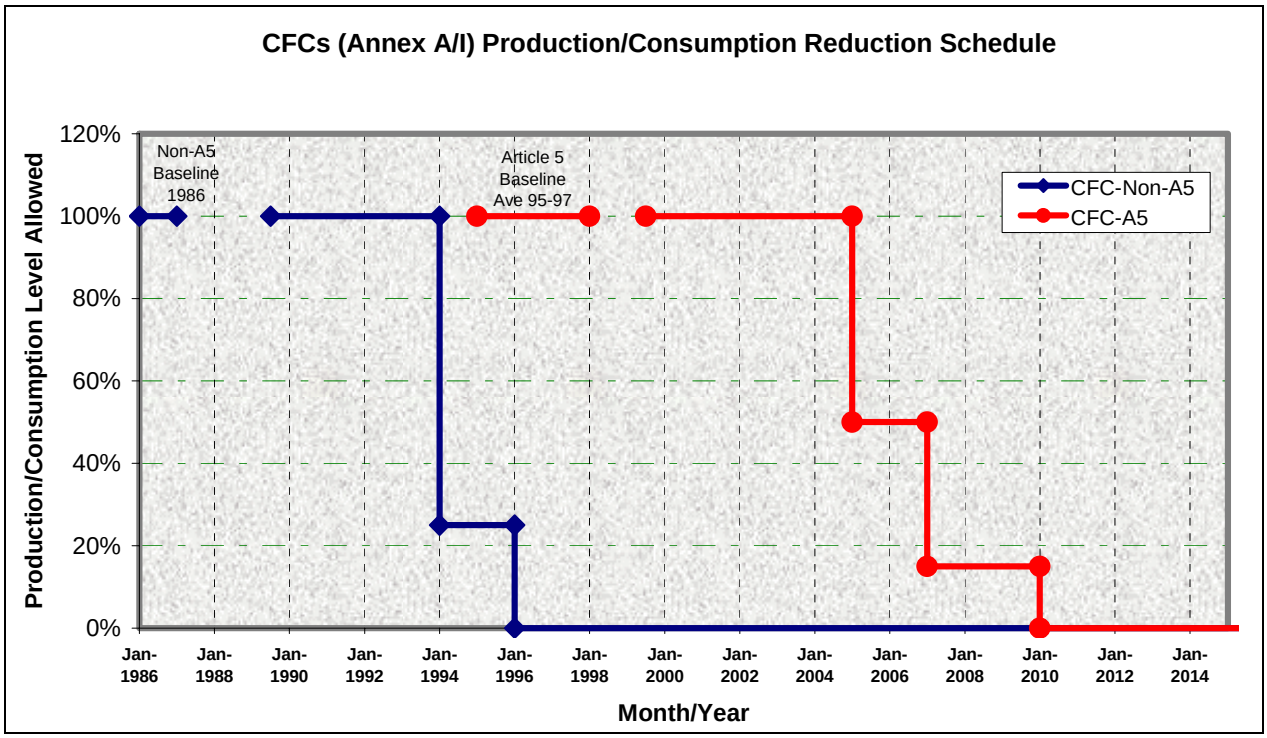
This summary of control measures takes into account all the Amendments including the Beijing Amendment.

It may be noted that an Article 5(1) Party is a Party classified at a meeting of the Parties as a developing country and whose annual per capita consumption of Annex A and Annex B substances are below the limits set in Article 5 of the Montreal Protocol.

Annex A – Group I: Chlorofluorocarbons (CFC-11, CFC-12, CFC-113, CFC-114 and CFC-115)

Applicable to production and consumption

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	1986.	Base level:	Average of 1995–97.
Freeze:	July 1, 1989.	Freeze:	July 1, 1999.
75 per cent: reduction	January 1, 1994.	50 per cent: reduction	January 1, 2005.
100 per cent: reduction	January 1, 1996 (with possible essential use exemptions).	85 per cent: reduction	January 1, 2007.
		100 per cent: reduction	January 1, 2010 (with possible essential use exemptions).



Annex A – Group II: Halons (halon 1211, halon 1301 and halon 2402)

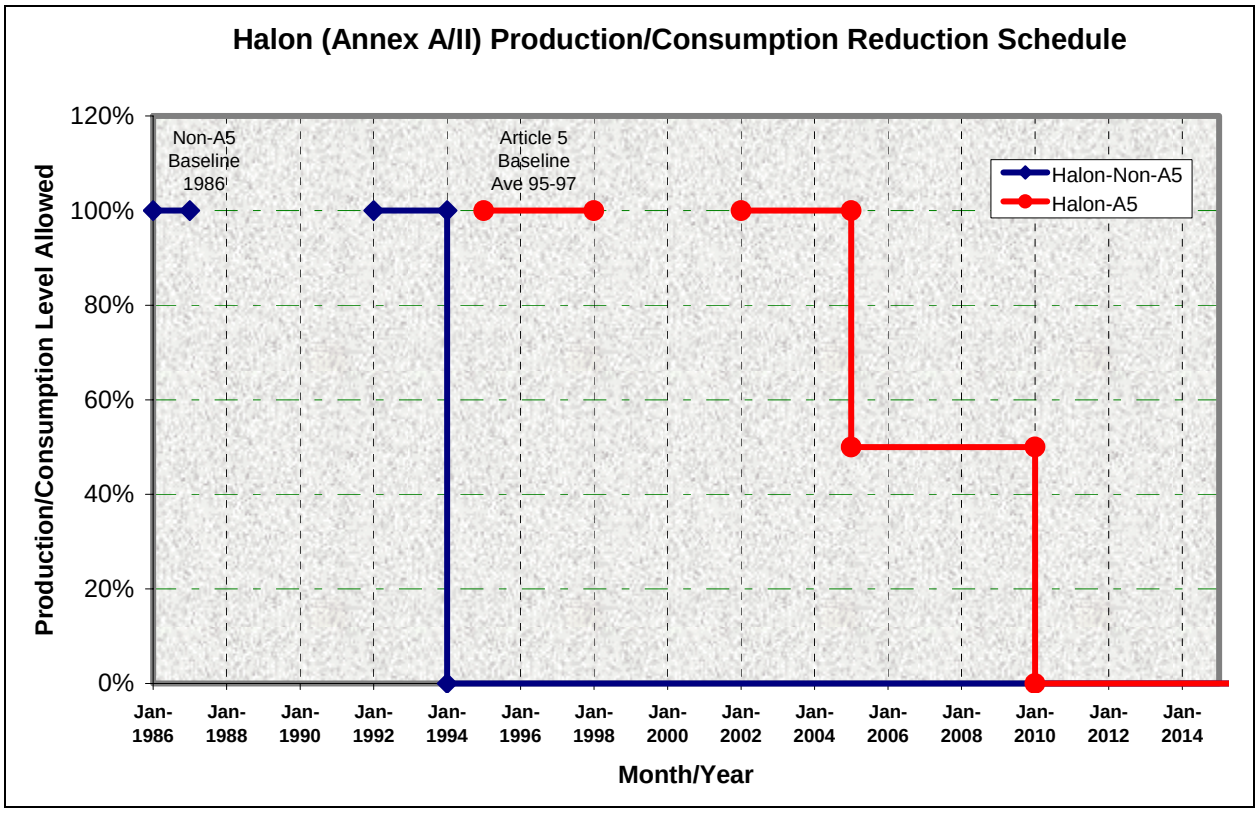
Applicable to production and consumption

Non-Article 5(1) Parties

Base level:	1986.
Freeze:	January 1, 1992.
100 per cent: reduction	January 1, 1994 (with possible essential use exemptions).

Article 5(1) Parties

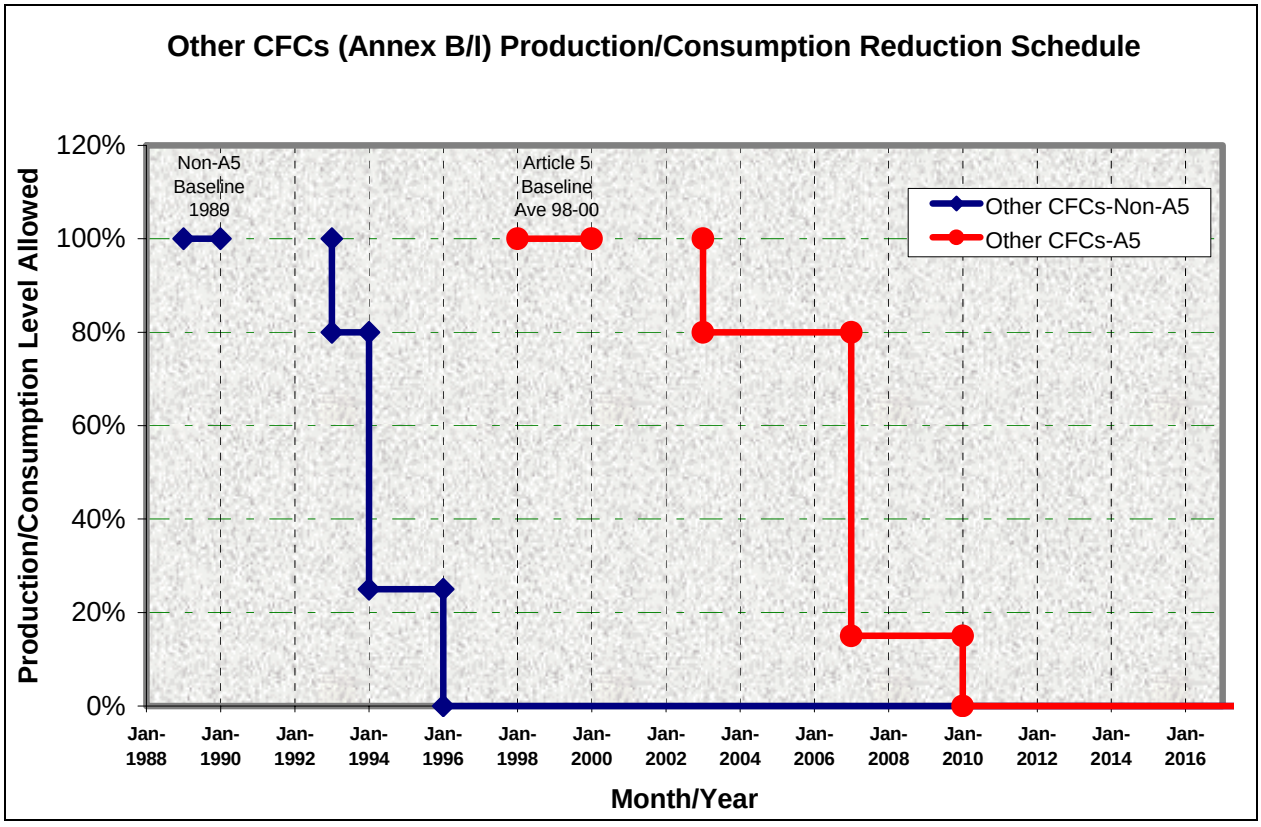
Base level:	Average of 1995–97.
Freeze:	January 1, 2002.
50 per cent: reduction	January 1, 2005.
100 per cent: reduction	January 1, 2010 (with possible essential use exemptions).



Annex B – Group I: Other fully halogenated CFCs (CFC-13, CFC-111, CFC-112, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, CFC-217)

Applicable to production and consumption

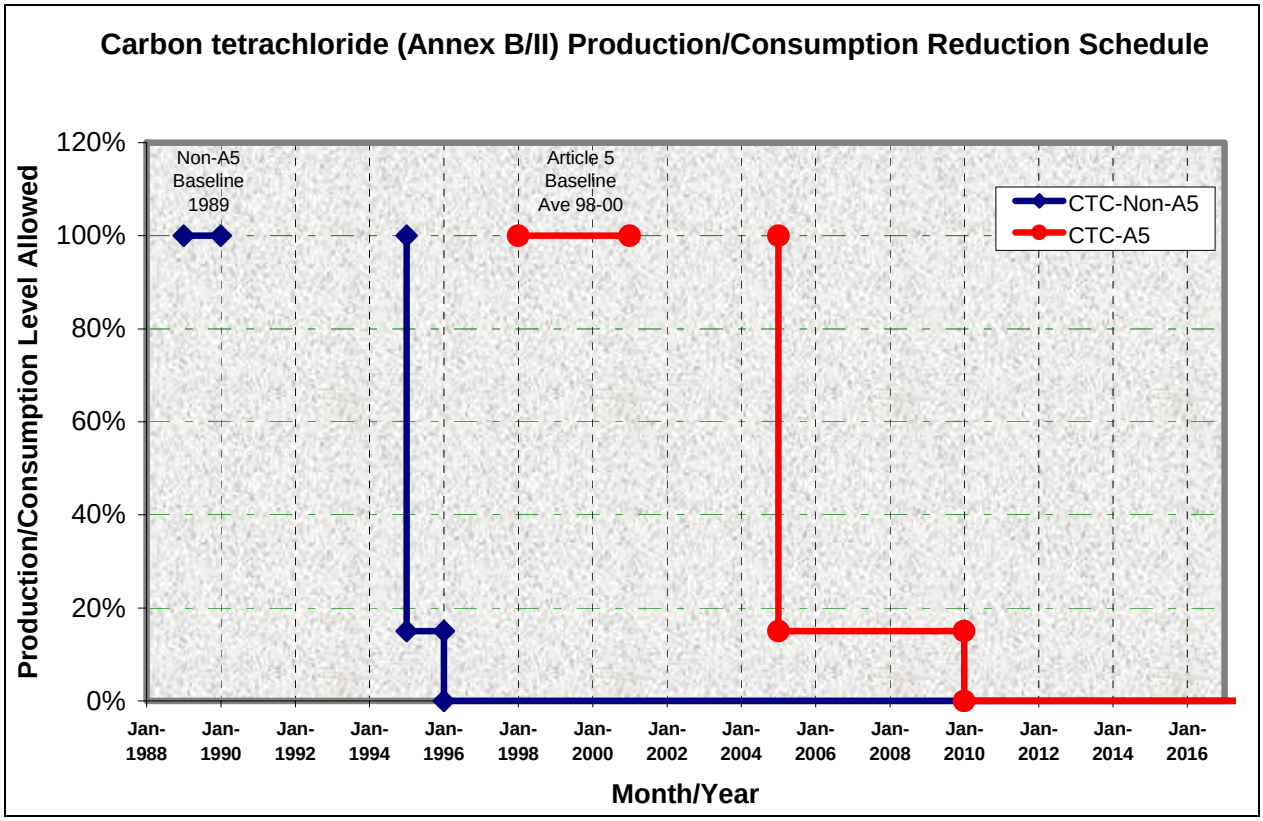
Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	1989.	Base level:	Average of 1998–2000.
20 per cent: reduction	January 1, 1993.	20 per cent: reduction	January 1, 2003.
75 per cent: reduction	January 1, 1994.	85 per cent: reduction	January 1, 2007.
100 per cent: reduction	January 1, 1996 (with possible essential use exemptions).	100 per cent: reduction	January 1, 2010 (with possible essential use exemptions).



Annex B – Group II: Carbon tetrachloride

Applicable to production and consumption

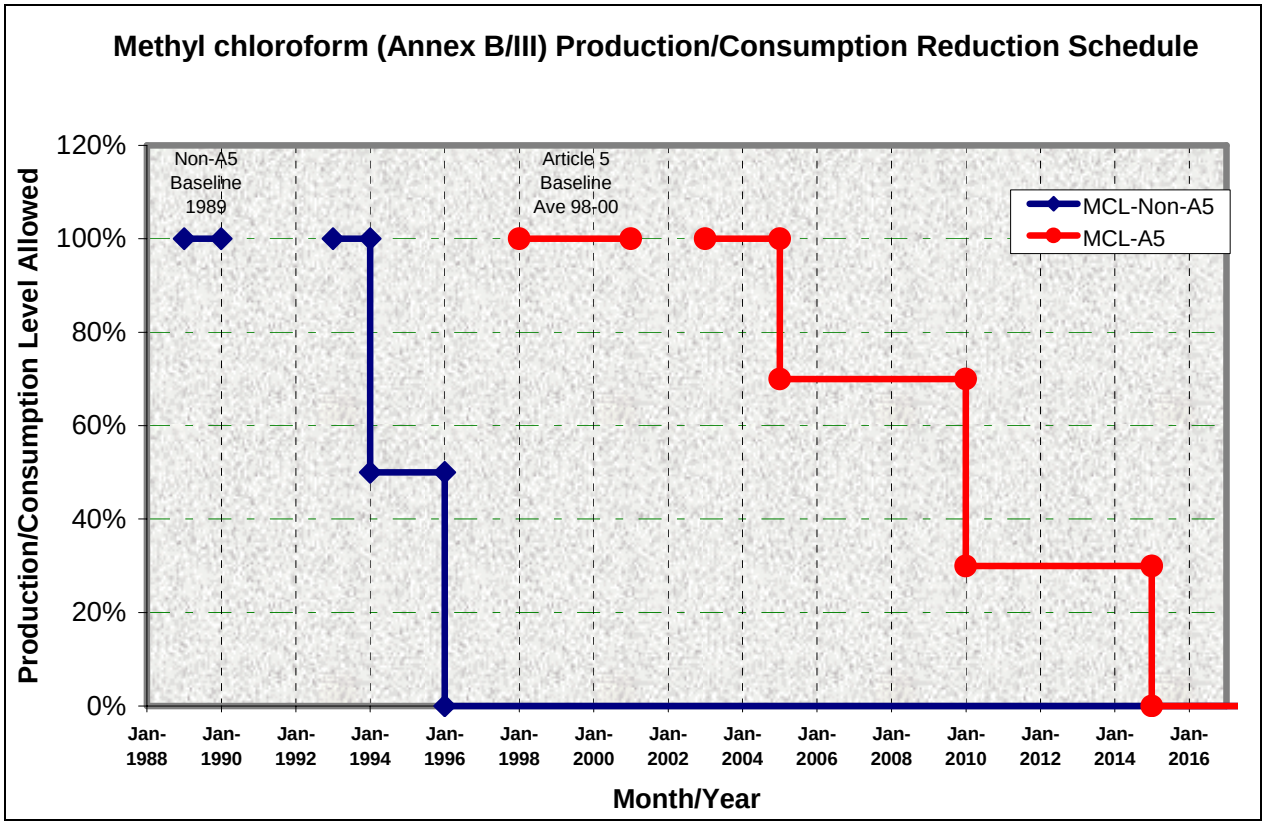
Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	1989.	Base level:	Average of 1998–2000.
85 per cent: reduction	January 1, 1995.	85 per cent: reduction	January 1, 2005.
100 per cent: reduction	January 1, 1996 (with possible essential use exemptions).	100 per cent: reduction	January 1, 2010 (with possible essential use exemptions).



Annex B – Group III: 1,1,1-trichloroethane (methyl chloroform)

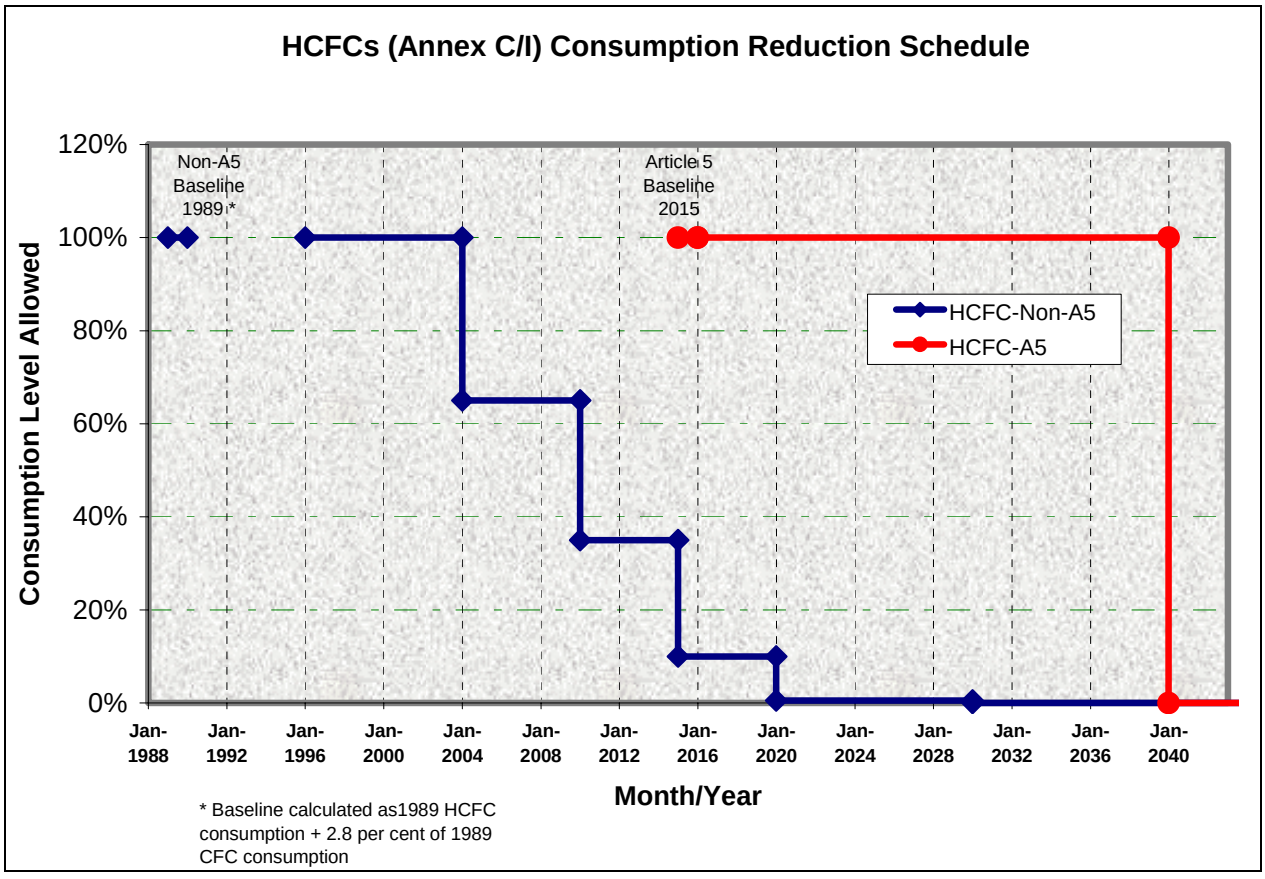
Applicable to production and consumption

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	1989.	Base level:	Average of 1998–2000.
Freeze:	January 1, 1993.	Freeze:	January 1, 2003.
50 per cent: reduction	January 1, 1994.	30 per cent: reduction	January 1, 2005.
100 per cent: reduction	January 1, 1996 (with possible essential use exemptions).	70 per cent: reduction	January 1, 2010.
		100 per cent: reduction	January 1, 2015 (with possible essential use exemptions).



Annex C – Group I: HCFCs (consumption)

Non-Article 5(1) Parties: Consumption		*Article 5(1) Parties: Consumption*	
Base level:	1989 HCFC consumption + 2.8 per cent of 1989 CFC consumption.	Base level:	2015.
Freeze:	1996.	Freeze:	January 1, 2016.
35 per cent: reduction	January 1, 2004.	100 per cent: reduction	January 1, 2040.
65 per cent: reduction	January 1, 2010.		
90 per cent: reduction	January 1, 2015.		
99.5 per cent: reduction	January 1, 2020, and thereafter, consumption restricted to the servicing of refrigeration and air-conditioning equipment existing at that date.		
100 per cent: reduction	January 1, 2030.		



Annex C – Group I: HCFCs (production)

Non-Article 5(1) Parties: Production

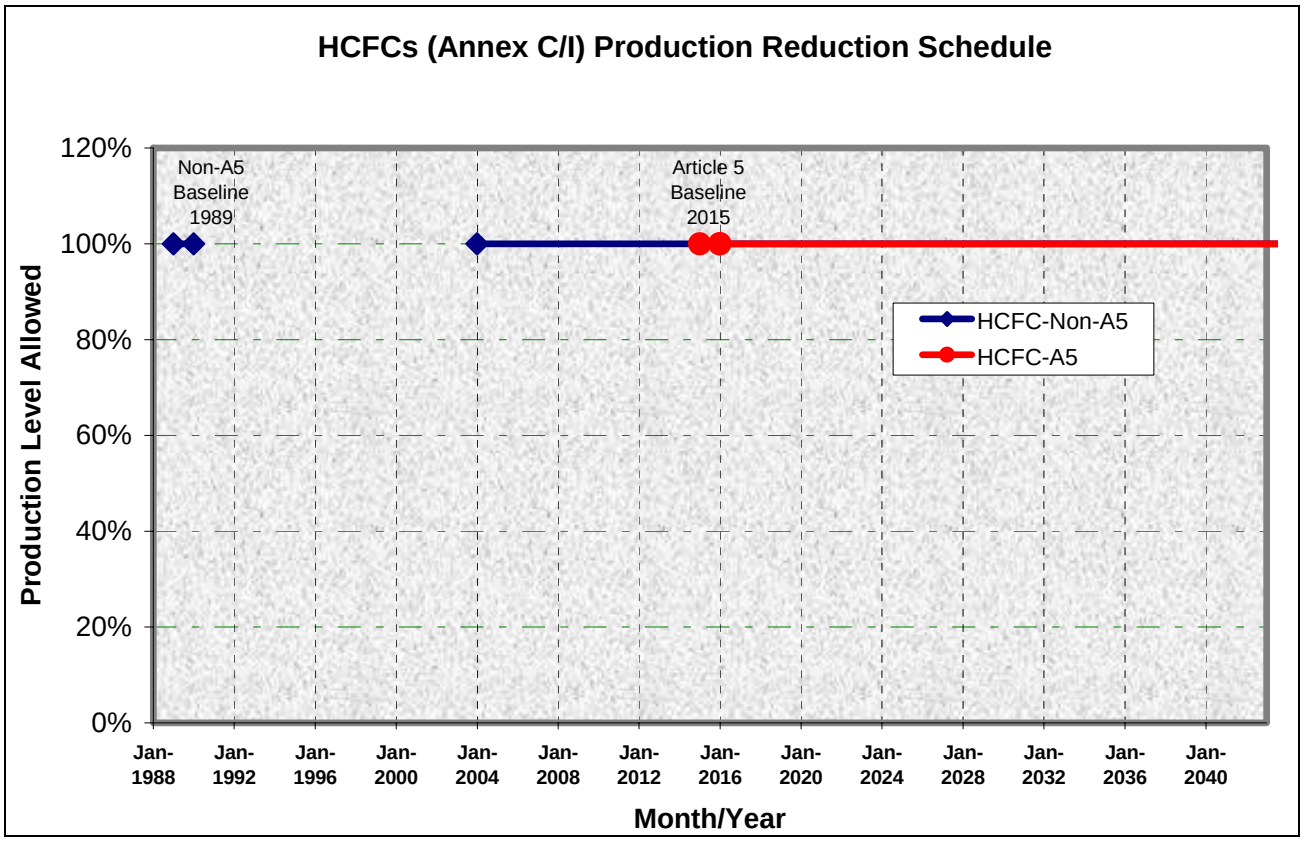
Base level: Average of 1989 HCFC production + 2.8 per cent of 1989 CFC production and 1989 HCFC consumption + 2.8 per cent of 1989 CFC consumption.

Freeze: January 1, 2004, at the base level for production.

Article 5(1) Parties: Production

Base level: Average of production and consumption in 2015.

Freeze: January 1, 2016, at the base level for production.



Annex C – Group II: HBFCs

Applicable to production and consumption

Non-Article 5(1) Parties		*Article 5(1) Parties*	
100 per cent: reduction	January 1, 1996 (with possible essential use exemptions).	100 per cent: reduction	January 1, 1996 (with possible essential use exemptions).

Annex C – Group III: Bromochloromethane

Applicable to production and consumption

Non-Article 5(1) Parties		*Article 5(1) Parties*	
100 per cent: reduction	January 1, 2002 (with possible essential use exemptions).	100 per cent: reduction	January 1, 2002 (with possible essential use exemptions).

Annex E – Group I: Methyl bromide

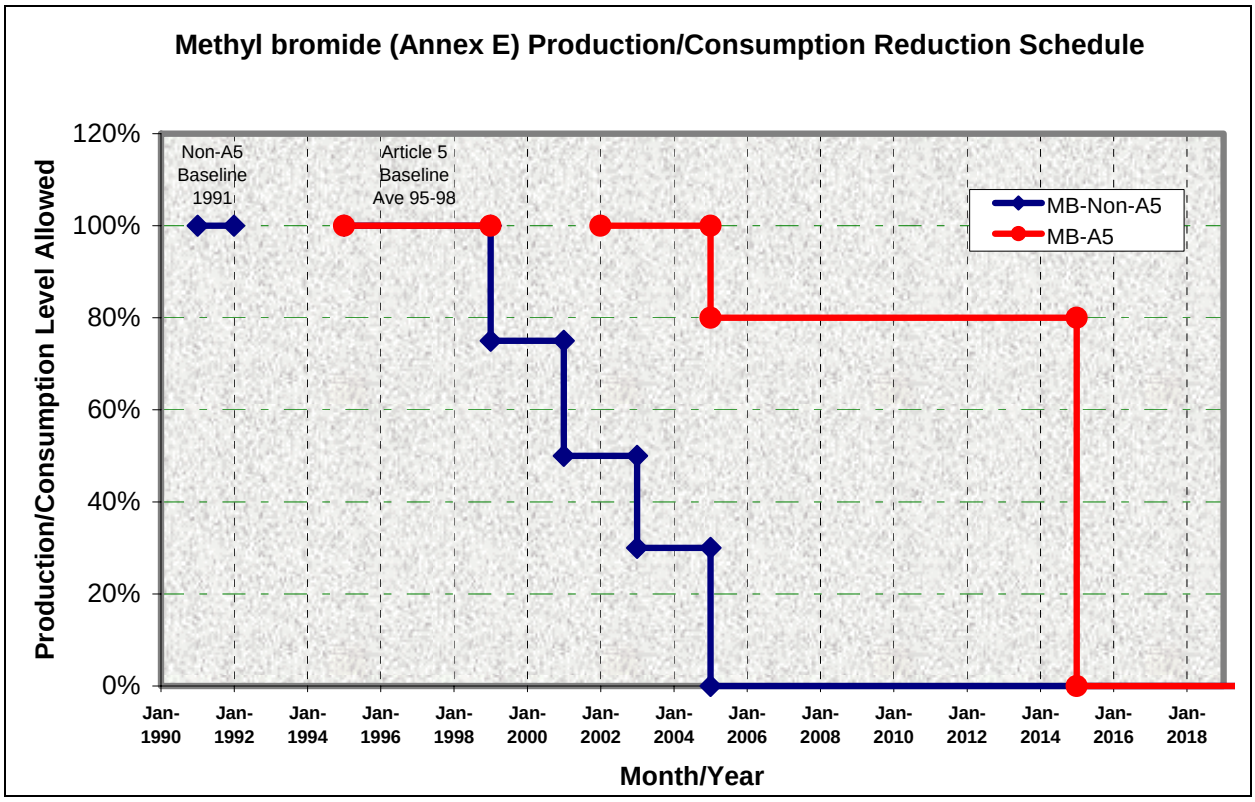
Applicable to production and consumption, amounts used for quarantine and preshipment applications exempted.

Non-Article 5(1) Parties

Base level:	1991
Freeze:	January 1, 1995.
25 per cent: reduction	January 1, 1999.
50 per cent: reduction	January 1, 2001.
70 per cent: reduction	January 1, 2003.
100 per cent: reduction	January 1, 2005 (with possible critical use exemptions).

Article 5(1) Parties

Base level:	Average of 1995–98
Freeze:	January 1, 2002.
20 per cent: reduction	January 1, 2005.
100 per cent: reduction	January 1, 2015 (with possible critical use exemptions).



Allowance for production to meet the basic domestic needs of Article 5(1) Parties following the Beijing Adjustments

Note: With regard to the summary below, it appears as though the allowance for production to meet the basic domestic needs of Article 5(1) Parties continues indefinitely after the date of the phase out (e.g. for Article 5(1) Parties in the case of Annex A substances; for both Article 5(1) and non-Article 5(1) Parties in the case of Annex B Group II and III substances). However, no Party can consume controlled substances, except for permitted essential (or critical) uses, after the dates of phase-out for both Article 5(1) and non-Article 5(1) Parties. Hence, no Party can produce controlled substances after such dates, except for essential uses.

Annex A – Group I: CFCs

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	Production in 1986.	Base level:	Average of production for 1995–1997
January 1, 1992	10 per cent of base level.	July 1, 1999	10 per cent of base level.
January 1, 1996	15 per cent of base level until 28 July 2000 (date of entry into force of the Beijing Adjustments).	January 1, 2010	15 per cent of base level.
New base level for basic domestic needs Effective July 28, 2000	Annual average production for satisfying basic domestic needs of Article 5(1) Parties for the period 1995 to 1997 inclusive.		
July 28, 2000	100 per cent of new base level for satisfying basic domestic needs until end of 2002.		
January 1, 2003	80 per cent of new base level.		
January 1, 2005	50 per cent of new base level.		
January 1, 2007	15 per cent of new base level.		
January 1, 2010	Zero.		

Annex A – Group II: Halons

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base Level:	Production in 1986.	Base level:	Average of production for 1995-1997.
January 1, 1992	10 per cent of base level.	January 1, 2002	10 per cent of base level.
January 1, 1994	15 per cent of base level until January 1, 2002.	January 1, 2010	15 per cent of base level.
New base level for basic domestic needs (Effective July 28, 2000)	Annual average production for satisfying basic domestic needs of Article 5(1) Parties for the period 1995 to 1997 inclusive.		
January 1, 2002	100 per cent of new base level.		
January 1, 2005	50 per cent of new base level.		
January 1, 2010	Zero.		

Annex B – Group I: Other fully halogenated CFCs

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	Production in 1989.	Base level:	Average of production for 1998–2000.
January 1, 1993	10 per cent of base level.	January 1, 2003	10 per cent of base level.
New base level for basic domestic needs (Effective July 28, 2000)	Annual average production for basic domestic needs for the period– 1998 to 2000	January 1, 2010	15 per cent of base level.
July 28, 2000	15 per cent of base level until 1 January 2003.		
After January 1, 2003	80 per cent of the new base level.		
January 1, 2007	15 per cent of the new base level.		
January 1, 2010	Zero		

Annex B – Group II: Carbon tetrachloride

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	Production in 1989.	Base level:	Average of production for 1998–2000.
January 1, 1995	10 per cent of base level production.	January 1, 2005	10 per cent of base level.
January 1, 1996	15 per cent of base level	January 1, 2010	15 per cent of base level

Annex B – Group III: 1,1,1-trichloroethane (methyl chloroform)

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base level:	Production in 1989.	Base level:	Average of production for 1998–2000.
January 1, 1993	10 per cent of base level.	January 1, 2003	10 per cent of base level.
January 1, 1996	15 per cent of base level.	January 1, 2015	15 per cent of base level.

Annex C – Group I: HCFCs

Non-Article 5(1) Parties		*Article 5(1) Parties*	
Base Level:	Average of 1989 HCFC production + 2.8 per cent of 1989 CFC production and 1989 HCFC consumption +2.8 per cent of 1989 CFC consumption.	Base level:	Average of production and consumption in 2015.
January 1, 2004	15 per cent of base level.	January 1, 2016	15 per cent of base level.

Annex E – Group I: Methyl bromide

Non-Article 5(1) Parties		*Article 5(1) Parties*
Base level:	Production in 1991.	No additional production allowed for basic domestic needs.
January 1, 1995	10 per cent of base level until July 28, 2000.	
New base level for basic domestic needs (effective July 28, 2000)	Annual average production for basic domestic needs of Article 5(1) Parties for the period 1995 to 1998 inclusive.	
July 28, 2000	15 per cent of base level until January 1, 2002.	
January 1, 2002	100 per cent of base level.	
January 1, 2005	80 per cent of new base level.	
January 1, 2015	Zero.	

Section 2

Decisions of the Meetings of the Parties to the Montreal Protocol

Decisions of the Meetings of the Parties to the Montreal Protocol

Pages 44–72 list the decisions adopted by each Meeting of the Parties to the Montreal Protocol cross-referred to the related article(s) of the Protocol, together with the annexes to which they refer.

The remainder of Section 2 reproduces the text of the decisions, organized by articles of the Protocol. Decisions which are relevant to one or more Articles are reproduced, either in whole or in part, under each relevant Article.

Those annexes and appendices to the decisions which are of lasting relevance can be found elsewhere in this Handbook, mostly in Sections 3, together with other material relevant to the operation of the ozone regime. The index below also indicates where these are printed.

Annexes and appendices which are not reproduced in this Handbook may be found in the reports of the Meetings of the Parties to the Montreal Protocol available from the Ozone Secretariat.

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IX/11	Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol	7	208
IX/12	Membership of the Implementation Committee	8	222
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Sixteenth Meeting of the Parties (Prague, 22 – 26 November 2004)

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XVII/33	Non-compliance with the Montreal Protocol by Fiji	8	260
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Article 1: Definitions

Decisions on controlled substances

Decision I/12A: Clarification of terms and definitions: Controlled substances (in bulk)

The *First Meeting of the Parties* decided in *Dec. I/12A* to agree to the following clarification of the definition of controlled substances (in bulk) in Article 1, paragraph 4 of the Montreal Protocol:

(a) Article 1 of the Montreal Protocol excludes from consideration as a "controlled substance" any listed substance, whether alone or in a mixture, which is in a manufactured product other than a container used for transportation or storage;

(b) any amount of a controlled substance or a mixture of controlled substances which is not part of a use system containing the substance is a controlled substance for the purpose of the Protocol (i.e. a bulk chemical);

(c) if a substance or mixture must first be transferred from a bulk container to another container, vessel or piece of equipment in order to realize its intended use, the first container is in fact utilized only for storage and/or transport, and the substance or mixture so packaged is covered by Article 1, paragraph 4 of the Protocol;

(d) if, on the other hand, the mere dispensing of the product from a container constitutes the intended use of the substance, then that container is itself part of a use system and the substance contained in it is therefore excluded from the definition;

(e) examples of use systems to be considered as products for the purposes of Article 1, paragraph 4 are *inter alia:*

  (i) an aerosol can;

  (ii) a refrigerator or refrigerating plant, air conditioner or air-conditioning plant, heat pump, etc;

  (iii) a polyurethane prepolymer or any foam containing, or manufactured with, a controlled substance;

  (iv) a fire extinguisher (wheel or hand-operated) or an installed container incorporating a release device (automatic or hand-operated);

(f) bulk containers for shipment of controlled substances and mixtures containing controlled substances to users include (numbers being illustrative), *inter alia:*

  (i) tanks installed on board ships;

  (ii) rail tank cars (10–40 metric tons);

  (iii) road tankers (up to 20 metric tons);

  (iv) cylinders from 0.4 kg to one metric ton;

  (v) drums (5–300 kg);

(g) because containers of all sizes are used for either bulk or manufactured products, distinguishing on the basis of size is not consistent with the definition in the Protocol. Similarly, since containers for bulk or manufactured products can be designed to be rechargeable or not rechargeable, rechargeability is not sufficient for a consistent definition;

(h) if the purpose of the container is used as the distinguishing characteristic as in the Protocol definition, such CFC or halon-containing products as aerosol spray cans and fire extinguishers, whether of the portable or flooding type, would therefore be excluded, because it is the mere release from such containers which constitute the intended use.

Decision I/12B: Clarification of terms and definitions: Controlled substances produced

The *First Meeting of the Parties* decided in *Dec. I/12B:*

(a) to agree to the following clarification on the definition of "controlled substances produced" in Article 1, paragraph 5:

"Controlled substances produced" as used in Article 1, paragraph 5 is the calculated level of controlled substances manufactured by a Party. This excludes the calculated level of controlled substances entirely used as a feedstock in the manufacture of other chemicals. Excluded also from the term "controlled substances produced" is the calculated level of controlled substances derived from used controlled substances through recycling or recovery processes;

(b) each Party should establish accounting procedures to implement this definition.

Decision II/4: Isomers

The *Second Meeting of the Parties* decided in *Dec. II/4* to clarify the definition of "controlled substance" in paragraph 4 of Article 1 of the Protocol so that it is understood to include the isomers of such substances except as specified in the relevant Annex.

Decision III/8: Trade names of controlled substances

The *Third Meeting of the Parties* decided in *Dec. III/8:*

(a) to request the Technical and Economic Assessment Panel (operating under Decision II/13 of the Second Meeting of Parties to the Montreal Protocol) to compile a list of full and complete trade names, including any numerical designations of substances controlled by the Montreal Protocol and the amended Montreal Protocol, including mixtures containing controlled substances and to submit the list to the Secretariat by the end of November 1991;

(b) to request the Secretariat to distribute by the end of March 1992, the list called for in (a) above, to all the Parties to the Montreal Protocol.

Decision IV/10: Trade names of controlled substances

The *Fourth Meeting of the Parties* decided in *Dec. IV/10* to note the list of trade names of controlled substances compiled by the Technology and Economic Assessment Panel and distributed by the Secretariat to all Governments in March 1992.

Decision IV/12: Clarification of the definition of controlled substances

The *Fourth Meeting of the Parties* decided in *Dec. IV/12*:

1. that insignificant quantities of controlled substances originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from their use as process agents which are present in chemical substances as trace impurities, or that are emitted during product

manufacture or handling, shall be considered not to be covered by the definition of a controlled substance contained in paragraph 4 of Article 1 of the Montreal Protocol;

2. to urge Parties to take steps to minimize emissions of such substances, including such steps as avoidance of the creation of such emissions, reduction of emissions using practicable control technologies or process changes, containment or destruction;

3. to request the Technology and Economic Assessment Panel:

   (a) to give an estimate of the total emissions resulting from trace impurities, emission during product manufacture and handling losses;

   (b) to submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol not later than 31 March 1994.

Decision VIII/14: Further clarification of the definition of "Bulk substances" under decision I/12A

The *Eighth Meeting of the Parties* decided in *Dec. VIII/14:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee pursuant to decision VII/7 of the Seventh Meeting of the Parties;

2. To clarify decision I/12A of the First Meeting of the Parties as follows: trade and supply of methyl bromide in cylinders or any other container will be regarded as trade in bulk in methyl bromide.

Decisions on destruction processes and technologies

Decision I/12F: Clarification of terms and definitions: Destruction

The *First Meeting of the Parties* decided in *Dec. I/12F* with regard to destruction:

(a) to agree to the following clarification of the definition of Article 1, paragraph 5 of the Protocol:

"a destruction process is one which, when applied to controlled substances, results in the permanent transformation, or decomposition of all or a significant portion of such substances";

(b) to request the Panel for Technical Assessment to address this subject for the Parties to return to it at its second and subsequent meetings with a view to determining whether it would be necessary to have a Standing Technical Committee to review and recommend for approval by the Parties methods for transformation or decomposition and to determine the amount of controlled substances that are transformed or decomposed by each method.

Decision II/11: Destruction technologies

The *Second Meeting of the Parties* decided in *Dec. II/11* with regard to destruction technologies to establish an *Ad Hoc* Technical Advisory Committee on Destruction Technologies and to appoint its Chairman, who shall appoint in consultation with the Secretariat up to nine other members on the basis of nomination by Parties. The members shall be experts on destruction technologies and selected with due reference to equitable geographical distribution. The Committee shall analyze destruction technologies and assess their efficiency and environmental acceptability and develop approval criteria and measurements. The Committee shall report regularly to meetings of the Parties.

Decision III/10: Destruction technologies

The *Third Meeting of the Parties* decided in *Dec. III/10* to note the constitution of the *Ad Hoc* Technical Advisory Committee on Destruction Technologies, established by the Second Meeting of the Parties, and to request the Committee to submit a report to the Secretariat for presentation to the Fourth Meeting of the Parties, in 1992 at least four months before the date set for that meeting;

Decision IV/11: Destruction technologies

The *Fourth Meeting of the Parties* decided in *Dec. IV/11:*

1. to note the report of the *Ad Hoc* Technical Advisory Committee on Destruction Technologies and, in particular, the recommendations contained therein;

2. to approve, for the purposes of paragraph 5 of Article 1 of the Protocol, those destruction technologies that are listed in Annex VI to the report on the work of the Fourth Meeting of the Parties which are operated in accordance with the suggested minimum standards identified in Annex VII to the report of the Fourth Meeting of the Parties unless similar standards currently exist domestically; *[see Section 3.1 in this Handbook]*

3. to call on each Party that operates, or plans to operate, facilities for the destruction of ozone-depleting substances:

   (a) to ensure that its destruction facilities are operated in accordance with the Code of Good Housekeeping Procedures set out in section 5.5 of the report of the *Ad Hoc* Technical Advisory Committee on Destruction Technologies, unless similar procedures currently exist domestically; and

   (b) for the purposes of paragraph 5 of Article 1 of the Protocol, to provide each year, in its report under Article 7 of the Protocol, statistical data on the actual quantities of ozone-depleting substances it has destroyed, calculated on the basis of the destruction efficiency of the facility employed;

4. to clarify that the definition of destruction efficiency relates to the input and output of the destruction process itself, not to the destruction facility as a whole;

5. to request the Technology and Economic Assessment Panel, drawing on expertise as necessary:

   (a) to reassess ozone-depleting substances destruction capacities;

   (b) to evaluate emerging technology submissions;

   (c) to prepare recommendations for consideration by the Parties to the Montreal Protocol at their annual Meeting;

   (d) to examine means to increase the number of such destruction facilities and making available the utilization to developing countries which do not own or are unable to operate such facilities;

6. to list in Annex VI to the report on the work of the Fourth Meeting of the Parties approved destruction technologies; *[see Section 3.1 in this Handbook]*

7. to facilitate access and transfer of approved destruction technologies in accordance with Article 10 of the Protocol, together with provision for financial support under Article 10 of the Protocol for Parties operating under paragraph 1 of Article 5.

Decision V/26: Destruction Technologies

The *Fifth Meeting of the Parties* decided in *Dec. V/26*, further to decision IV/11 on destruction technologies*:*

(a) That there shall be added to the list of approved destruction technologies, which was set out in Annex VI to the report of the work of the Fourth Meeting of the Parties *[see Section 3.1 in this Handbook]*, the following technology:

Municipal solid waste incinerators (for foams containing ozone-depleting substances);

(b) To specify that pilot-scale as well as demonstration-scale destruction technologies should be operated in accordance with the suggested minimum standards identified in Annex VII to the report of the Fourth Meeting of the Parties *[see Section 3.1 in this Handbook]* unless similar standards currently exist domestically.

Decision VII/35: Destruction technology

The *Seventh Meeting of the Parties* decided in *Dec. VII/35:*

1. To note that the Technology and Economic Assessment Panel examined the results of testing and verified that the "radio frequency plasma destruction" technology of Japan meets the suggested minimum emission standards that were approved by the Parties at their Fourth Meeting for destruction technologies;

2. To approve, for the purposes of paragraph 5 of Article 1 of the Protocol, the radio frequency plasma destruction technology and to add it to the list of destruction technologies already approved by the Parties.

Decision XII/8: Disposal of controlled substances

The *Twelfth Meeting of the Parties* decided in *Dec. XII/8:*

Noting decisions II/11, III/10, IV/11, V/26 and VII/35 on destruction technologies and the previous work of the Ad Hoc Technical Advisory Committee on Destruction Technologies;

Also noting the innovations that have taken place in the field of destruction technologies since the last report of Advisory Committee;

Recognizing that the management of contaminated and surplus ozone-depleting substances would benefit from further information on destruction technologies and an evaluation of disposal options;

1. To request the Technology and Economic Assessment Panel to establish a task force on destruction technologies;

2. That the task force on destruction technologies shall:

   (a) Report to the Parties at their Fourteenth Meeting in 2002 on the status of destruction technologies of ozone-depleting substances, including an assessment of their environmental and economic performance, as well as their commercial viability;

   (b) When presenting its first report, include a recommendation on when additional reports would be appropriate;

   (c) Review existing criteria for the approval of destruction facilities, as provided for in section 2.4 of the Handbook for the International Treaties for the Protection of the Ozone Layer;

3. To request the Technology and Economic Assessment Panel:

   (a) To evaluate the technical and economic feasibility for the long-term management of contaminated and surplus ozone-depleting substances in Article 5 and non-Article 5 countries, including options

such as long-term storage, transport, collection, reclamation and disposal of such ozone-depleting substances;

(b) To consider possible linkages to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other international treaties as appropriate regarding the issue of disposal;

(c) To report to the Parties on these issues at their Fourteenth Meeting in 2002.

Decision XIV/6: Status of destruction technologies of ozone-depleting substances, including an assessment of their environmental and economic performance, as well as their commercial viability

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/6:*

1. To note with appreciation the Report of the Task Force on Destruction Technologies presented to the twenty-second meeting of the Open-ended Working Group;

2. To note that the Task Force has determined that the destruction technologies listed in paragraph 3 of this decision meet the suggested minimum emission standards that were approved by the Parties at their Fourth Meeting;

3. To approve the following destruction technologies for the purposes of paragraph 5 of Article 1 of the Protocol, in addition to the technologies listed in annex VI to the report of the Fourth Meeting and modified by decisions V/26 and VII/35:

   (a) For CFC, HCFC and halons: argon plasma arc;

   (b) For CFC and HCFC: nitrogen plasma arc, microwave plasma, gas phase catalytic dehalogenation and super-heated steam reactor;

   (c) For foam containing ODS: rotary kiln incinerator;

4. To request the Technology and Economic Assessment Panel to update, in time for consideration by the twenty-third Open-ended Working Group, the Code of Good Housekeeping to provide guidance on practices and measures that could be used to ensure that during the operation of the approved destruction technologies, environmental release of ODS through all media and environmental impact of those technologies is minimized;

5. To consider, at the twenty-fourth meeting of the Open-ended Working Group, the need to review the status of destruction technologies in 2005, including an assessment of their environmental and economic performance, as well as their commercial viability.

Decision XV/9: Status of destruction technologies for ozone-depleting substances and code of good housekeeping

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/9:*

1. To recall that the Montreal Protocol on Substances that Deplete the Ozone Layer does not require the Parties to destroy ozone-depleting substances;

2. To note that the report of the Technology and Economic Assessment Panel of April 2002 (volume 3, report on the Task Force on Destruction Technologies) provides information on the technical and economic performance and commercial viability of destruction technologies for ozone-depleting substances;

3. To take note of the previous decisions of the Meeting of the Parties on the approval of destruction technologies (decisions IV/11, VII/35 and XIV/6) and, in particular, to note that those decisions did not distinguish between the capabilities of destruction technologies for specific types of ozone-depleting substances;

4. To approve, for the purposes of paragraph 5 of Article 1 of the Montreal Protocol, the destruction technologies listed as "approved" in annex II to the present report *[see Section 3.1 in this Handbook]*, which were found by the Task Force on Destruction Technologies to meet the destruction and removal efficiencies set out therein;

5. To recognize that, in approving the technologies listed in annex I *[see Section 3.1 in this Handbook]*, the Parties acknowledge that two technologies previously approved for all ozone-depleting substances have been limited in their scope to omit halons;

6. To call on each Party that operates, or plans to operate, approved technologies in accordance with paragraph 2 above to ensure that its destruction facilities are operated in accordance with the Code of Good Housekeeping Procedures, contained in annex III to the present report *[see Section 3.1 in this Handbook]*, as updated in the progress report of the Technology and Economic Assessment Panel in May 2003 and subsequently amended by the Parties, unless similar or stricter procedures currently exist domestically;

7. To highlight the need for Parties to pay particular attention to the adherence of facilities for the destruction of ozone-depleting substances to relevant international or national standards addressing hazardous substances and taking into account cross-media emissions and discharges, including those identified in annex IV to the present report *[see Section 3.1 in this Handbook]*.

Decision XV/10: Handling and destruction of foams containing ozone-depleting substances at the end of their life

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/10* to request the Technology and Economic Assessment Panel, in its April 2005 report:

(a) To provide updated useful information on the handling and destruction of ozone-depleting substance-containing thermal insulation foams including thermal foams situated in buildings, with particular attention to the economic and technological implications;

(b) To clarify the distinction between the destruction efficiency achievable for ozone-depleting substances recovered from foams prior to destruction (reconcentrated) and the destruction efficiency achievable for the foams themselves containing ozone-depleting substances (dilute source).

Decision XVI/15: Review of approved destruction technologies pursuant to decision XIV/6 of the Parties

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/15:*

Recalling the report of the task force on destruction technologies presented to the Parties at the twenty-second meeting of the Open-ended Working Group,

Noting the need to keep the list of approved destruction technologies up-to-date,

Mindful of the need to minimize any additional workload for the Technology and Economic Assessment Panel,

1. To request the initial co-chairs of the task force on destruction technologies to reconvene in order to solicit information from the technology proponents exclusively on destruction technologies identified as "emerging" in the 2002 report of the task force on destruction technologies;

2. Further to request the co-chairs, if new information is available, to evaluate and report, based on the development status of these emerging technologies, whether they warrant consideration for addition to the list of approved destruction technologies;

3. To request that that report be presented through the Technology and Economic Assessment Panel to the Open-ended Working Group at its twenty-fifth meeting.

Decision XVII/17: Technical and financial implications of the environmentally sound destruction of concentrated and diluted sources of ozone-depleting substances

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/17:*

Recognizing that, in the preamble to the Montreal Protocol, the Parties affirmed that, for the protection of the ozone layer, precautionary measures should be taken to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge,

Bearing in mind that, for most Parties operating under paragraph 1 of Article 5, chlorofluorocarbons which remain to be phased out are concentrated in the refrigeration servicing sector and that, as a result, their final elimination will only be achieved when all existing installed equipment has been replaced,

Considering that the replacement of such equipment necessitates a range of complex activities, including, among other things, economic incentives for end-users and the development of recovery, transport and environmentally sound destruction processes for obsolete equipment, with particular attention paid to training for this purpose and to the destruction of the chlorofluorocarbons released by such processes,

Noting the outcomes of the expert meeting on destruction of ozone depleting substances that will be held in Montreal from 22 to 24 February 2006,

1. To request the Technology and Economic Assessment Panel to prepare terms of reference for the conduct of case-studies in Parties operating under paragraph 1 of Article 5 of the Protocol, with regional representation, on the technology and costs associated with a process for the replacement of chlorofluorocarbon-containing refrigeration and air-conditioning equipment, including the environmentally sound recovery, transport and final disposal of such equipment and of the associated chlorofluorocarbons;

2. That these studies should explore economic and other incentives which will encourage users to phase out equipment and ozone-depleting substances and to reduce emissions, as well as the viability and costs of setting up destruction facilities in countries operating under paragraph 1 of Article 5 of the Protocol, and that the said studies should include a regional analysis relating to the management, transport and destruction of chlorofluorocarbons;

3. Also to request the Technology and Economic Assessment Panel to review possible synergies with other conventions such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants;

4. To request the Technology and Economic Assessment Panel to adopt the recovery and destruction efficiency parameter proposed in the Panel's report to the Open-ended Working Group at its twenty-fifth meeting as the parameter to be applied in developing the proposed study referred to above;

5. That said terms of reference shall be submitted to the Parties at the twenty-sixth meeting of the Open-ended Working Group, and that provision will be made for resources for this purpose in the 2006–2008 replenishment of the Multilateral Fund.

Decision XVII/18: Request for assistance of the Technology and Economic Assessment Panel for the meeting of experts on destruction

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/18:*

Noting decision 47/52 of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol adopted at its forty-seventh meeting, requesting the secretariat of the Multilateral Fund to convene a meeting of experts in Montreal, from 22 to 24 February 2006,

Recalling that the Multilateral Fund secretariat was requested to recruit consultants to collect and prepare data on this subject for dissemination to participants in the meeting of experts and to develop a standard format for reporting data on unwanted, recoverable, reclaimable, non-reusable and virgin stockpiled ozone-depleting substances,

To request the Technology and Economic Assessment Panel and its technical options committees to submit to the Multilateral Fund secretariat available data to enable the Multilateral Fund secretariat to assess the extent of current and future requirements for the collection and disposition (emissions, export, reclamation and destruction) of non-reusable and unwanted ozone-depleting substances in Article 5 Parties in pursuance of decision 47/52.

Decisions on feedstock

Decision VII/30: Export and import of controlled substances to be used as feedstock

The *Seventh Meeting of the Parties* decided in *Dec. VII/30:*

1. That the amount of controlled substances produced and exported for the purpose of being entirely used as feedstock in the manufacture of other chemicals in importing countries should not be the subject of the calculation of "production" or "consumption" in exporting countries. Importers shall, prior to export, provide exporters with a commitment that the controlled substances imported shall be used for this purpose. In addition, importing countries shall report to the Secretariat on the volumes of controlled substances imported for these purposes;

2. That the amount of controlled substances entirely used as feedstock in the manufacture of other chemicals should not be the subject of calculation of "consumption" in importing countries.

Decision X/12: Emissions of ozone-depleting substances from feedstock applications

The *Tenth Meeting of the Parties* decided in *Dec. X/12:*

Noting the report of the Technology and Economic Assessment Panel that emissions from the use of carbon tetrachloride as feedstock in the manufacture of CFCs are estimated to be around 30,000 tonnes per year,

Concerned that this level of emissions may pose a threat to the ozone layer,

Aware that technology exists to reduce such emissions,

To request the Technology and Economic Assessment Panel to investigate further and to report to the Parties at their Twelfth Meeting on:

(a) Emissions of carbon tetrachloride from its use as feedstock, including currently available and future possible options individual Parties may consider for the reduction of such emissions;

(b) Emissions of other ozone-depleting substances arising from the use of controlled substances as feedstock;

(c) The impact of CFC production phase-out on the future use of carbon tetrachloride as feedstock and emissions from such use.

Decisions on process agents

Decision IV/12: Clarification of the definition of controlled substances

The *Fourth Meeting of the Parties* decided in *Dec. IV/12*:

1. that insignificant quantities of controlled substances originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from their use as process agents which are present in chemical substances as trace impurities, or that are emitted during product manufacture or handling, shall be considered not to be covered by the definition of a controlled substance contained in paragraph 4 of Article 1 of the Montreal Protocol;

2. to urge Parties to take steps to minimize emissions of such substances, including such steps as avoidance of the creation of such emissions, reduction of emissions using practicable control technologies or process changes, containment or destruction;

3. to request the Technology and Economic Assessment Panel:

   (a) to give an estimate of the total emissions resulting from trace impurities, emission during product manufacture and handling losses;

   (b) to submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol not later than 31 March 1994.

Decision VI/10: Use of controlled substances as process agents

The *Sixth Meeting of the Parties* decided in *Dec. VI/10,* taking into account:

That some Parties may have interpreted use of controlled substances in some applications where they are used as process agents as feedstock application;

That other Parties have interpreted similar applications as use and thereby subject to phase-out;

That the Technology and Economic Assessment Panel has been unable to recommend exemption, under the essential use criteria, to Parties submitting applications of such uses nominated in 1994; and

The pressing requirement for elaboration of the issue and the need for appropriate action by all Parties;

1. To request the Technology and Economic Assessment Panel:

   (a) To identify uses of controlled substances as chemical process agents;

   (b) To estimate emissions of controlled substances when used as chemical process agents and the ultimate fate of such emissions and to evaluate emissions associated with the different control technologies and other process conditions under which chemical process agents are used;

   (c) To evaluate alternative process agents or technologies or products available to replace controlled substances in such uses; and

(d) To submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol not later than March 1995, and to request the Open-ended Working Group to formulate recommendations, if any, for the consideration of the Parties at their Seventh Meeting;

2. That Parties, for an interim period of 1996 only, treat chemical process agents in a manner similar to feedstock, as recommended by the Technology and Economic Assessment Panel, and take a final decision on such treatment at their Seventh Meeting.

Decision VII/10: Continued uses of controlled substances as chemical process agents after 1996

The *Seventh Meeting of the Parties* decided in *Dec. VII/10,* recognizing the need to restrict emissions of ozone-depleting substances from process-agent applications,

1. To continue to treat process agents in a manner similar to feedstocks only for 1996 and 1997;

2. To decide in 1997, following recommendations by the Technology and Economic Assessment Panel and its relevant subgroups, on modalities and criteria for a continued use of controlled substances as process agents, and on restricting their emissions, for 1998 and beyond.

Decision X/14: Process agents

The *Tenth Meeting of the Parties* decided in *Dec. X/14:*

Noting with appreciation the report of the Technology and Economic Assessment Panel and the Process Agent Task Force in response to decision VII/10,

Noting the findings of the Technology and Economic Assessment Panel that emissions from the use of ozone-depleting substances as process agents in non-Article 5 Parties are comparable in quantity to the insignificant emissions of controlled substances from feedstock uses, and that yet further reductions in use and emissions are expected by 2000,

Noting also the Technology and Economic Assessment Panel's findings that emissions from the use of controlled substances as process agents in countries operating under Article 5, paragraph 1, are already significant and will continue to grow if no action is taken,

Recognizing the usefulness of having the controlled substances produced and used as process agents clearly delineated within the Montreal Protocol,

1. That, for the purposes of this decision, the term “process agents” should be understood to mean the use of controlled substances for the applications listed in table A below;

2. For non-Article 5 Parties, to treat process agents in a manner similar to feedstock for 1998 and until 31 December 2001;

3. That quantities of controlled substances produced or imported for the purpose of being used as process agents in plants and installations in operation before 1 January 1999, should not be taken into account in the calculation of production and consumption from 1 January 2002 onwards, provided that:

(a) In the case of non-Article 5 Parties, the emissions of controlled substances from these processes have been reduced to insignificant levels as defined for the purposes of this decision in table B below;

(b) In the case of Article 5 Parties, the emissions of controlled substances from process-agent use have been reduced to levels agreed by the Executive Committee to be reasonably achievable in a cost–

effective manner without undue abandonment of infrastructure. In so deciding, the Executive Committee may consider a range of options as set out in paragraph 5 below;

4. That all Parties should:

   (a) Report to the Secretariat by 30 September 2000 and each year thereafter on their use of controlled substances as process agents, the levels of emissions from those uses and the containment technologies used by them to minimize emissions of controlled substances. Those non-Article 5 Parties which have still not reported data for inclusion in tables A and B are urged to do so as soon as possible and in any case before the nineteenth meeting of the Open Ended Working Group;

   (b) In reporting annual data to the Secretariat for 2000 and each year thereafter, provide information on the quantities of controlled substances produced or imported by them for process-agent applications;

5. That the incremental costs of a range of cost-effective measures, including, for example, process conversions, plant closures, emissions control technologies and industrial rationalization, to reduce emissions of controlled substances from process-agent uses in Article 5 Parties to the levels referred to in paragraph 3 (b) above should be eligible for funding in accordance with the rules and guidelines of the Executive Committee of the Multilateral Fund;

6. That the Executive Committee of the Multilateral Fund should, as a matter of priority, strive to develop funding guidelines and begin to consider initial project proposals during 1999;

7. That Parties should not install or commission new plant using controlled substances as process agents after 30 June 1999, unless the Meeting of the Parties has decided that the use in question meets the criteria for essential uses under decision IV/25;

8. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Meeting of the Parties in 2001 on the progress made in reducing emissions of controlled substances from process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances and to review tables A and B of the present decision and make recommendations for any necessary changes.

Table A: List of uses of controlled substances as process agents

No.	Substance	Process agent application
1	Carbon tetrachloride (CTC)	Elimination of NCl_3 in the production of chlorine and caustic
2	CTC	Recovery of chlorine in tail gas from production of chlorine
3	CTC	Manufacture of chlorinated rubber
4	CTC	Manufacture of endosulphan (insecticide)
5	CTC	Manufacture of isobutyl acetophenone (ibuprofen – analgesic)
6	CTC	Manufacture of 1-1, Bis (4-chlorophenyl) 2,2,2- trichloroethanol (dicofol insecticide)
7	CTC	Manufacture of chlorosulphonated polyolefin (CSM)
8	CTC	Manufacture of poly-phenylene-terephtal-amide
9	CFC 113	Manufacture of fluoropolymer resins
10	CFC 11	Manufacture of fine synthetic polyolefin fibre sheet
11	CTC	Manufacture of styrene butadiene rubber
12	CTC	Manufacture of chlorinated paraffin
13	CFC 113	Manufacture of vinorelbine (pharmaceutical product)
14	CFC 12	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives
15	CFC 113	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters
16	CFC 113	Preparation of perfluoropolyether diols with high functionality
17	CTC	Production of pharmaceuticals – ketotifen, anticol and disulfiram
18	CTC	Production of tralomethrine (insecticide)
19	CTC	Bromohexine hydrochloride
20	CTC	Diclofenac sodium

21	CTC	Cloxacilin
22	CTC	Phenyl glycine
23	CTC	Isosorbid mononitrate
24	CTC	Omeprazol
25	CFC-12	Manufacture of vaccine bottles

Note: Parties may propose additions to this list by sending details to the Secretariat, which will forward them to the Technology and Economic Assessment Panel. The Panel will then investigate the proposed change and make a recommendation to the Meeting of Parties whether or not the proposed use should be added to the list by decision of the Parties.

Table B: Emission limits for process agent uses
(All figures are in metric tonnes per year)

Country/region	**Make-up or consumption**	**Maximum emissions**
European Community	1000	17
United States of America	2300	181
Canada	13	0
Japan	300	5
Hungary	15	0
Poland	68	0.5
Russian Federation	800	17
Australia	0	0
Czech Republic	0	0
Estonia	0	0
Lithuania	0	0
Slovakia	0	0
New Zealand	0	0
Norway	0	0
Iceland	0	0
Switzerland	5	0.4
TOTAL	**4501**	**220.9 (4.9%)**

Decision XIII/13: Request to the Technology and Economic Assessment Panel for the final report on process agents

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/13:*

Noting with appreciation the report of the Executive Committee in response to decision X/14 on process agents,

Noting the findings of the Technology and Economic Assessment Panel and its request for additional data for the finalization of its report,

Noting that in 2001 Parties provided the Ozone Secretariat with the requested additional data,

To request the Technology and Economic Assessment Panel to finalize its evaluation, as requested by decision X/14, and report to the Parties at the 22nd Meeting of the Open-ended Working Group, in 2002.

Decision XV/6: List of uses of controlled substances as process agents

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/6* to adopt the following uses of controlled substances as a revised table A for decision X/14:

Table: List of uses of controlled substances as process agents

No.	**Process agent application**	**Substance**
1	Elimination of NCl_3 in the production of chlorine and caustic	CTC
2	Recovery of chlorine in tail gas from production of chlorine	CTC

3	Manufacture of chlorinated rubber	CTC
4	Manufacture of endosulphan (insecticide)	CTC
5	Manufacture of isobutyl acetophenone (ibuprofen – analgesic)	CTC
6	Manufacture of 1-1, bis (4-chlorophenyl) 2,2,2- trichloroethanol (dicofol insecticide)	CTC
7	Manufacture of chlorosulphonated polyolefin (CSM)	CTC
8	Manufacture of poly-phenylene-terephtal-amide	CTC
9	Manufacture of fluoropolymer resins	CFC-113
10	Manufacture of fine synthetic polyolefin fibre sheet	CFC-11
11	Manufacture of styrene butadiene rubber	CTC
12	Manufacture of chlorinated paraffin	CTC
13	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
14	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters	CFC-113
15	Preparation of perfluoropolyether diols with high functionality	CFC-113
16	Bromohexine hydrochloride	CTC
17	Diclofenac sodium	CTC
18	Phenyl glycine	CTC
19	Production of Cyclodime	CTC
20	Production of chlorinated polypropene	CTC
21	Production of chlorinated EVA	CTC
22	Production of methyl isocyanate derivatives	CTC
23	Production of 3-phenoxy benzaldehyde	CTC
24	Production of 2-chloro-5-metyhlpyridine	CTC
25	Production of Imidacloprid	CTC
26	Production of Buprofenzin	CTC
27	Production of Oxadiazon	CTC
28	Production of chloradized N-methylaniline	CTC
29	Production of Mefenacet	CTC
30	Production of 1,3- dichlorobenzothiazole	CTC
31	Bromination of a styrenic polymer	BCM (bromochloro-methane)

Decision XV/7: Process agents

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/7:*

1. To note that decision X/14 called on the Technology and Economic Assessment Panel and the Executive Committee to review the list of process agent uses in table A of that decision, and to make appropriate recommendations for changes to the table;

2. To note that several Parties are submitting requests to have certain uses reviewed by the Technology and Economic Assessment Panel for inclusion in table A of decision X/14 as process-agent uses;

3. To request the Technology and Economic Assessment Panel to review requests for consideration of specific uses against decision X/14 criteria for process agents, and make recommendations to the Parties annually on uses that could be added to or removed from table A of decision X/14;

4. To remind Article 5 Parties and non-Article 5 Parties with process-agent applications listed in table A to decision X/14, as revised, that they shall report in accordance with paragraph 4 of decision X/14 on the use of controlled substances as process agents, the levels of emissions from those uses, and the containment technologies used by them to minimize emissions. In addition, Article 5 Parties with listed uses in table A, as revised, shall report to the Executive Committee on progress in reducing emissions of controlled substances from process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances;

5. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Open-ended Working Group at its twenty-fifth session, and every other year thereafter unless the Parties decide otherwise, on the progress made in reducing emissions of controlled substances from

process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances;

6. To note that, because the 2002 report of the Technology and Economic Assessment Panel lists the process-agent applications in the table below as having non-negligible emissions, those applications are to be considered process-agent uses of controlled substances in accordance with the provisions of decision X/14 for 2004 and 2005, and are to be reconsidered at the Seventeenth Meeting of the Parties based on information reported in accordance with paragraph 4 of the present decision and paragraph 4 of decision X/14;

7. To note that, because the two uses of controlled substances at the end of the table below were submitted to the Technology and Economic Assessment Panel but not formally reviewed, those applications are to be considered process-agent uses of controlled substances in accordance with the provisions of decision X/14 for 2004 and 2005, and are to be reconsidered at the Seventeenth Meeting of the Parties based on information reported in accordance with paragraph 4 of the present decision and paragraph 4 of decision X/14.

Process agent application	**Party**	**Substance**
Elimination of NCl_3 in the production of chlorine and caustic	Brazil	CTC
Recovery of chlorine in tail gas from production of chlorine	Brazil	CTC
Manufacture of chlorinated rubber	India, China	CTC
Manufacture of endosulphan (insecticide)	India	CTC
Manufacture of isobutyl acetophenone (ibuprofen - analgesic)	India	CTC
Manufacture of 1,1 bis (4-chlorophenyl) 2,2,2-trichloroethanol (dicofol insecticide)	India	CTC
Manufacture of chlorosulphonated polyolefin (CSM)	China	CTC
Manufacture of styrene butadiene rubber	Brazil, Republic of Korea	CTC
Manufacture of chlorinated paraffin	China	CTC
Bromohexine hydrochloride	India	CTC
Diclofenac sodium	India	CTC
Phenyl glycine	India	CTC
Production of chlorinated polypropene	China	CTC
Production of chlorinated EVA	China	CTC
Production of methyl isocyanate derivatives	China	CTC
Production of 3-phenoxy benzaldehyde	China	CTC
Production of 2-chloro-5-methylpyridine	China	CTC
Production of Imidacloprid	China	CTC
Production of Buprofenzin	China	CTC
Production of Oxadiazon	China	CTC
Production of chloradized N-methylaniline	China	CTC
Production of Mefenacet	China	CTC
Production of 1,3- dichlorobenzothiazole	China	CTC
Bromination of a styrenic polymer	USA	BCM (bromochloro-methane)
Production of high modulus polyethylene fibre	USA	CFC 113
Production of Losartan potassium	Argentina	BCM

Decision XVII/6: Process agents

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/6:*

Noting with appreciation the report of the Technology and Economic Assessment Panel,

Noting with appreciation the report by the Executive Committee on process-agent uses in Parties operating under paragraph 1 of Article 5 of the Montreal Protocol (UNEP/OzL.Pro.WG.1/25/INF/4), which states that the adoption of technology that results in zero emissions of ozone-depleting substances used as process agents has

become the norm for achieving phase-out in the process-agent sector in Parties operating under paragraph 1 of Article 5 of the Protocol,

1. To remind Parties operating under paragraph 1 of Article 5 and Parties not so operating with process-agent applications listed in table A to decision X/14, as revised, that they shall report annually in accordance with paragraph 4 of decisions X/14 and XV/7, respectively, on the use of controlled substances as process-agents;

2. In addition to paragraph 1 above, to request Parties that have emissive use of process-agent uses listed in decisions XVII/7 and XVII/8 to submit data before 31 December 2006 to the Secretariat and the Technology and Economic Assessment Panel on plant start-up date, annual capacity subject to applicable laws providing for commercial or other confidentiality protection, and make-up or consumption of controlled ozone-depleting substances, total emissions of ozone-depleting substances per year, and confirm that the plant using the controlled substances has been in continuous operations since 30 June 1999;

3. To note that the process-agent applications listed in decision XVII/8 are to be considered as process-agent uses in accordance with the provisions of decision X/14 and are to be confirmed as process agents at the Nineteenth Meeting of the Parties in 2007 based on the information reported in accordance with paragraphs 1 and 2 of the present decision;

4. Where Parties install or commission new plant after 30 June 1999, using controlled substances as process agents, to request Parties to submit their applications to the Ozone Secretariat and the Technology and Economic Assessment Panel by 31 December 2006, and by 31 December every subsequent year or otherwise in a timely manner that allows the Technology and Economic Assessment Panel to conduct an appropriate analysis, for consideration subject to the criteria for essential uses under decision IV/25, in accordance with paragraph 7 of decision X/14;

5. To agree that the exemptions referred to in decision X/14 are process-agent uses until a subsequent decision of the Parties declares otherwise, and that the exemptions should not be permanent and should be subject to regular review by the Parties with the aim of retaining or removing process-agent uses;

6. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Open-ended Working Group at its twenty-seventh meeting in 2007, and every other year thereafter unless the Parties decide otherwise, on the progress made in reducing emissions of controlled substances from process-agent uses; the associated make-up quantity of controlled substances; on the implementation and development of emissions-reduction techniques and alternative processes and products not using ozone-depleting substances;

7. To request the Technology and Economic Assessment Panel to review the information submitted in accordance with the present decision and to report and make recommendations to the Parties at their Twentieth Meeting in 2008, and every other year thereafter, on process-agent use exemptions; on insignificant emission associated with a use, and process-agent uses that could be added to or deleted from table A of decision X/14;

8. To request Parties with process-agent uses to submit data to the Technology and Economic Assessment Panel by 31 December 2007 and 31 December of each subsequent year on opportunities to reduce emissions listed in table B and for the Technology and Economic Assessment Panel to review in 2008, and every other year thereafter, emissions in table B of decision X/14, taking into account information and data reported by the Parties in accordance with that decision, and to recommend any reductions to the make-up and maximum emission on the basis of that review. On the basis of these recommendations, the Parties shall decide on reductions to the make-up and maximum emissions with respect to table B.

Decision XVII/7: List of uses of controlled substances as process agents

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/7* to adopt the following uses of controlled substances as a revised table A for decision X/14:

Table A: List of uses of controlled substances as process agents

No.	Process agent application	Substance
1.	Elimination of NCl_3 in the production of chlorine and caustic	CTC
2.	Recovery of chlorine in tail gas from production of chlorine	CTC
3.	Manufacture of chlorinated rubber	CTC
4.	Manufacture of endosulphan (insecticide)	CTC
5.	Manufacture of isobutyl acetophenone (ibuprofen – analgesic)	CTC
6.	Manufacture of 1-1, bis (4-chlorophenyl) 2,2,2- trichloroethanol (dicofol insecticide)	CTC
7.	Manufacture of chlorosulphonated polyolefin (CSM)	CTC
8.	Manufacture of poly-phenylene-terephtal-amide	CTC
9.	Manufacture of fluoropolymer resins	CFC-113
10.	Manufacture of fine synthetic polyolefin fibre sheet	CFC-11
11.	Manufacture of styrene butadiene rubber	CTC
12.	Manufacture of chlorinated paraffin	CTC
13.	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
14.	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters	CFC-113
15.	Preparation of perfluoropolyether diols with high functionality	CFC-113
16.	Bromohexine hydrochloride	CTC
17.	Diclofenac sodium	CTC
18.	Phenyl glycine	CTC
19.	Production of Cyclodime	CTC
20.	Production of chlorinated polypropene	CTC
21.	Production of chlorinated EVA	CTC
22.	Production of methyl isocyanate derivatives	CTC
23.	Production of 3-phenoxy benzaldehyde	CTC
24.	Production of 2-chloro-5-methylpyridine	CTC
25.	Production of Imidacloprid	CTC
26.	Production of Buprofenzin	CTC
27.	Production of Oxadiazon	CTC
28.	Production of chloradized N-methylaniline	CTC
29.	Production of Mefenacet	CTC
30.	Production of 1,3- dichlorobenzothiazole	CTC
31.	Bromination of a styrenic polymer	BCM (bromochloromethane)
32.	Synthesis of ascorbic acid	CTC
33.	Synthesis of ciprofloxacin	CTC
34.	Synthesis of norfloxacin	CTC
35.	Synthesis of 2,4-dichlorophenoxyacetic acid	CTC
36.	Synthesis of diperoxydicarbonate	CTC
37.	Production of sodium dichloroisocyanurate	CTC
38.	Production of radio-labelled cyanocobalamin	CTC
39.	Production of high modulus polyethylene fibre	CFC-113

Decision XVII/8: List of uses of controlled substances as process agents

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/8* to adopt the following uses of controlled substances as an interim table A bis for decision X/14, subject to reconfirmation and inclusion in a reassessed table A for decision X/14 at the Nineteenth Meeting of the Parties in 2007;

Table A-bis: Interim list of uses of controlled substances as process agents

No.	Process agent application	Substance
40.	Production of p-Bromobenzaldehyde (intermediate)	
41.	Production of fenvalerate (pesticide)	CTC
42.	Manufacture of Losartan Potassium	BCM
43.	Production of 1,2-Chloro-1,4-Naphthoquinone (pharmaceutical)	CTC

44.	Production of Prallethrin (pesticide)	CTC
45.	Production of 2-Methoxybenzoylchloride (pharmaceutical)	CTC
46.	Production of o-Nitrobenzaldehyde (dyes)	CTC
47.	Production of Salimusk (perfume)	CTC
48.	Production of Epoxiconazole (pesticide)	CTC
49.	Production of benzophenone (chemical)	CTC
50.	Production of Picloram; Lontrel (pesticides)	CTC
51.	Production of 3-Methyl-2-Thiophenecarboxaldehyde (pesticide, pharma.)	CTC
52.	Production of Difenoconazole (pesticide)	CTC
53.	Production of 2-Thiophenecarboxaldehyde (intermediate)	CTC
54.	Production of 2-Thiophene ethanol (pharmaceutical)	CTC
55.	Production of 5-Amino-1,2,3-thiadiazol	CTC
56.	Production of Levofloxacin (pharmaceutical)	CTC
57.	Production of Cinnamic acid (intermediate)	CTC
58.	Production of Ertaczo (pharmaceutical)	CTC
59.	Production of 3,5-Dinitrobenzoyl chloride (3,5-DNBC) (intermediate)	CTC
60.	Production of Fipronil (pesticide)	CTC
61.	Processing of Aluminium, Uranium	CTC, CFC
62.	Production of Furfural (volume chemical)	CTC
63.	Production of 3,3,3-trifluoropropene (volume chemical)	CTC
64.	Production of Triphenylmethylchloride (intermediate)	CTC
65.	Production of Tetrachlorodimethylmethane (volume chemical)	CTC
66.	Production of 4,4`-difluorodiphenylketone (intermediate)	CTC
67.	Production of 4-trifluoromethoxybenzenamine	CTC
68.	Production of 1,2-benzisothiazol-3-ketone	CTC

Decisions on used controlled substances

Decision I/12H: Clarification of terms and definitions: Exports and imports of used controlled substances

The *First Meeting of the Parties* decided in *Dec. I/12H* with regard to exports and imports of used controlled substances: imports and exports of bulk used controlled substances should be treated and recorded in the same manner as virgin controlled substances and included in the calculation of a Party's consumption limits.

Decision IV/24: Recovery, reclamation and recycling of controlled substances

The *Fourth Meeting of the Parties* decided in *Dec. IV/24:*

1. to annul decision I/12 H of the First Meeting of the Parties, which reads "Imports and exports of bulk used controlled substances should be treated and recorded in the same manner as virgin controlled substances and included in the calculation of the Party's consumption limits";

2. not to take into account, for calculating consumption, the import and export of recycled and used controlled substances (except when calculating the base year consumption under paragraph 1 of Article 5 of the Protocol), provided that data on such imports and exports are subject to reporting under Article 7;

3. to agree to the following clarifications of the terms "recovery", "recycling" and "reclamation":

   (a) Recovery: The collection and storage of controlled substances from machinery, equipment, containment vessels, etc., during servicing or prior to disposal;

   (b) Recycling: The re-use of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment it often occurs "on-site";

(c) Reclamation: The re-processing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance. It often involves processing "off-site" at a central facility;

4. to urge all the Parties to take all practicable measures to prevent releases of controlled substances into the atmosphere, including, *inter alia*:

(a) to recover controlled substances in Annex A, Annex B and Annex C of the Protocol, for purposes of recycling, reclamation or destruction, that are contained in the following equipment during servicing and maintenance as well as prior to equipment dismantling or disposal:

(i) stationary commercial and industrial refrigeration and air conditioning equipment;

(ii) mobile refrigeration and mobile air-conditioning equipment;

(iii) fire protection systems;

(iv) cleaning machinery containing solvents;

(b) to minimize refrigerant leakage from commercial and industrial air-conditioning and refrigeration systems during manufacture, installation, operation and servicing;

(c) to destroy unneeded ozone-depleting substances where economically feasible and environmentally appropriate to do so;

5. to urge the Parties to adopt appropriate policies for export of the recycled and used substances to Parties operating under paragraph 1 of Article 5 of the Protocol, so as to avoid any adverse impact on the industries of the importing Parties, either through an excessive supply at low prices which might introduce unnecessary new uses or harm the local industries, or through an inadequate supply which might harm the user industries;

6. to request the Scientific Assessment Panel to study and report, by 31 March 1994 at the latest, through the Secretariat, on the impact on the ozone layer of continued use of recycled controlled substances and of the utilization or non-utilization of available environmentally sound alternatives/substitutes and to request the Open-ended Working Group of the Parties to consider the report and to submit their recommendations to the Sixth Meeting of the Parties;

7. to request the Technology and Economic Assessment Panel to review and report, by 31 March 1994 at the latest, through the Secretariat, on:

(a) the technologies for recovery, reclamation, recycling and leakage control;

(b) the quantities available for economically feasible recycling and the demand for recycled substances by all Parties;

(c) the scope for meeting the basic domestic needs of the Parties operating under paragraph 1 of Article 5 of the Protocol through recycled substances;

(d) the modalities to promote the widest possible use of alternatives/substitutes with a view to increasing their usage and release their reclaimed substances to Parties operating under paragraph 1 of Article 5 of the Protocol; and

(e) other relevant issues and to recommend policies with respect to recovery, reclamation and recycling, keeping in mind the effective implementation of the Montreal Protocol;

8. to request the Open-ended Working Group of the Parties to the Protocol to consider the reports of the Scientific Assessment Panel and the Technology and Economic Assessment Panel and any

recommendations in this regard made by the Executive Committee and submit their recommendations to the Sixth Meeting of the Parties, in 1994.

Decision V/24: Trade in controlled substances and the Basel Convention on Transboundary Movement of Hazardous Wastes and their Disposal

The *Fifth Meeting of the Parties* decided in *Dec. V/24* to note the report of the Secretariat on the applicability of the provisions of the Basel Convention to trade in used controlled substances of the Montreal Protocol and to urge the Parties to the Basel Convention to take appropriate decisions, consistent with the objectives of the Basel Convention and of the Montreal Protocol, in order to facilitate early phase-out of the production and consumption of the controlled substances of the Montreal Protocol.

Decision VI/19: Trade in previously used ozone-depleting substances

The *Sixth Meeting of the Parties* decided in *Dec. VI/19:*

1. To reaffirm the Parties' intent embodied in decision IV/24;

2. To restate that only used controlled substances may be excluded from the calculated level of consumption of countries importing or exporting such substances;

3. To note further that, as required by decision IV/24, such exclusions from a Party's calculated level of consumption is made contingent on reporting of such imports and exports to the Secretariat and Parties should make their best efforts to report this information in a timely manner;

4. To request all Parties with reclamation facilities to submit to the Secretariat prior to the Seventh Meeting of the Parties and on an annual basis thereafter a list of the reclamation facilities and their capacities available in their countries;

5. To request all Parties that export previously used substances to take, where appropriate, steps to ensure that such substances are labelled correctly and are of the nature claimed and to report any related activities through the Secretariat to the seventh meeting of the Parties;

6. To request such exporting Parties to make best efforts to require their companies to include in documentation accompanying such exports, the name of the source firm of the used controlled substance and whether it was recovered, recycled or reclaimed and any further information available to allow for verification of the nature of the substance;

7. To request the Ozone Secretariat, drawing on the experience of the Technology and Economic Assessment Panel and the Parties, to study and report on trade in used/recycled/reclaimed ozone-depleting substances, taking particular account of Parties' experience in the control of such trade and the concerns and interests of all Parties that have facilities for the production of ozone-depleting substances, in time for the issues to be considered by the Open-ended Working Group at its twelfth meeting.

Decision VII/31: Status of recycled CFCs and halons under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The *Seventh Meeting of the Parties* decided in *Dec. VII/31* that the international transfers of controlled substances of the Montreal Protocol which are recovered but not purified to usable purity specifications prescribed by appropriate international and/or national organizations, including International Standards Organization (ISO), should only occur if the recipient country has recycling facilities that can process the received controlled substances to these specifications or has destruction facilities incorporating technologies approved for that purpose.

Decision XIV/3: Clarification of certain terminology related to controlled substances

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/3:*

1. To note that the terms in past Decisions related to "used controlled substances" such as "recovered", "recycled" and "reclaimed" have not been used uniformly and may be misinterpreted;

2. To urge Parties to be precise from now in the terminology related to "used controlled substances" in future Decisions, and when appropriate, refer specifically to the definitions agreed in Decision IV/24.

Decisions on other issues

Decision I/12D: Clarification of terms and definitions: Industrial rationalization

The *First Meeting of the Parties* decided in *Dec. I/12D* to agree to the following clarification of the definition of "industrial rationalization" in Article 1, paragraph 8 and Article 2, paragraphs 1 to 5 of the Protocol: "in interpreting the definition of industrial rationalization, it is *not* possible for one country to increase its production without a corresponding reduction of production in another country".

Article 2: Control measures

Decisions on adjustments of the control measures

Decision II/1: Adjustments and reductions

The *Second Meeting of the Parties* decided in *Dec. II/1* to adopt in accordance with the procedure laid down in paragraphs 4 and 9 of Article 2 of the Montreal Protocol the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in Annex I to the report on the work of the Second Meeting of the Parties.

Decision III/1: Adjustments and amendment

The *Third Meeting of the Parties* decided in *Dec. III/1:*

(a) To bring to the attention of the Parties to the Montreal Protocol the fact that the Adjustments to the Protocol adopted at the Second Meeting of the Parties came into effect on 7 March 1991 and to urge them to adopt the necessary measures to comply with the adjusted control measures;

(b) To note that only two States have so far ratified the Amendment, adopted at the Second Meeting of the Parties to the Protocol and to urge all States to ratify that Amendment in view of the fact that twenty instruments of ratification, approval or acceptance are required for it to come into force on 1 January 1992.

Decision IV/2: Further adjustments and reductions

The *Fourth Meeting of the Parties* decided in *Dec. IV/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in Annex I to the report of the Fourth Meeting of the Parties.

Decision IV/3: Further adjustments and reductions

The *Fourth Meeting of the Parties* decided in *Dec. IV/3* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex B to the Protocol, as set out in Annex II to the report of the Fourth Meeting of the Parties.

Decision VII/1: Further adjustments and reductions: controlled substances listed in Annex A to the Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/1* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in Annex I to the report of the Seventh Meeting of the Parties.

Decision VII/2: Further adjustments and reductions: controlled substances listed in Annex B to the Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and

consumption of the controlled substances listed in Annex B to the Protocol, as set out in Annex II to the report of the Seventh Meeting of the Parties.

Decision VII/3: Further adjustments and reductions: controlled substances listed in Annexes C and E to the Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/3:*

1. To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annexes C and E to the Protocol, as set out in Annex III to the report of the Seventh Meeting of the Parties;

2. To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustment to the ozone-depleting potential specified in Annex E as set out in Annex III to the report of the Seventh Meeting of the Parties and that this adjustment shall enter into force on 1 January 1997;

3. That the Meeting of the Parties by 2000 will consider the need for further adjustments to the phase-out schedule for hydrochlorofluorocarbons for Parties operating under paragraph 1 of Article 5.

Decision IX/1: Further adjustments with regard to Annex A substances

The *Ninth Meeting of the Parties* decided in *Dec. IX/1* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Ninth Meeting of the Parties.

Decision IX/2: Further adjustments with regard to Annex B substances

The *Ninth Meeting of the Parties* decided in *Dec. IX/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Ninth Meeting of the Parties.

Decision IX/3: Further adjustments and reductions with regard to the Annex E substance

The *Ninth Meeting of the Parties* decided in *Dec. IX/3* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments and reductions of production and consumption of the controlled substance listed in Annex E to the Protocol, as set out in annex III to the report of the Ninth Meeting of the Parties.

Decision XI/2: Further adjustments with regard to Annex A substances

The *Eleventh Meeting of the Parties* decided in *Dec. XI/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annex A to the Protocol, as set out in annex II to the report of the Eleventh Meeting of the Parties.

Decision XI/3: Further adjustments with regard to Annex B substances

The *Eleventh Meeting of the Parties* decided in *Dec. XI/3* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annex B to the Protocol, as set out in annex III to the report of the Eleventh Meeting of the Parties.

Decision XI/4: Further adjustments with regard to Annex E substance

The *Eleventh Meeting of the Parties* decided in *Dec. XI/4* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substance in Annex E to the Protocol, as set out in annex IV to the report of the Eleventh Meeting of the Parties.

Decision Ex.I/1: Further adjustments relating to the controlled substance in Annex E

The *First Extraordinary Meeting of the Parties* decided in *Dec. Ex.I/1:*

Recalling that, according to subparagraph 1 (e) of decision IX/5, the Meeting of the Parties should have decided in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to Parties operating under paragraph 1 of Article 5,

Taking into account that current circumstances prevent several Article 5 Parties from adopting a decision in that regard,

Noting that, by 1 February 2006, non-Article 5 Parties will submit national management strategies which will send a clear signal on the phase-out of critical uses of methyl bromide;

Considering that at the Seventeenth Meeting of the Parties the Parties will decide on the level of replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol for the triennium 2006–2008, which should take into account the requirement to provide new and additional adequate financial and technical assistance to enable Article 5 Parties to comply with further interim reductions on methyl bromide,

1. To keep under review the interim reduction schedule as elaborated during the Fifteenth Meeting of the Parties;

2. To consider, preferably by 2006, further specific interim reductions in methyl bromide applicable to Parties operating under paragraph 1 of Article 5.

Decisions on essential uses

Decision IV/25: Essential uses

The *Fourth Meeting of the Parties* decided in *Dec. IV/25*:

1. to apply the following criteria and procedure in assessing an essential use for the purposes of control measures in Article 2 of the Protocol:

   (a) that a use of a controlled substance should qualify as “essential” only if:

      (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and

(ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;

(b) that production and consumption, if any, of a controlled substance for essential uses should be permitted only if:

(i) all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and

(ii) the controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances;

(c) that production, if any, for essential use, will be in addition to production to supply the basic domestic needs of the Parties operating under paragraph 1 of Article 5 of the Protocol prior to the phase-out of the controlled substances in those countries;

2. to request each of the Parties to nominate, in accordance with the criteria approved in paragraph 1 (a) of the present decision, any use it considers "essential", to the Secretariat at least six months for halons and nine months for other substances prior to each Meeting of the Parties that is to decide on this issue;

3. to request the Technology and Economic Assessment Panel and its Technical and Economic Options Committee to develop, in accordance with the criteria in paragraphs 1 (a) and 1 (b) of the present decision, recommendations on the nominations, after consultations with experts as necessary, regarding:

(a) the essential use (substance, quantity, quality, expected duration of essential use, duration of production or import necessary to meet such essential use);

(b) economically feasible use and emission controls for the proposed essential use;

(c) sources of already produced controlled substances for the proposed essential use (quantity, quality, timing); and

(d) steps necessary to ensure that alternatives and substitutes are available as soon as possible for the proposed essential use;

4. to request the Technology and Economic Assessment Panel, while making its recommendations to take into account the environmental acceptability, health effects, economic feasibility, availability, and regulatory status of alternatives and substitutes;

5. to request the Technology and Economic Assessment Panel to submit its report, through the Secretariat, at least three months before the Meeting of the Parties in which a decision is to be taken. The subsequent reports will also consider which previously qualified essential uses should no longer qualify as essential;

6. to request the Open-ended Working Group of the Parties to consider the report of the Technology and Economic Assessment Panel and make its recommendations to the Fifth Meeting of the Parties for halons and at the Sixth Meeting for all other substances for which an essential use is proposed;

7. that essential use controls will not be applicable to Parties operating under paragraph 1 of Article 5 of the Protocol until the phase-out dates applicable to those Parties.

Decision V/14: Essential uses of halons

The *Fifth Meeting of the Parties* decided in *Dec. V/14:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Halons Technical Options Committee pursuant to decision IV/25 of the Fourth Meeting of the Parties;

2. That no level of production or consumption is necessary to satisfy essential uses of halon in Parties not operating under paragraph 1 of Article 5 of the Protocol, for the year 1994 since there are technically and economically feasible alternatives and substitutes for most applications, and since halon is available in sufficient quantity and quality from existing stocks of banked and recycled halon;

Decision V/18: Timetable for the submission and consideration of essential-use nominations

The *Fifth Meeting of the Parties* decided in *Dec. V/18:*

1. To request the Parties to submit their nominations for each production and consumption exemption for substances other than halon for 1996 in accordance with decision IV/25, with the presumption that the Meeting of the Parties will be held on 1 September;

2. To modify the timetables in decision IV/25 for nominations for halon production and consumption exemptions for 1995 and subsequent years, and for nominations for production and consumption exemptions for substances other than halon for 1997 and subsequent years as follows: to set 1 January of each year as the last date for nominations for decisions taken in that year for any subsequent year;

3. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committees to develop recommendations on the nominations and submit their report through the Secretariat by 31 March of that year;

4. To request the Open-ended Working Group of the Parties to consider the report of the Technology and Economic Assessment Panel and make its recommendations to the subsequent meeting of the Parties;

5. To request the Technology and Economic Assessment Panel to assemble and distribute a handbook on essential uses nominations including copies of relevant decisions, nomination instructions, summaries of past recommendations, and copies of nominations to illustrate possible formats and levels of technical detail.

Decision VI/8: Essential-use nominations for halons for 1995

The *Sixth Meeting of the Parties* decided in *Dec. VI/8,* that, for the year 1995 no level of production or consumption is necessary to satisfy essential uses of halons in Parties not operating under paragraph 1 of Article 5 of the Protocol, since there are technically and economically feasible alternatives and substitutes for most applications, and since halons are available in sufficient quantity and quality from existing stocks of banked and recycled halons.

Decision VI/9: Essential-use nominations for controlled substances other than halons for 1996 and beyond

The *Sixth Meeting of the Parties* decided in *Dec. VI/9:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties;

2. That, for 1996 and 1997 for Parties not operating under paragraph 1 of Article 5 of the Protocol, levels of production or consumption necessary to satisfy essential uses of chlorofluorocarbons and 1,1,1–trichloroethane for: (i) metered dose inhalers (MDIs) for the treatment of asthma, chronic obstructive pulmonary disease (COPD), and for the delivery of leuprolide to the lungs and (ii) the Space Shuttle, are authorized as specified in Annex I to the report of the Sixth Meeting of the Parties, subject to annual review of quantities; *[see Section 3.2 of this Handbook]*

3. That for 1996 and 1997, for Parties not operating under paragraph 1 of Article 5 of the Protocol, production or consumption necessary to satisfy essential uses of ozone-depleting substances for

laboratory and analytical uses are authorized as specified in Annex II to the report of the Sixth Meeting of the Parties; *[see Section 3.2 of this Handbook]*

4. That Parties shall endeavour to minimize use and emissions by all practical steps. In the case of metered dose inhalers, these steps include education of physicians and patients about other treatment options and good-faith efforts to eliminate or recapture emissions from filling and testing, consistent with national laws and regulations.

Decision VII/28: Essential-use nominations for controlled substances for 1996 and beyond

The *Seventh Meeting of the Parties* decided in *Dec. VII/28:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties;

2. That, for 1996, 1997, 1998, 1999, 2000 and 2001 for Parties not operating under paragraph 1 of Article 5 of the Protocol, levels of production and consumption necessary to satisfy essential uses of CFC–11, CFC–12, CFC–113, CFC–114 and methyl chloroform are authorized as specified in Annex VI to the report of the Seventh Meeting of the Parties *[see Section 3.2 of this Handbook]*, for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary disease, nasal dexamethasone, and specific cleaning, bonding and surface activation applications in rocket motor manufacturing for the United States Space Shuttle and Titan, subject to the following conditions:

   (a) The Technology and Economic Assessment Panel will review, annually, the quantity of controlled substances authorized and submit a report to the Meeting of the Parties in that year;

   (b) The Technology and Economic Assessment Panel will review, biennially, whether the applications for which exemption was granted still meets the essential-use criteria and submit a report, through the Secretariat, to the Meeting of the Parties in the year in which the review is made;

   (c) The Parties granted essential use exemptions will reallocate, as decided by the Parties, to other uses the exemptions granted or destroy any surplus ozone-depleting substances authorized for essential use but subsequently rendered unnecessary as a result of technical progress and market adjustments;

3. To urge the Parties to collate, coordinate and evaluate the individual company nominations for future years before submitting these nominations to the Secretariat.

Decision VIII/9: Essential-use nominations for Parties not operating under Article 5 for controlled substances for 1997 through 2002

The *Eighth Meeting of the Parties* decided in *Dec. VIII/9:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties and decisions VII/28 and VII/34 of the Seventh Meeting of the Parties;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary diseases and nasal dexamethasone, and halon 2402 for fire protection are authorized as specified in annex II to the report of the Eighth Meeting of the Parties *[see Section 3.2 of this Handbook]*, subject to the conditions established by the Seventh Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To correct the errors introduced by the reports of the Technology and Economic Assessment Panel and its Technical Options Committees in the United States MDI nomination of CFC-12 and CFC-114 for the production year 1997 and its nomination of methyl chloroform for the production years 1996, 1997, 1998, 1999, 2000 and 2001 and to adjust the total amounts exempted to take into account the withdrawal

of the New Zealand MDI nomination of CFC-11 and CFC-12 for production years 1996 and 1997, as specified in annex III to the report of the Eighth Meeting of the Parties *[see Section 3.2 of this Handbook];*

4. That for 1998, for Parties not operating under Article 5 of the Protocol, production and consumption necessary to satisfy essential uses of controlled substances in Annexes A and B of the Protocol only for laboratory and analytical uses, as listed in annex IV to the report of the Seventh Meeting of the Parties, are authorized, subject to the conditions applied to exemption for laboratory and analytical uses as contained in annex II to the report of the Sixth Meeting of the Parties;

5. To permit the transfer of essential-use authorizations for MDIs for 1997 between New Zealand and Australia on a one-time basis only;

6. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committee to investigate the implications of allowing greater flexibility in the transfer of essential-use authorizations between Parties;

7. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committee to review and report, by 30 April 1997, on the implications of allowing the production of CFCs for medical applications on a periodic "campaign basis" to satisfy estimated future needs, rather than producing small quantities in each year. Consideration should be given in particular to the economic implications of such an allowance;

8. To revise the timetables in decision IV/25, as modified by decision V/18, for nominations for production and consumption exemptions for 1998 and subsequent years, as follows: to set 31 January of each year as the last date for nominations for decisions to be taken in that year for production or consumption in any subsequent year; and to request the Technology and Economic Assessment Panel and its relevant Technical Options Committees to develop recommendations on the nominations and submit their report through the Secretariat by 30 April of that year; however, for 1997 the report will be submitted by 1 April 1997;

9. To approve the format for reporting quantities and uses of ozone-depleting substances produced and consumed for essential uses as set out in annex IV to the report of the Eighth Meeting of the Parties *[see Section 3.2 of this Handbook]* and beginning in 1998 to request each of the Parties that have had essential-use exemptions granted for previous years, to submit their report in the approved format by 31 January of each year;

10. To allow the Secretariat, in consultation with the Technology and Economic Assessment Panel, to authorize, in an emergency situation, if possible by transfer of essential-use exemptions, consumption of quantities not exceeding 20 tonnes of ODS for essential uses on application by a Party prior to the next scheduled Meeting of the Parties. The Secretariat should present this information to the next Meeting of the Parties for review and appropriate action by the Parties.

Decision IX/18: Essential-use nominations for non-Article 5 Parties for controlled substances for 1998 and 1999

The *Ninth Meeting of the Parties* decided in *Dec. IX/18:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary diseases, and halon 2402 for fire protection are authorized as specified in annex VI to the report of the Ninth Meeting of the Parties *[see Section 3.2 of this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To approve the authorization by the Secretariat of the emergency use of 3 tonnes for 1997 for CFC-12 for sterile aerosol talc submitted as an essential-use nomination by United States of America.

Decision X/6: Essential-use nominations for non-Article 5 Parties for controlled substances for 1999 and 2000

The *Tenth Meeting of the Parties* decided in *Dec. X/6:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its technical options committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, CFC-113 for use in the coating of cardiovascular surgical material and halon-2402 for fire protection are authorized as specified in annex I to the report of the Tenth Meeting of the Parties *[see Section 3.2 of this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To agree that the remaining quantity of methyl chloroform authorized for the United States at previous meetings of the Parties be made available for use in manufacturing solid rocket motors until such time as the 1999–2001 quantity of 176.4 tonnes (17.6 ODP-weighted tonnes) allowance is depleted, or until such time as safe alternatives are implemented for remaining essential uses;

4. To approve the authorization by the Secretariat in consultation with the Technology and Economic Assessment Panel of the emergency uses of 1.7 tonnes of CFC-113 for 1997 and 1998 for torpedo maintenance submitted as an essential-use nomination by Poland;

5. That the quantities approved under paragraph 2 above and all future approvals are for total CFC volumes with flexibility between CFCs within each group.

Decision XI/14: Essential-use nominations for non-Article 5 Parties for controlled substances for 2000 and 2001

The *Eleventh Meeting of the Parties* decided in *Dec. XI/14:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114 for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, CFC-113 for torpedo maintenance, and halon 2402 for fire protection are authorized as specified in annex VII to the report of the Eleventh Meeting of the Parties *[see Section 3.2 of this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. That the quantities approved in paragraph 2 above and all future approvals are for total CFC volumes with flexibility between CFCs within each group.

Decision XII/9: Essential-use nominations for non-Article 5 Parties for controlled substances for 2001 and 2002

The *Twelfth Meeting of the Parties* decided in *Dec. XII/9:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases and CFC-113 for torpedo maintenance are authorized as specified in annex I to the report of the Twelfth Meeting of the Parties *[see Section 3.2 of this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28.

Decision XIII/8: Essential-use nominations for non-Article 5 Parties for controlled substances for the year 2002 and beyond

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/8:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary disease and CFC-113 for torpedo maintenance as specified in Annex I to the report of the 13th Meeting of the Parties *[see Section 3.2 of this Handbook]*.

Decision XIV/4: Essential-use nominations for non-Article 5 Parties for controlled substances for 2003 and 2004

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/4:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as specified in annex I to the report of the Fourteenth Meeting of the Parties *[see Section 3.2 of this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28.

Decision XV/4: Essential use nominations for non-Article 5 Parties for controlled substances for 2004 and 2005

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/4:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as well as for laboratory and analytical uses as specified in annex I to the present report *[see Section 3.2 in this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To note that two Parties, the European Community and Poland, had requested emergency exemptions for laboratory and analytical uses, which had been approved by the Ozone Secretariat, in consultation with the Technology and Economic Assessment Panel, in accordance with the procedure set forth in paragraph 10 of decision VIII/9. The following amounts were approved:

Poland:	2.05 tonnes of CFC-113 and carbon tetrachloride for 2003;
European Community:	0.025 ODP-tonnes of hydrobromofluorocarbons and bromochloromethane for 2003 and 2004.

Decision XVI/12: Essential-use nominations for Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol for controlled substances for 2005 and 2006

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/12:*

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committee,

1. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as specified in the annex to this decision *[see Section 3.2 in this Handbook]*, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28 and subject to a second review of the 2006 levels consistent with decision XV/5;

2. To urge the Technology and Economic Assessment Panel to specify in the Handbook on Essential Use Nominations that a nominating Party may submit in its nomination data aggregated by region and product group for CFC-containing metered-dose inhalers intended for sale in Parties operating under paragraph 1 of Article 5 when more specific data are not available;

3. That, in the light of the fact that Aerosol Technical Options Committee's recommendations for future essential-use exemptions are based on past stock level information, Parties, when preparing essential use nominations for CFCs, should give due consideration to existing stocks, whether owned or agreed to be acquired from a metered-dose inhaler manufacturer, of banked or recycled controlled substances as described in paragraph 1 (b) of decision IV/25, with the objective of maintaining no more than one year's operational supply.

Decision XVII/5: Essential-use nominations for Parties not operating under paragraph 1 of Article 5 for controlled substances for 2006 and 2007

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/5:*

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Medical Technical Options Committee,

Noting with appreciation the progress made since the adoption of decision XV/5 by Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol in establishing a certain date by which they will cease submitting nominations for metered-dose inhalers where the sole active ingredient is salbutamol,

Recalling paragraph 6 of decision XV/5 relating to the phase-out of chlorofluorocarbons for metered-dose inhalers where the active ingredient is not solely salbutamol,

1. To authorize the levels of production and consumption for 2006 and 2007 necessary to satisfy essential uses of chlorofluorocarbons for metered-dose inhalers for asthma and chronic obstructive pulmonary disease as specified in the annex to the present decision *[see Section 3.2 in this Handbook]*;

2. That Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol, when licensing, authorizing, or allocating essential-use exemptions for chlorofluorocarbons for a manufacturer, shall take into account pre- and post-1996 stocks of controlled substances as described in paragraph 1 (b) of decision IV/25, such that no more than a one-year operational supply is maintained by that manufacturer;

3. With reference to paragraph 6 of decision XV/5, to request that Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol submit a date to the Ozone Secretariat prior to the Eighteenth Meeting of the Parties by which time a regulation or regulations to determine the non-essentiality of the vast majority of chlorofluorocarbons for metered-dose inhalers where the active ingredient is not solely salbutamol will have been proposed.

Decisions on essential uses: laboratory and analytical uses

Decision VII/11: Laboratory and analytical uses

The *Seventh Meeting of the Parties* decided in *Dec. VII/11:*

1. To note with appreciation the work done by the Laboratory and Analytical Uses Working Group of the Technology and Economic Assessment Panel;

2. To urge Parties to organize National Consultative Committees to review and identify alternatives to laboratory and analytical uses and to encourage the sharing of information concerning alternatives and their wider use;

3. To encourage national standards organizations to identify and review those standards which mandate the use of ozone-depleting substances in order to adopt where possible ODS-free solvents and technologies;

4. To urge Parties to develop an international labelling scheme and encourage its voluntary adoption to stimulate awareness of the issue;

5. To adopt an illustrative list of laboratory uses as specified in Annex IV of the report of the Seventh Meeting of the Parties *[see Section 3.2 of this Handbook]* to facilitate reporting as required by decision VI/9 of the Sixth Meeting of the Parties;

6. To exclude the following uses from the global essential-use exemption, as they are not exclusive to laboratory and analytical uses and/or alternatives are available:

   (a) Refrigeration and air-conditioning equipment used in laboratories, including refrigerated laboratory equipment such as ultra-centrifuges;

   (b) Cleaning, reworking, repair, or rebuilding of electronic components or assemblies;

   (c) Preservation of publications and archives; and

   (d) Sterilization of materials in a laboratory;

7. To request the Technology and Economic Assessment Panel to evaluate the current status of use of controlled substances and alternatives and report progress on the availability of alternatives to the Ninth Meeting of the Parties and later meetings;

8. To urge Parties operating under Article 2 to provide funding within their countries and on a bilateral basis for Parties operating under Article 5 to undertake research and development and activities aimed at ODS alternatives for laboratory and analytical uses;

9. To agree that controlled substances used for laboratory and analytical purposes shall meet the standards for purity as specified in decision VI/9.

Decision IX/17: Essential-use exemption for laboratory and analytical uses of ozone-depleting substances

The *Ninth Meeting of the Parties* decided in *Dec. IX/17:*

1. That for 1999, for Parties not operating under paragraph 1 of Article 5 of the Protocol, production and consumption necessary to satisfy essential uses of controlled substances in Annexes A and B of the Protocol only for laboratory and analytical uses, as listed in annex IV to the report of the Seventh Meeting of the Parties, are authorized, subject to the conditions applied to exemption for laboratory and analytical uses as contained in annex II to the report of the Sixth Meeting of the Parties;

2. That data for consumption and production should be reported annually under a global essential-use exemption framework to the Secretariat so that the success of reduction strategies may be monitored;

3. To clarify that essential-use exemptions for laboratory and analytical uses of controlled substances shall continue to exclude the production of products made with or containing such substances.

Decision X/19: Exemption for laboratory and analytical uses

The *Tenth Meeting of the Parties* decided in *Dec. X/19:*

1. To extend the global laboratory and analytical essential-use exemption until 31 December 2005 under the conditions set out in annex II of the report of the Sixth Meeting of the Parties;

2. To request the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substances in Annexes A and B of the Protocol;

3. That the Meeting of the Parties shall each year, on the basis of information reported by the Technology and Economic Assessment Panel in accordance with paragraph 2 above, decide on any uses of controlled substances which should no longer be eligible under the exemption for laboratory and analytical uses and the date from which any such restriction should apply;

4. That the Secretariat should make available to the Parties each year a consolidated list of laboratory and analytical uses that the Parties have agreed should no longer be eligible for production and consumption of controlled ozone-depleting substances under the global exemption;

5. That any decision taken to remove the global exemption should not prevent a Party from nominating a specific use for an exemption under the essential uses procedure set out in decision IV/25.

Decision XI/15: Global exemption for laboratory and analytical uses

The *Eleventh Meeting of the Parties* decided in *Dec. XI/15* to eliminate the following uses from the global exemption for laboratory and analytical uses for controlled substances, approved in decision X/19, from the year 2002:

(a) Testing of oil, grease and total petroleum hydrocarbons in water;

(b) Testing of tar in road-paving materials; and

(c) Forensic finger-printing.

Decision XV/8: Laboratory and analytical uses

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/8:*

1. To extend the global laboratory and analytical use exemption under the conditions set out in annex II of the report of the Sixth Meeting of the Parties until 31 December 2007;

2. To request the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substances in Annexes A, B and C (group II and group III substances) of the Protocol;

3. To apply the conditions set out in paragraphs 3, 4 and 5 of decision X/19 to paragraphs 1 and 2 of the present decision.

Decision XVI/16: Laboratory and analytical uses

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/16:*

Recalling decision IX/17 on essential-use exemptions for laboratory and analytical uses of ozone-depleting substances,

Noting the report of the Implementation Committee requesting guidance from the Parties on the use of bromochloromethane for laboratory and analytical uses,

Considering that decision XV/8 requests the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using controlled substances in Annexes A, B and C, groups II and III, of the Protocol,

1. To include in the global laboratory and analytical use exemption under the conditions set out in annex II of the report of the Sixth Meeting of the Parties substances in Annex C, groups II and III, of the Protocol,

2. To apply the conditions set out in paragraphs 3, 4 and 5 of decision X/19 to paragraph 1 of the present decision.

Decision XVII/13: Use of carbon tetrachloride for laboratory and analytical uses in Parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/13:*

Bearing in mind that Parties operating under paragraph 1 of Article 5 of the Montreal Protocol must reduce consumption of carbon tetrachloride by 85 per cent with respect to their baseline by 2005 and by 100 per cent by 2010,

Considering that carbon tetrachloride has an important use in laboratory and analytical processes; and that alternatives are not yet available for some of them,

Recalling that decision IX/17 introduced an essential-use exemption for laboratory and analytical uses of ozone-depleting substances and decision XV/8 extended that global exemption to 31 December 2007,

Bearing in mind that according to paragraph 7 of decision IV/25, essential-use controls will not be applicable to Parties operating under paragraph 1 of Article 5 until the phase-out dates applicable to those Parties,

Considering that in some Parties operating under paragraph 1 of Article 5, the control measures mentioned above may jeopardize carbon tetrachloride availability for analytical and laboratory processes,

1. That the Implementation Committee and Meeting of the Parties should defer until 2007 consideration of the compliance status in relation to control measures for carbon tetrachloride of Parties operating under paragraph 1 of Article 5 which provide evidence to the Ozone Secretariat with the data report, submitted in accordance with Article 7, showing that the deviation from the respective consumption target is due to the usage of carbon tetrachloride for analytical and laboratory processes. This deferral should be reviewed at the Nineteenth Meeting of the Parties in order to address the period 2007–2009;

2. To urge Parties operating under paragraph 1 of Article 5 to minimize the consumption of carbon tetrachloride in laboratory and analytical uses by applying the criteria and procedures of global exemption for carbon tetrachloride in laboratory and analytical uses that are currently established for Parties not operating under paragraph 1 of Article 5.

Decisions on essential uses: metered-dose inhalers (MDIs)

Decision VIII/10: Actions by Parties not operating under Article 5 to promote industry's participation on a smooth and efficient transition away from CFC-based MDIs

The *Eighth Meeting of the Parties* decided in *Dec. VIII/10:*

1. That Parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to demonstrate ongoing research and development of alternatives to CFC MDIs with all due diligence and/or collaborate with other companies in such efforts and, with each future request, to report in confidence to the nominating Party whether and to what extent resources are deployed to this end and progress is being made on such research and development, and what licence applications if any have been submitted to health authorities for non-CFC alternatives;

2. That Parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to demonstrate that they are undertaking individual or collaborative industry efforts, in consultation with the medical community, to educate health-care professionals and patients about other treatment options and the transition to non-CFC alternatives;

3. That Parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to demonstrate that they, or companies distributing or selling their product, are differentiating the packaging of the company's non-CFC MDIs from its CFC MDIs and are applying other appropriate marketing strategies, in consultation with the medical community, to encourage doctor and patient acceptance of the company's non-CFC alternatives subject to health and product-safety considerations;

4. That Parties not operating under Article 5 will request companies manufacturing, distributing or selling CFC MDIs and non-CFC alternatives not to engage in false or misleading advertising targeted at non-CFC alternatives or CFC MDIs;

5. That Parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to ensure that participation in regulatory proceedings is conducted with a view toward legitimate environmental, health and safety concerns;

6. That Parties not operating under Article 5 will request companies manufacturing CFC MDIs to take all economically feasible steps to minimize CFC emissions during the manufacture of MDIs;

7. That Parties not operating under Article 5 will request companies manufacturing, distributing or selling CFC MDIs to dispose of expired, defective, and returned MDIs containing CFCs in a manner that minimizes CFC emissions;

8. That Parties not operating under Article 5 will request companies manufacturing CFC MDIs to review annually CFC requirements and current MDI market forecasts, and notify national regulatory authorities if such forecasts will result in surplus CFCs obtained under essential-use exemptions;

9. That Parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to provide information on the steps that are being taken to provide a continuity of supply of asthma and chronic obstructive pulmonary disease (COPD) treatments (including CFC MDIs) to importing countries;

10. That Parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to provide information that demonstrates the steps being taken to assist the company's MDI manufacturing facilities in Parties operating under Article 5 and countries with economies in transition in upgrading the technology and capital equipment needed for manufacturing non-CFC asthma and chronic obstructive pulmonary disease (COPD) treatments;

11. To request the Technology and Economic Assessment Panel to reflect paragraphs 1 through 10 above in a revised version of the Handbook on Essential-Use Nominations.

Decision VIII/11: Measures to facilitate a transition by a Party not operating under Article 5 from CFC-based MDIs

The *Eighth Meeting of the Parties* decided in *Dec. VIII/11* to note that a transition is occurring from the use of CFC-based MDIs to non-CFC treatments for asthma and chronic obstructive pulmonary disease. In order to ensure a smooth and efficient transition, and protect the health and safety of patients, Parties not operating under Article 5 are encouraged:

1. To promote coordination between national environmental and health authorities on the environmental, health and safety implications of any proposed decisions on essential-use nominations and MDI transition policies;

2. To request their national authorities to expedite review of marketing/licensing/pricing applications of non-CFC treatments of asthma and chronic obstructive pulmonary disease, provided that such expedited review does not compromise patient health and safety;

3. To request their national authorities to review the terms for public MDI procurement and reimbursement, so that purchasing policies do not discriminate against non-CFC alternatives.

Decision VIII/12: Information gathering on a transition to non-CFC treatments for asthma and chronic obstructive pulmonary disease for Parties not operating under Article 5

The *Eighth Meeting of the Parties* decided in *Dec. VIII/12:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committee pursuant to decision IV/25 of the Fourth Meeting of the Parties and decision VII/28 of the Seventh Meeting of the Parties;

2. To note with appreciation that one new non-CFC-based MDI for one active ingredient has now entered the market in some countries, and that others are anticipated over the next one to three years. Other non-CFC treatments and devices already provide a suitable alternative for many patients in some Parties not operating under Article 5;

3. To request Parties not operating under Article 5 that have developed a national transition strategy to report to the Panel and its relevant Technical Options Committee on the details of that national transition strategy for non-CFC treatments of asthma and chronic obstructive pulmonary disease in time for meetings of the Technical Options Committee, beginning in 1997;

4. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committee to provide an interim report on progress in the development and implementation of national transition strategies in Parties not operating under Article 5 for non-CFC treatments of asthma and chronic obstructive pulmonary disease (COPD) and report to the Open-Ended Working Group in preparation for the Ninth Meeting of the Parties;

5. To request the Technology and Economic Assessment Panel to further examine and provide a progress report to the Ninth Meeting of the Parties and a final report to the Tenth Meeting of the Parties on issues surrounding a transition to non-CFC treatments of asthma and chronic obstructive pulmonary disease in Parties not operating under Article 5 that is fully protective of public health. In so doing, the Technology and Economic Assessment Panel should consult with international bodies, such as the World Health Organization and other institutions representing health-care professionals, patient-advocacy groups and private industry, and with national bodies and Governments. The Technology and Economic Assessment Panel should consider:

   (a) In the context of a transition phase, how decisions taken within the Montreal Protocol framework and national strategies might complement each other;

(b) The impact on the right and ability of patients in Parties operating under Article 5, in countries with economies in transition, in Parties not operating under Article 5 with large disadvantaged communities and in importing countries to receive CFC-based MDIs where medically acceptable and affordable alternatives are not available due to reductions in essential-use exemptions in Parties not operating under Article 5 for CFC-based MDIs;

(c) The influence of potential transferable essential use exemptions as well as existing and potential trade restrictions by individual countries on a smooth transition and access to affordable treatment options;

(d) The international markets and fluidity of trade in CFC-based MDIs as well as alternative treatments for asthma and chronic obstructive pulmonary disease;

(e) The implications for patient subgroups which may have continuing compelling medical needs after a virtual phase-out;

(f) The range of regulatory and non-regulatory incentives for, and impediments to, research and development of alternative treatments for asthma and chronic obstructive pulmonary disease and market penetration of alternative treatments for asthma and chronic obstructive pulmonary disease;

(g) The degree to which dry powder inhalers (DPIs) and other treatment options may be considered medically acceptable and affordable alternatives for CFC-based MDIs in consultation with the above bodies, and as a result, the factors which may influence their ability to act as substitutes in different countries;

(h) The relative implications for the phase-out of ozone-depleting substances of different policy options that facilitate the transition to non-CFC treatments;

(i) Steps that could be taken to facilitate access to affordable non-CFC treatment options and technology.

Decision IX/19: Metered-dose inhalers (MDIs)

The *Ninth Meeting of the Parties* decided in *Dec. IX/19:*

1. To note with appreciation the interim report of the Technology and Economic Assessment Panel (TEAP) pursuant to decision VIII/12;

2. To request the Technology and Economic Assessment Panel to continue its work and submit the final report to the Tenth Meeting of the Parties, through the Open-ended Working Group, taking into account the approach indicated in paragraph 5 of decision VIII/12 and the comments made during the fifteenth and sixteenth meetings of the Open-ended Working Group and the Ninth Meeting of the Parties;

3. To note the expectation of TEAP and its relevant Technical Options Committee that it remains possible that the major part of the MDI transition may occur in non-Article 5 countries by the year 2000 and there will be minimal need for CFCs for metered-dose inhalers by 2005, however, at this point in time there are still many variables and an exact time-scale is not possible to predict with certainty;

4. To note the concerns of some non-Article 5 Parties that they may not be able to convert as soon as they would like unless their independent MDI manufacturers are able to license non-CFC technologies;

5. To require non-Article 5 Parties submitting essential-use nominations for CFCs for MDIs for the treatment of asthma and chronic obstructive pulmonary disease (COPD) to present to the Ozone Secretariat an initial national or regional transition strategy by 31 January 1999 for circulation to all Parties. Where possible, non-Article 5 Parties are encouraged to develop and submit to the Secretariat an initial transition strategy by 31 January 1998. In preparing a transition strategy, non-Article 5 Parties

should take into consideration the availability and price of treatments for asthma and COPD in countries currently importing CFC MDIs.

Decision IX/20: Transfer of essential-use authorizations for CFCs for MDIs

The *Ninth Meeting of the Parties* decided in *Dec. IX/20:*

1. That all transfers of essential-use authorizations for CFCs for MDIs be reviewed on a case-by-case basis at Meetings of the Parties for approval;

2. Notwithstanding paragraph 1 of the present decision, to allow the Secretariat, in consultation with the Technology and Economic Assessment Panel, to authorize a Party, in an emergency situation, to transfer some or all of its authorized levels of CFCs for essential uses in MDIs to another Party, provided that:

   (a) The transfer applies only up to the maximum level that has previously been authorized for the calendar year in which the next Meeting of the Parties is to be held;

   (b) Both Parties involved agree to the transfer;

   (c) The aggregate annual level of authorizations for all Parties for essential uses of MDIs does not increase as a result of the transfer;

   (d) The transfer or receipt is reported by each Party involved on the essential-use quantity-accounting format approved by the Eighth Meeting of the Parties by paragraph 9 of decision VIII/9.

Decision XII/2: Measures to facilitate the transition to chlorofluorocarbon-free metered-dose inhalers

The *Twelfth Meeting of the Parties* decided in *Dec. XII/2:*

1. For the purposes of this decision, "chlorofluorocarbon metered-dose inhaler product" means a chlorofluorocarbon-containing metered-dose inhaler of a particular brand name or company, active ingredient(s) and strength;

2. That any chlorofluorocarbon metered-dose inhaler product approved after 31 December 2000 for treatment of asthma and/or chronic obstructive pulmonary disease in a non-Article 5(1) Party is not an essential use unless the product meets the criteria set out in paragraph 1(a) of decision IV/25;

3. With respect to any chlorofluorocarbon metered-dose inhaler active ingredient or category of products that a Party has determined to be non-essential and thereby not authorized for domestic use, to request:

   (a) The Party that has made the determination to notify the Secretariat;

   (b) The Secretariat to maintain such a list on its Web site;

   (c) Each nominating Party to reduce accordingly the volume of chlorofluorocarbons it requests and licenses;

4. To encourage each Party to urge each metered-dose inhaler company within its territory to diligently seek approval for the company's chlorofluorocarbon-free alternatives in its domestic and export markets, and to require each Party to provide a general report on such efforts to the Secretariat by 31 January 2002 and each year thereafter;

5. To agree that each non-Article 5 Party should, if it has not already done so:

(a) Develop a national or regional transition strategy based on economically and technically feasible alternatives or substitutes that it deems acceptable from the standpoint of environment and health and that includes effective criteria and measures for determining when chlorofluorocarbon metered-dose inhaler product(s) is/are no longer essential;

(b) Submit the text of any such strategy to the Secretariat by 31 January 2002;

(c) Report to the Secretariat by 31 January each year thereafter on progress made on its transition to chlorofluorocarbon-free metered-dose inhalers;

6. To encourage each Article 5(1) Party to:

(a) Develop a national or regional transition strategy based on economically and technically feasible alternatives or substitutes that it deems acceptable from the standpoint of environment and health and that includes effective criteria and measures for determining when chlorofluorocarbon metered-dose inhaler product(s) can be replaced with chlorofluorocarbon-free alternatives;

(b) Submit the text of any such a strategy to the Secretariat by 31 January 2005;

(c) Report to the Secretariat by 31 January each year thereafter on progress made on its transition to chlorofluorocarbon-free metered-dose inhalers;

7. To request the Executive Committee of the Multilateral Fund to consider providing technical, financial and other assistance to Article 5(1) Parties to facilitate the development of metered-dose inhaler transition strategies and the implementation of approved activities contained therein, and to invite the Global Environment Facility to consider providing the same assistance to those eligible countries with economies in transition;

8. To decide that, as a means of avoiding unnecessary production of new chlorofluorocarbons, and provided that the conditions set out in paragraphs (a) - (d) of decision IX/20 are met, a Party may allow a metered-dose inhaler company to transfer:

(a) All or part of its essential use authorization to another existing metered-dose inhaler company; or

(b) Chlorofluorocarbons to another metered-dose inhaler company provided that the transfer complies with national/regional licence or other authorization requirements;

9. To request the Technology and Economic Assessment Panel to summarize and review by 15 May each year the information submitted to the Secretariat;

10. To modify as necessary the Handbook for Essential Use Nominations to take account of the requirements contained in this decision as they pertain to non-Article 5(1) Parties;

11. To request the Technology and Economic Assessment Panel to consider and report to the next Meeting of the Parties on issues related to the campaign production of chlorofluorocarbons for chlorofluorocarbon metered-dose inhalers.

Decision XIII/9: Metered-dose inhaler (MDI) production

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/9:*

To request the Executive Committee to prepare guidelines for the presentation of MDI projects involving the preparation of strategies and investment projects that would enable the move to CFC-free production of MDIs in Article 5 countries, and enable them to meet their obligations under the Montreal Protocol.

Decision XIII/10: Further study of campaign production of CFCs for metered-dose inhalers (MDIs)

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/10:*

Noting that the Technology and Economic Assessment Panel and Technical Options Committee review recommended that just-in-time production of CFCs for the manufacture of metered-dose inhalers is the best approach to protect the health of patients,

Noting, however, the possibility that just-in-time production of CFCs for the manufacture of CFC-based MDIs may not be available through to the end of the transition, and that the end of just-in-time production could come unexpectedly,

1. To note with appreciation the work of the Technology and Economic Assessment Panel and its Technical Options Committees in studying the issue of campaign production of CFCs for manufacturing CFC-based MDIs;

2. To request the Technology and Economic Assessment Panel and Technical Options Committees to analyse the current essential-use decisions and procedures to identify if changes are needed to facilitate expedient authorization for campaign production, including information needed for the review and authorization of nominations for campaign production quantities, the contingencies for under- and over-estimation of the quantities needed for a campaign production, the timing of the campaign production vis-à-vis export and import of those quantities, the oversight and reporting on the use of campaign production quantities, and the flexibility in ensuring that the campaign production is used only in the manufacture of MDIs for the treatment of asthma and chronic obstructive pulmonary disease or that any excess is destroyed;

3. To request the Technology and Economic Assessment Panel to present its findings to the Open-ended Working Group in 2002;

4. To request the Technology and Economic Assessment Panel to continue to monitor and report on the timing of the likely need for campaign production.

Decision XIV/5: Global database and assessment to determine appropriate measures to complete the transition from chlorofluorocarbon metered-dose inhalers

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/5:*

Noting that while the transition to chlorofluorocarbon-free (CFC-free) alternative treatments for asthma and chronic obstructive pulmonary disease (COPD) depends largely on non-Article 5(1) Parties adopting effective transition strategies and CFC metered-dose inhaler manufacturers diligently developing, seeking approval for, and launching CFC-free metered-dose inhalers and dry-powder inhalers;

Noting with concern the slow transition to CFC-free metered-dose inhalers in some Parties, and the need for affordable and available alternatives in Parties operating under Article 5(1);

Recognizing the desirability of a more transparent presentation of data to assist Parties in better understanding essential use CFC volumes and gauging progress on, and impediments to, the transition;

1. To request each Party or regional economic integration organization to submit available information to the Ozone Secretariat by 28 February 2003 and annual updates thereafter the following information concerning inhaler treatments for asthma and COPD that contain CFCs or that do not contain CFCs:

   (a) CFC and non-CFC metered-dose inhalers and dry-powder inhalers: sold or distributed within the Party, by active ingredient, brand/manufacturer, and source (import or domestic production);

(b) CFC and non-CFC metered-dose inhalers and dry-powder inhalers: produced within the Party for export to other Parties, by active ingredient, brand/manufacturer, source and importing Party;

(c) Non-CFC metered-dose inhalers and dry-powder inhalers: date approved, authorized for marketing, and/or launched in the territory of the Party;

2. To request the Technology and Economic Assessment Panel to take into account information submitted pursuant to paragraph 1 and other available information in its annual assessment, and to request the Parties to pay due consideration to this information when reviewing their national transition strategies.

Decision XV/5: Promoting the closure of essential-use nominations for metered-dose inhalers

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/5:*

Recognizing that Parties themselves have the ultimate competence, responsibility and accountability for the protection of the health and safety of their citizens, and for their actions to protect the ozone layer,

Acknowledging the urgent need to accelerate the phase-out of CFC-containing metered-dose inhalers in Parties not operating under paragraph 1 of Article 5 and the importance of safe, effective and affordable metered-dose inhalers for public health and medical care,

Bearing in mind the work of the Technology and Economic Assessment Panel drawing on the database established by decision XIV/5,

Aware in particular that CFC-free salbutamol metered-dose inhalers are available in most Parties not operating under paragraph 1 of Article 5,

Mindful of the 2003 assessment of the Panel, which concludes that the development of CFC-free metered-dose inhalers, their registration and launch into a market cannot alone lead to a full uptake in the market without appropriate domestic regulatory action,

1. That the present decision shall not affect the operation of paragraph 10 of decision VIII/9 relating to the authorization of a quantity of CFCs in an emergency situation;

2. To request that Parties not operating under paragraph 1 of Article 5, when submitting their nominations for essential-use exemptions for CFCs for metered-dose inhalers, specify, for each nominated use, the active ingredients, the intended market for sale or distribution and the quantity of CFCs required;

3. To request the Technology and Economic Assessment Panel and its Technical Options Committee to make recommendations on nominations for essential-use exemptions for CFCs for metered-dose inhalers from Parties not operating under paragraph 1 of Article 5 with reference to the active ingredient of the metered-dose inhalers in which the CFCs will be used and the intended market for sale or distribution and any national transition strategy covering that intended market which has been submitted according to decision XII/2 or decision IX/19;

4. That no quantity of CFCs for essential uses shall be authorized after the commencement of the Seventeenth Meeting of the Parties if the nominating Party not operating under paragraph 1 of Article 5 has not submitted to the Ozone Secretariat, in time for consideration by the Parties at the twenty-fifth meeting of the Open-ended Working Group, a plan of action regarding the phase-out of the domestic use of CFC-containing metered-dose inhalers where the sole active ingredient is salbutamol;

5. That the plans of action referred to in paragraph 4 above must include:

(a) A specific date by which time the Party will cease making nominations for essential-use exemptions for CFCs for metered-dose inhalers where the sole active ingredient is salbutamol and where the metered-dose inhalers are expected to be sold or distributed on the market of any Party not operating under paragraph 1 of Article 5;

(b) The specific measures and actions sufficient to deliver the phase-out;

(c) Where appropriate, the actions or measures needed to ensure continuing access to or supply of CFC-containing metered-dose inhalers by Parties operating under paragraph 1 of Article 5;

6. To request each Party not operating under paragraph 1 of Article 5 to submit to the Ozone Secretariat as soon as practicable for that Party specific dates by which time it will cease making nominations for essential-use exemptions for CFCs for metered-dose inhalers where the active ingredient is not solely salbutamol and where the metered-dose inhalers are expected to be sold or distributed on the market of any Party not operating under paragraph 1 of Article 5;

7. To request the Technology and Economic Assessment Panel to report, in time for the twenty-fourth meeting of the Open-ended Working Group, on the potential impacts of the phase-out of CFCs in Parties not operating under paragraph 1 of Article 5 on the availability of affordable inhaled therapy in Parties operating under paragraph 1 of Article 5;

8. To request the Ozone Secretariat to post on its web site all data submitted pursuant to decision XIV/5 that are designated non-confidential by the submitting Party;

9. To request the Technology and Economic Assessment Panel to modify the Handbook on Essential Use Nominations to reflect the present decision.

Decision XVII/14: Difficulties faced by some Parties operating under paragraph 1 of Article 5 of the Montreal Protocol with respect to chlorofluorocarbons used in the manufacture of metered-dose inhalers

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/14:*

Acknowledging that Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol have phased out chlorofluorocarbons but under specific conditions, can apply for essential-use exemption for the consumption of chlorofluorocarbons in the manufacture of metered-dose inhalers as specified by the Meeting of the Parties,

Concerned that Parties operating under paragraph 1 of Article 5 of the Protocol which consume chlorofluorocarbons for the manufacture of metered-dose inhalers may find it difficult to phase out these substances without incurring economic losses to their countries,

Calling upon the parent pharmaceutical companies to accelerate the transfer of non-chlorofluorocarbon technologies to their joint venture partners in developing countries,

Noting the need for further work to be undertaken to assemble and document the new non-ozone-depleting substances methods of technology for metered-dose inhalers that would allow elimination of further uses of chlorofluorocarbons,

Noting with concern that there is a serious risk that, for some Parties operating under paragraph 1 of Article 5, consumption levels in 2007 of chlorofluorocarbons for metered-dose inhaler uses may exceed the allowable amounts,

Aware of the critical need by Parties operating under paragraph 1 of Article 5 for the consumption of metered-dose inhalers for protecting human health,

Recognizing also the difficulties that may be faced by Parties operating under paragraph 1 of Article 5 in obtaining sufficient supply of Annex A, group I (chlorofluorocarbons) controlled substances during the period 2007–2009,

1. To consider at the Eighteenth Meeting of the Parties a possible decision which would address the difficulties that some Parties operating under paragraph 1 of Article 5 may face in relation to metered-dose inhalers;

2. To request the Executive Committee of the Multilateral Fund to examine situations such as these and consider options that might assist this potential situation of non-compliance;

3. To request the Executive Committee to consider appropriate regional workshops to create awareness and educate stakeholders, including doctors and patients, on alternative metered-dose inhalers and on the elimination of chlorofluorocarbons in metered-dose inhaler uses and technical assistance to Article 5 Parties to phase out this use;

4. To request the Open-ended Working Group at its twenty-sixth meeting to consider the issue.

Decisions on CFCs

Decision IX/23: Continuing availability of CFCs

The *Ninth Meeting of the Parties* decided in *Dec. IX/23:*

1. To note that despite the phase-out of the production and consumption of CFCs by 1 January 1996 in Parties not operating under paragraph 1 of Article 5, CFCs continue to remain available in fairly significant quantities in a number of such Parties, thereby preventing the timely elimination of the use and emissions of CFCs;

2. To note that information suggests that illegal trade in CFCs is contributing to their continued availability, and therefore to increased and unnecessary damage to the ozone layer;

3. To note that apart from agreed exempted uses, the continued supply of new CFCs is no longer necessary, as technically and economically feasible alternatives are widely available;

4. To request non-Article 5 Parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 and other exempted uses. Parties may also consider extending this ban to include other substances listed in Annex A and B to the Montreal Protocol and recovered, recycled and reclaimed substances, provided that adequate steps are taken to ensure their disposal;

5. To request the Parties concerned to report to the Secretariat in time for the Eleventh Meeting of the Parties on action taken under this decision.

Decision XI/16: CFC management strategies in non-Article 5 Parties

The *Eleventh Meeting of the Parties* decided in *Dec. XI/16:*

1. To recall that decision IV/24 urges all Parties to take all practicable measures to prevent releases of controlled substances into the atmosphere;

2. To recall also that decision IX/23 requests non-Article 5 Parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of Article 5 Parties and other exempted uses;

3. To note that other strategies, besides those considered in decision IX/23, could help to reduce emissions of CFCs from existing equipment;

4. To note that, in the case of halons, decision X/7 requests Parties to develop strategies for the management of halons, including emissions reductions and ultimate elimination of their use;

5. To request that each non-Article 5 Party develops and submits to the Ozone Secretariat, by July 2001, a strategy for the management of CFCs, including options for recovery, recycling, disposal and eventual elimination of their use. In preparing such a strategy, taking into account technological and economic feasibility, Parties should consider the following options:

   (a) Recovering, and eliminating where appropriate, CFCs from existing or out-of-service products and equipment;

   (b) Setting target dates for bans on the refilling and/or the use of refrigeration and air-conditioning equipment functioning on CFCs;

   (c) Ensuring that appropriate measures are taken for the environmentally safe and effective storage, management and final disposition of recovered CFCs;

   (d) Encouraging the use of CFC substitutes and replacements acceptable from the standpoint of environment and health, taking into account their impact on the ozone layer, and any other environmental issues.

Decision XIV/9: The development of policies governing the service sector and final use of chillers

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/9:*

To request the Technology and Economic Assessment Panel to collect data and assess the portion of the refrigeration service sector made up by chillers and identify incentives and impediments to the transition to non-CFC equipment and prepare a report;

To request the Technology and Economic Assessment Panel to submit the report to the 2003 Open-ended Working Group meeting for their consideration.

Decision XVI/13: Assessment of the portion of the refrigeration service sector made up by chillers and identification of incentives and impediments to the transition to non-CFC equipment

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/13:*

Noting with appreciation the report of the chiller task force on the collection of data and assessment of the portion of the refrigeration service sector made up by chillers, as decided in decision XIV/9,

Noting that the chiller sector has been and will be a long-term challenge for both developed and developing countries owing to its distinct character, as has been brought out by the report of the Technology and Economic Assessment Panel,

Recognizing the need to develop a management plan for CFC-based chillers in the Parties operating under paragraph 1 of Article 5, to facilitate CFC phase-out in chillers,

Recognizing also the urgent need for effective replacement programmes to phase out consumption of CFCs,

Recognizing further the need for economic incentives for assisting enterprises in these countries to speed up the replacement programme,

Recognizing the impediments and uncertainties brought out by the Technology and Economic Assessment Panel in its report related to the lack of information for decision makers and lack of policies and regulatory measures needed to be set up for CFC phase-out in the chiller sector,

To request the Executive Committee of the Multilateral Fund to consider:

(a) Funding of additional demonstration projects to help demonstrate the value of replacement of CFC-based chillers, pursuant to relevant decisions of the Executive Committee;

(b) Funding actions to increase awareness of users in countries operating under paragraph 1 of Article 5 of the impending phase-out and options that may be available for dealing with their chillers and to assist Governments and decision makers;

(c) Requesting those countries preparing or implementing refrigerant management plans to consider developing measures for the effective use of the ozone-depleting substances recovered from the chillers to meet servicing needs in the sector.

Decisions on halons

Decision I/9: ODP for halon 2402

The *First Meeting of the Parties* decided in *Dec. I/9* to accept the value for the Ozone Depleting Potential (ODP) for halon 2402, as 6.0, and to request the Secretariat to inform the Depositary that the Parties agreed to accept this figure by consensus at their first meeting and that accordingly, the Depositary should insert this figure to replace the words “to be determined” in Annex A to the Montreal Protocol.

Decision II/3: Halons

The *Second Meeting of the Parties* decided in *Dec. II/3* with regard to halons to establish an *ad hoc* working group of experts to investigate, and make recommendations to the Fourth Meeting of the Parties in 1992 on the availability of substitutes for halons, the need to define essential uses of halons, methods of implementation and, if there is such a need, the identification of such uses.

Decision IV/26: International recycled halon bank management

The *Fourth Meeting of the Parties* decided in *Dec. IV/26*:

1. to urge Parties to encourage recovery, recycling and reclamation of halons in order to meet the needs of all Parties, particularly those operating under paragraph 1 of Article 5 of the Protocol;

2. to call upon Parties importing recovered or recycled substances in Group II of Annex A to apply, when deciding on the use of those substances, the essential-use criteria set out in the 1991 report of the Halons Technical Options Committee. The purpose of these criteria is to minimize the use of halons in non-essential applications;

3. to request the Technology and Economic Assessment Panel (Halons Technical Options Committee) to undertake the following activities, and to report to the Secretariat and to request the Open-ended Working Group of the Parties to consider the report and submit its recommendations to the Fifth Meeting of the Parties:

   (a) evaluation and comparison of existing and proposed recycled halon bank management programmes and identify possible means of further facilitating international recycled halon bank management;

   (b) identification of simple mechanisms to distinguish between virgin and recycled halons;

(c) investigation of appropriate technical standards and means to certify halons as suitable for re-use;

(d) investigation of possible legal and institutional barriers to the international trade in recovered and recycled halons;

(e) investigation of means to avoid the export of halons:

(i) that are unsuitable for reclamation or recycling; and

(ii) in quantities that would encourage excessive dependence by the recipient countries;

(f) investigation of the practical application of technologies to reclaim severely contaminated halons;

4. to request the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to function as a clearing-house for information relevant to international halon bank management and further request the Centre to liaise with and coordinate its activities with the implementing agencies designated under the Financial Mechanism to encourage Parties to provide pertinent information to the above-mentioned clearing-house.

Decision V/15: International halon bank management

The *Fifth Meeting of the Parties* decided in *Dec. V/15:*

1. To note with appreciation the efforts of the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to function as a clearing-house for information relevant to international halon bank management and to request it to continue its work in this field in cooperation with the Halons Technical Options Committee, including holding details of all known halon banking schemes and a list of those "banks" with halon for sale and particularly to emphasize regional halon banking and international coordination of halon banks to supply the Parties operating under paragraph 1 of Article 5 of the Protocol;

2. To encourage all Parties to submit information relevant to international halon bank management to the Industry and Environment Programme Activity Centre of the United Nations Environment Programme.

Decision VII/12: Control measures for Parties not operating under Article 5 concerning halons and other agents used for fire-suppression and explosion-inertion purposes

The *Seventh Meeting of the Parties* decided in *Dec. VII/12:*

1. To recommend that all Parties not operating under Article 5 should endeavour, on a voluntary basis, to limit the emissions of halon to a minimum by:

(a) Accepting as critical those applications meeting the essential-use criteria as defined in decision IV/25, paragraph 1 (a);

(b) Limiting the use of halons in new installations to critical applications;

(c) Accepting that existing installations for critical applications may continue to use halon in the future;

(d) Considering the decommissioning of halon systems in existing installations, which are not critical applications, as quickly as technically and economically feasible;

(e) Ensuring that halons are effectively recovered;

(f) Preventing, whenever feasible, the use of halon in equipment testing and for training of personnel;

(g) Evaluating and taking into account only those substitutes and replacements of halon, for which no other more environmentally suitable ones are available;

(h) Promoting the environmentally safe destruction of halons, when they are not needed in halon banks (existing or to be created);

2. To request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to prepare a report to the Eighth Meeting of the Parties to provide guidance on the above.

Decision VIII/17: Availability of halons for critical uses

The *Eighth Meeting of the Parties* decided in *Dec. VIII/17:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Halons Technical Options Committee pursuant to decision VII/12 of the Seventh Meeting of the Parties;

2. To request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to carry out, on the basis of existing information, further studies on the future availability of halons to meet the demands for use in applications that are deemed critical by Parties not operating under Article 5, and to report to the Ninth Meeting of the Parties;

3. To request Parties not operating under Article 5 to estimate the approximate surplus or deficit relative to their assessment of their critical needs and to submit this information, together with an explanation of how it was determined, to the Industry and Environment Programme Activity Centre of the United Nations Environment Programme by 31 December 1997;

4. To request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to evaluate the information received from Parties, and to make an assessment, if possible, for the Tenth Meeting of the Parties of whether there will be adequate quantities of halon to meet future needs for critical applications of Parties not operating under Article 5, and;

   (a) If there is a shortfall, either overall or in individual Parties, to propose action which may be taken to enable that shortfall to be overcome; or

   (b) If there is a surplus, either overall or in individual Parties, to provide guidance on appropriate policies for disposal or redeployment, bearing in mind the needs of other Parties not operating under Article 5, as well as the needs of Parties operating under Article 5, and to identify any potential barriers to such disposal and what steps may be needed to overcome them.

Decision IX/21: Decommissioning of non-essential halon systems in non-Article 5 Parties

The *Ninth Meeting of the Parties* decided in *Dec. IX/21:*

Noting that in its 1994 report, the Scientific Assessment Panel identified decommissioning and destruction of halon as the second most environmentally beneficial potential approach to further lowering stratospheric chlorine and bromine abundances but that the Technology and Economic Assessment Panel concluded that such an approach, while technically feasible, was not appropriate at that time,

Noting that the Seventh Meeting of the Parties took action in relation to methyl bromide controls, which was the approach identified by the Scientific Assessment Panel as the most environmentally beneficial approach at that time,

Noting also that Parties are considering further controls on methyl bromide,

Recognizing that, since 1994, some Parties have taken action to decommission and commence destruction of non-essential halon,

Recognizing that depletion of the ozone layer continues to be a significant environmental concern and that atmospheric concentrations of halons continue to increase,

Recognizing that the Technology and Economic Assessment Panel is currently conducting an assessment of the availability of halons for critical uses under the terms of decision VIII/17,

1. To request the Technology and Economic Assessment Panel to examine the feasibility of early decommissioning in non-Article 5 Parties of all non-essential halon systems, and the subsequent destruction or redeployment of halon stocks not required for those critical uses that have no identified substitutes or alternatives, bearing in mind the need of Article 5 Parties for halon. In undertaking such an examination, TEAP should also examine the efficacy of halon alternatives, experience with potential measures to ensure safety and to minimize any emissions of halons during decommissioning, and experience with the cost and efficiency of storage prior to destruction and with halon destruction activities undertaken to date;

2. To request TEAP to report on this matter to the Tenth Meeting of the Parties.

Decision X/7: Halon-management strategies

The *Tenth Meeting of the Parties* decided in *Dec. X/7:*

Noting that in the executive summary of its 1998 report, the Scientific Assessment Panel identifies complete elimination and destruction of halon-1211 and 1301 as the most environmentally beneficial option to enhance the recovery of the ozone layer,

Noting that the Technology and Economic Assessment Panel, in its 1998 report pursuant to decision IX/21, concludes that by definition all non-critical uses of halon-1211 and 1301 can be decommissioned, taking into account the costs and benefits of such operations,

1. To request all Parties to develop and submit to the Ozone Secretariat a national or regional strategy for the management of halons, including emissions reduction and ultimate elimination of their use;

2. To request Parties not operating under Article 5 to submit their strategies to the Ozone Secretariat by the end of July 2000;

3. In preparing such a strategy, Parties should consider issues such as:

   (a) Discouraging the use of halons in new installations and equipment;

   (b) Encouraging the use of halon substitutes and replacements acceptable from the standpoint of environment and health, taking into account their impact on the ozone layer, on climate change and any other global environmental issues;

   (c) Considering a target date for the complete decommissioning of non-critical halon installations and equipment, taking into account an assessment of the availability of halons for critical uses;

   (d) Promoting appropriate measures to ensure the environmentally safe and effective recovery, storage, management and destruction of halons;

4. To request the Technology and Economic Assessment Panel to update its assessment of the future need for halon for critical uses, in light of these strategies;

5. To request the Technology and Economic Assessment Panel to report on these matters to the Twelfth Meeting of the Parties.

Decision XV/11: Plan of action to modify regulatory requirements that mandate the use of halons on new airframes

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/11:*

Acknowledging that potential alternatives to the use of halons exist to provide the necessary fire protection for both engine nacelles and cargo bays of commercial aircraft,

Concerned to note that new airframes are still being designed and certified with halons as the required fire extinguishant owing to regulatory requirements,

Acknowledging that airframe certification agencies and airframe manufacturers will wish to participate in a joint effort to allow the certification of alternatives to halon on new airframes,

To authorize representatives of the Ozone Secretariat and the Technology and Economic Assessment Panel to engage in discussions with the relevant International Civil Aviation Organization bodies in the development of a timely plan of action to enable consideration of the possibility that modifying the regulatory requirements that mandate the use of halons on new airframes may be feasible without compromising the health and safety of airline passengers, and to report thereon to the sixteenth Meeting of the Parties.

Decisions on carbon tetrachloride

Decision XVI/14: Sources of carbon tetrachloride emissions and opportunities for reductions

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/14:*

Noting with appreciation the 2002 report of the Scientific Assessment Panel and the April 2002 report of the Technology and Economic Assessment Panel on destruction technologies,

Recognizing the need to understand the latest technology and best practices for mitigating emissions and destruction of carbon tetrachloride,

Expressing concern that measured atmospheric concentrations of carbon tetrachloride are significant,

Recognizing the need to access further the sources of carbon tetrachloride being measured in the atmosphere,

1. To request the Technology and Economic Assessment Panel to assess global emissions of carbon tetrachloride being emitted:

   (a) From feedstock and process agent sources situated in Parties not operating under paragraph 1 of Article 5;

   (b) From sources situated in Parties operating under paragraph 1 of Article 5 already addressed by existing agreements with the Executive Committee of the Multilateral Fund;

   (c) From feedstock and process agent uses of carbon tetrachloride applied in Parties operating under paragraph 1 of Article 5 not yet addressed by agreements with the Executive Committee of the Multilateral Fund;

   (d) From sources situated both in Parties operating under paragraph 1 of Article 5 and in those not so operating that co-produce carbon tetrachloride;

   (e) From waste and incidental quantities of carbon tetrachloride that are not destroyed in a timely and appropriate manner;

2. To request the Technology and Economic Assessment Panel to assess potential solutions for the reduction of emissions for the categories above;

3. To request the Technology and Economic Assessment Panel to prepare a report for the consideration of the Parties at the Eighteenth Meeting of the Parties in 2006.

Decisions on HCFCs

Decision III/12: Assessment Panels

The *Third Meeting of the Parties* decided in *Dec. III/12:*

(a) to request the Assessment Panels and in particular the Technology and Economic Assessment Panel to evaluate, without prejudice to Article 5 of the Montreal Protocol, the implications, in particular for developing countries, of the possibilities and difficulties of an earlier phase-out of the controlled substances, for example of the implications of a 1997 phase-out;

(b) taking into account the London Resolution on transitional substances (Annex VII to the report of the Second Meeting of the Parties to the Montreal Protocol) *[See Section 3.8 in this Handbook]* to identify the specific areas where transitional substances are required to facilitate the earliest possible phase-out of controlled substances, taking into account environmental, technological and economic factors, where no other more environmentally suitable alternatives are available. The quantities likely to be needed for those areas of application currently served by transitional substances shall both be assessed;

(c) to request the assessment panels to identify the transitional substances with the lowest potential for ozone depletion required for those areas and suggest, if possible, a technically and economically feasible timetable, indicating associated costs, for the elimination of transitional substances;

(d) to request the assessment panels to submit their reports in time for their consideration by the Open-ended Working Group with a view to their submission for consideration by the Fourth Meeting of the Parties;

(e) to endorse Decision II/2, paragraph 2, of the Second Meeting of the Conference of the Parties to the Vienna Convention.

Decision IV/30: Hydrochlorofluorocarbons (HCFCs)

The *Fourth Meeting of the Parties* decided in *Dec. IV/30:*

1. to request the Technology and Economic Assessment Panel:

   (a) to evaluate alternative substances and technologies to the application for HCFCs as refrigerant and as insulation gas in rigid foam;

   (b) to identify other applications for HCFCs, if any, where other more environmentally suitable alternatives or technologies are not available; and

   (c) to submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol no later than 31 March 1994;

2. to request the Open-ended Working Group to consider the report of the Technology and Economic Assessment Panel with respect to HCFCs; to consider the possible need for specific provisions for the implementation of the regulation on the applications for HCFCs, taking into account the special circumstances of Parties operating under paragraph 1 of Article 5 of the Protocol; and to make any appropriate recommendations for consideration by the Parties at their Meeting in 1994 and following subsequent reviews taking place under Article 6 of the Protocol;

3. to ensure that, notwithstanding the new status of HCFCs as controlled substances, the incremental costs to Parties operating under paragraph 1 of Article 5 of the Protocol of making the transition from CFCs to HCFCs consistent with the regulation on the applications for HCFCs will continue to be met by the Fund and to request the Executive Committee to function in the light of this decision;

4. to request the Executive Committee to estimate, on an ongoing basis, the amount of HCFCs required by Parties operating under paragraph 1 of Article 5 of the Protocol and to recommend the methods of meeting such needs in full, simultaneously with the exercise to estimate the amounts of controlled substances needed, as well as to estimate the production available to meet those needs, as requested by the Open-ended Working Group at its seventh meeting.

Decision V/8: Consideration of alternatives

The *Fifth Meeting of the Parties* decided in *Dec. V/8:*

1. That each Party is requested, as far as possible and as appropriate, to give consideration in selecting alternatives and substitutes, bearing in mind, *inter alia*, Article 2F, paragraph 7, of the Copenhagen Amendment regarding hydrochlorofluorocarbons, to:

   (a) Environmental aspects;

   (b) Human health and safety aspects;

   (c) The technical feasibility, the commercial availability and performance;

   (d) Economic aspects, including cost comparisons among different technology options taking into account:

      (i) All interim steps leading to final ODS elimination;

      (ii) Social costs;

      (iii) Dislocation costs, etc.

   (e) Country-specific circumstances and due local expertise;

2. To note that the Executive Committee is taking the above considerations into account as far as information is available;

3. To request the Technology and Economic Assessment Panel and its Technical Options Committees in the context of finalizing its report, to provide information on which alternatives and substitutes best satisfied the above considerations, and to update this information on an annual basis;

Decision VI/13: Assessment Panels

The *Sixth Meeting of the Parties* decided in *Dec. VI/13* to request the Panels, as an inclusion in their ongoing work, to evaluate, without prejudice to Article 5 of the Montreal Protocol, the technical and economic feasibility, and the environmental, scientific, and economic implications for non-Article 5 countries, as well as Article 5 countries, bearing in mind Article 5, paragraph 1 *bis*, of the Copenhagen Amendment, of:

(a) The alternatives to hydrochlorofluorocarbons in so doing, the Technology and Economic Assessment Panel is requested to consider the ozone-depleting substance substitution potential of not-in-kind alternatives, in-kind alternatives, and alternative technologies. In assessing this matter, the Technology and Economic Assessment Panel should consider how available alternatives compare with hydrochlorofluorocarbons with respect to such factors as energy efficiency, total global warming impact, potential flammability, and toxicity, and the potential impacts on the effective use and phase-out of

chlorofluorocarbons and halons; in time for consideration by the Open-ended Working Group at its eleventh meeting;

In considering these matters, the Scientific Assessment Panel shall consider, if possible, atmospheric chlorine and bromine loadings and their impact on ozone depletion. The Technology and Economic Assessment Panel and Scientific Assessment Panel evaluations shall be solely for the purpose of discussions by the Parties and shall in no way be construed as recommendations for action.

[The remainder of this decision is located below under 'Decisions on methyl bromide']

Decision VIII/13: Uses and possible applications of hydrochlorofluorocarbons (HCFCs)

The *Eighth Meeting of the Parties* decided in *Dec. VIII/13:*

1. That UNEP distribute to the Parties of the Montreal Protocol a list containing the HCFCs applications which have been identified by the Technology and Economic Assessment Panel, after having taken into account the following:

   (a) The heading should read "Possible Applications of HCFCs";

   (b) The list should include a chapeau stating that the list is intended to facilitate collection of data on HCFC consumption, and does not imply that HCFCs are needed for the listed applications;

   (c) The use as fire extinguishers should be added to the list;

   (d) The use as aerosols, as propellant, solvent or main component, should be included, following the same structure as for other applications;

2. That the Technology and Economic Assessment Panel and its Technical Options Committee be requested to prepare, for the Ninth Meeting of the Parties, a list of available alternatives to each of the HCFC applications which are mentioned in the now available list.

Decisions on methyl bromide

Decision IV/23: Methyl bromide

The *Fourth Meeting of the Parties* decided in *Dec. IV/23:*

1. to request the Scientific Assessment Panel and the Technology and Economic Assessment Panel to assess the following, in accordance with Article 6 of the Protocol, and to submit their combined report, through the Secretariat, by 30 November 1994 at the latest, to the Seventh Meeting of the Parties:

   (a) abundance of methyl bromide in the atmosphere and the proportion of anthropogenic emissions within this abundance of methyl bromide and the ozone-depleting potential of methyl bromide;

   (b) methodologies to control emissions into the atmosphere from the various current uses of methyl bromide and the technical and economic feasibility and the likely results of such controls;

   (c) availability of chemical and non-chemical substitutes for the various current uses of methyl bromide; their cost-effectiveness; the incremental costs of such substitutes, technological and economic feasibility of substitution for various uses and the benefits to the protection of the ozone layer by such substitution, taking into account the particular social, economic, geographic and agricultural conditions of different regions and, specifically, the developing countries;

2. to request the Open-ended Working Group of the Parties to the Montreal Protocol to consider this report and submit its recommendations to the Seventh Meeting of the Parties in 1995.

Decision VI/13: Assessment Panels

The *Sixth Meeting of the Parties* decided in *Dec. VI/13* to request the Panels, as an inclusion in their ongoing work, to evaluate, without prejudice to Article 5 of the Montreal Protocol, the technical and economic feasibility, and the environmental, scientific, and economic implications for non-Article 5 countries, as well as Article 5 countries, bearing in mind Article 5, paragraph 1 *bis*, of the Copenhagen Amendment, of:

(b) Alternatives to methyl bromide, in time for consideration by the Open-ended Working Group at its eleventh meeting;

In considering these matters, the Scientific Assessment Panel shall consider, if possible, atmospheric chlorine and bromine loadings and their impact on ozone depletion. The Technology and Economic Assessment Panel and Scientific Assessment Panel evaluations shall be solely for the purpose of discussions by the Parties and shall in no way be construed as recommendations for action.

[The remainder of this decision is located above under 'Decisions on HCFCs']

Decision VII/6: Reduction of methyl bromide emissions

The *Seventh Meeting of the Parties* decided in *Dec. VII/6* that Parties should endeavour to reduce methyl bromide emissions by encouraging producers and users to take appropriate measures to implement, *inter alia*, good agricultural practices and improved application techniques.

Decision VII/8: Review of methyl bromide controls

The *Seventh Meeting of the Parties* decided in *Dec. VII/8:*

1. To request the Technology and Economic Assessment Panel to prepare a report to the Ninth Meeting of the Parties to enable the Parties to consider further adjustments to control measures, on methyl bromide. In undertaking this task, the Panel should address, *inter alia*, the availability of viable alternatives of methyl bromide for specific applications;

2. That, in considering the viability of possible substitutes and alternatives to methyl bromide, the Technology and Economic Assessment Panel shall examine and be guided by the extent to which technologies and chemicals identified as alternatives and/or substitutes have been tested under full laboratory and field conditions, including field tests in Article 5 countries and have been fully assessed, *inter alia*, as to their efficacy, ease of application, relevance to climatic conditions, soils and cropping patterns, commercial availability, economic viability and efficacy with respect to specific target pests.

Decision IX/5: Conditions for control measures on Annex E substance in Article 5 Parties

The *Ninth Meeting of the Parties* decided in *Dec. IX/5:*

1. That, in the fulfilment of the control schedule set out in paragraph 8 ter (d) of Article 5 of the Protocol, the following conditions shall be met:

   (a) The Multilateral Fund shall meet, on a grant basis, all agreed incremental costs of Parties operating under paragraph 1 of Article 5 to enable their compliance with the control measures on methyl bromide. All methyl-bromide projects will be eligible for funding irrespective of their relative cost-effectiveness. The Executive Committee of the Multilateral Fund should develop and apply specific criteria for methyl-bromide projects in order to decide which projects to fund first and to ensure that

all Parties operating under paragraph 1 of Article 5 are able to meet their obligations regarding methyl bromide;

(b) While noting that the overall level of resources available to the Multilateral Fund during the 1997–1999 triennium is limited to the amounts agreed at the Eighth Meeting of the Parties, immediate priority shall be given to the use of resources of the Multilateral Fund for the purpose of identifying, evaluating, adapting and demonstrating methyl bromide alternative and substitutes in Parties operating under paragraph 1 of Article 5. In addition to the US$10 million agreed upon at the Eighth Meeting of the Parties, a sum of US$25 million per year should be made available for these activities in both 1998 and 1999 to facilitate the earliest possible action towards enabling compliance with the agreed control measures on methyl bromide;

(c) Future replenishment of the Multilateral Fund should take into account the requirement to provide new and additional adequate financial and technical assistance to enable Parties operating under paragraph 1 of Article 5 to comply with the agreed control measures on methyl bromide;

(d) The alternatives, substitutes and related technologies necessary to enable compliance with the agreed control measures on methyl bromide must be expeditiously transferred to Parties operating under paragraph 1 of Article 5 under fair and most favourable conditions in line with Article 10A of the Protocol. The Executive Committee should consider ways to enable and promote information exchange on methyl bromide alternatives among Parties operating under paragraph 1 of Article 5 and from Parties not operating under paragraph 1 of Article 5 to Parties operating under that paragraph;

(e) In light of the assessment by the Technology and Economic Assessment Panel in 2002 and bearing in mind the conditions set out in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties, paragraph 8 of Article 5 of the Protocol, sub-paragraphs (a) to (d) above and the functioning of the Financial Mechanism as it relates to methyl bromide issues, the Meeting of the Parties shall decide in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to Parties operating under paragraph 1 of Article 5;

2. That the Executive Committee should, during 1998 and 1999, consider and, within the limits of available funding, approve sufficient financial resources for methyl-bromide projects submitted by Parties operating under paragraph 1 of Article 5 in order to assist them to fulfil their obligations in advance of the agreed phase-out schedule.

Decision XII/1: Methyl bromide production by non-Article 5 Parties for basic domestic needs in 2001

The *Twelfth Meeting of the Parties* decided in *Dec. XII/1:*

1. To take note, with appreciation, of the conclusions of the Legal Drafting Group as to an unintended error in the Beijing Adjustment regarding the level of allowable production of methyl bromide for basic domestic needs;

2. To take note of the fact that the average production of methyl bromide for basic domestic needs in non-Article 5 Parties reported for the period 1995-1999 did not exceed 10 per cent of their calculated level of production in 1991;

3. To express the hope and expectation that, in the light of the above, each Party's methyl bromide production levels during 2001 will continue to remain within the 10 per cent production allowance for methyl bromide for basic domestic needs, as intended by the Parties in Beijing.

Decision XV/12: Use of methyl bromide for the treatment of high-moisture dates

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/12:*

Recognizing that in its 2002 report, the Methyl Bromide Technical Options Committee has explicitly acknowledged that there is currently no alternative to the use of methyl bromide for high-moisture dates that is in use in any country in the world,

Recognizing also that Parties which consume over 80 per cent of their methyl bromide for high-moisture dates cannot meet the Protocol's methyl bromide control schedule without production losses for that important cash crop for their countries,

Recognizing further the need for further work to be undertaken to demonstrate alternatives to methyl bromide for high moisture dates,

1. That the Implementation Committee and Meeting of the Parties should defer the consideration of the compliance status of countries that use over 80 per cent of their consumption of methyl bromide on high-moisture dates until two years after the Technology and Economic Assessment Panel formally finds that there are alternatives to methyl bromide that are available for high-moisture dates;

2. That the above provision shall apply so long as the relevant Party does not increase consumption of methyl bromide on products other than high-moisture dates beyond 2002 levels, and the Party has noted its commitment to minimizing the use of methyl bromide for dates to the extent necessary to ensure effective control of pests;

3. To request the Executive Committee to consider appropriate demonstration projects for alternatives on high-moisture dates, and to ensure that the results of those projects are shared with the Technology and Economic Assessment Panel.

Decision Ex.I/2: Accelerated phase-out of methyl bromide by Article 5 Parties

The *First Extraordinary Meeting of the Parties* decided in *Dec. Ex.I/2:*

Reaffirming the commitment of all the Parties to the complete phase-out of methyl bromide,

Recognizing that some Article 5 Parties have made commitments to an accelerated phase-out of controlled uses of methyl bromide and have concluded agreements with the Executive Committee of the Multilateral Fund towards that end,

Acknowledging that some Article 5 Parties which are implementing early phase-out of methyl bromide on a voluntary basis and under such agreements are facing difficulties in fully meeting all the reduction steps in accordance with the timelines specified in such agreements as a result of specific circumstances not envisaged at the time of their adoption and ensuing review,

1. To request the Executive Committee to adopt a flexible approach when determining an appropriate course of action to deal with instances where a country has not met a reduction step specified in its methyl bromide accelerated phase-out agreement as a result of the specified circumstance not envisaged;

2. To invite the Executive Committee to consider, upon request by a Party, a prolongation of the final reduction step, but not beyond 2015, and to consider also the timing of related funding in the Party's existing agreement for the accelerated phase-out of methyl bromide in cases where the Party concerned has demonstrated that there are difficulties in implementing alternatives originally considered to be technically and economically feasible alternatives;

3. To call upon the Executive Committee to adopt criteria for the prolongation of accelerated phase-out agreements when so requested by interested Parties. In developing such criteria, the Executive Committee may request the advice of the Technology and Economic Assessment Panel and Methyl Bromide Technical Options Committee and consider any available information relating to the phase-out project of the Party concerned.

Decision XVI/7: Trade in products and commodities treated with methyl bromide

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/7:*

Noting that many of the Parties operating under paragraph 1 of Article 5 of the Montreal Protocol derive a portion of their national income from trade in commodities which currently rely on methyl bromide for their production or shipment,

Acknowledging that alternative practices, treatments and products are becoming increasingly available for methyl bromide treatments,

Recalling that, taking into account the shared but differentiated responsibilities of the Parties regarding the protection of the ozone layer, the aim of each Party to the Montreal Protocol is to phase out the controlled ozone-depleting substances,

1. To invite the Parties to the Montreal Protocol, subject to rights and obligations under this agreement and any other international agreements, not to restrict trade in products or commodities from Parties that have ratified the Montreal Protocol provisions regarding methyl bromide and are otherwise in compliance with their Montreal Protocol obligations just because the commodities or products have been treated with methyl bromide, or because the commodities have been produced or grown on soil treated with methyl bromide;

2. To welcome the continuing efforts of the Parties operating under paragraph 1 of Article 5 of the Montreal Protocol in the adoption of alternatives to methyl bromide.

Decision XVI/9: Flexibility in the use of alternatives for the phasing out of methyl bromide

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/9:*

Considering the willingness of the Parties to comply with the requirements under the Montreal Protocol and its phase-out schedules,

Considering that the development of alternatives to methyl bromide has come up against unforeseen difficulties, for certain crops such as melons, flowers and strawberries, owing to specific local and agricultural conditions,

Taking into account that these agricultural technologies need to be adapted and new expertise must be put in place for such specific conditions,

Aware that the Parties operating under paragraph 1 of Article 5, facing this situation, seek continued technical support and the flexibility to adapt the necessary technical assistance in order to help build these capacities and find a more satisfactory solution to the use of alternatives,

To request the appropriate bodies to evaluate the progress already made and the necessary adjustments to reach the stated goals.

Decision XVII/11: Recapturing/recycling and destruction of methyl bromide from space fumigation

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/11:*

Welcoming the 2005 progress report of the Technology and Economic Assessment Panel,

Noting in particular that the report was inconclusive on recommendations on recapturing, recycling and destruction,[5] but highlighted local environmental and occupational health and safety concerns,

Recalling decision XI/13, paragraph 7, "to encourage the use of methyl bromide recovery and recycling technology (where technically and economically feasible) to reduce emissions of methyl bromide, until alternatives to methyl bromide for quarantine and pre-shipment uses are available",

Noting that recapture of methyl bromide from small-scale fumigations in containers is already carried out in several countries,

Recognizing the need to further reduce methyl bromide emissions in an effort to protect the ozone layer,

1. To encourage Parties who have deployed in the past, currently deploy or plan to deploy technologies to recapture/recycle/destroy or reduce methyl bromide emissions from fixed facilities or sea container fumigation applications to submit to the Technology and Economic Assessment Panel details of efficacy, including destruction and removal efficiency (DRE), logistical issues and the economic feasibility of such fumigations, by 1 April 2006;

2. To encourage Parties to report on any harmful by-products created using such technologies;

3. To adopt the form annexed to this decision for the purpose of submitting data;

4. To include the findings of data submitted in the 2006 progress report of the Technology and Economic Assessment Panel and summarize Parties' positive and negative past experiences of recovery and destruction technologies.

Decisions on quarantine and pre-shipment

Decision VI/11: Clarification of "quarantine" and "pre-shipment" applications for control of methyl bromide

The *Sixth Meeting of the Parties* decided in *Dec. VI/11:*

1. Recognizing the need for non-Article 5 Parties to have, before 1 January 1995, common definitions of "quarantine" and "pre-shipment" applications for methyl bromide, for purposes of implementing Article 2H of the Montreal Protocol, and that non-Article 5 Parties have agreed on the following:

   (a) Quarantine applications, with respect to methyl bromide, are applications to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:

      (i) Official control is that performed by, or authorized by a national plant, animal or environmental protection, or health authority;

      (ii) Quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

   (b) Pre-shipment applications are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;

   (c) In applying these definitions, non-Article 5 countries are urged to refrain from use of methyl bromide and to use non-ozone-depleting technologies wherever possible. Where methyl bromide is used, Parties are urged to minimize emissions and use of methyl bromide through containment and recovery and recycling methodologies to the extent possible;

2. Acknowledging that Article 5 Parties have agreed to identify the following:

(a) That definitions relating to pre-shipment applications affect Article 5 countries and that new non-tariff barriers to trade should be avoided;

(b) That the Article 5 countries still need to have more consultations and further approaches to the quarantine and pre-shipment application definitions related to methyl bromide;

(c) That the Food and Agriculture Organization of the United Nations should play a fundamental role in the establishment of common definitions concerning quarantine and pre-shipment applications related to methyl bromide use;

(d) That it is anticipated that the use of methyl bromide by Article 5 countries may increase in the forthcoming years;

(e) That adequate resources from the Multilateral Fund for the Implementation of the Montreal Protocol and other sources are needed to facilitate the transfer of non-ozone-depleting technologies for quarantine and pre-shipment applications related to methyl bromide to the Article 5 countries;

3. Further recognizing that containment, recovery and recycling methodologies relating to methyl bromide should be given a wider application among all Parties;

4. To request the Open-ended working group of the Parties at its eleventh and twelfth meetings

(a) To further study the most suitable definition for "quarantine" and "pre-shipment" applications relating to methyl bromide use, taking into consideration:

(i) The Methyl Bromide Technical Options Committee report;

(ii) The Methyl Bromide Scientific Assessment Report;

(iii) The FAO guidelines on Pests Risk Analysis; and

(iv) The development of lists of injurious pests;

(b) To consider jointly the definitions issues along with the methyl bromide issues contained in decision VI/13;

(c) To provide the necessary elements to be included for a decision of the Seventh Meeting of the Parties to the Montreal Protocol on all the above issues.

Decision VII/5: Definition of "quarantine" and "pre-shipment applications"

The *Seventh Meeting of the Parties* decided in *Dec. VII/5* that:

(a) "Quarantine applications", with respect to methyl bromide, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:

(i) Official control is that performed by, or authorized by, a national plant, animal or environmental protection or health authority;

(ii) Quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

(b) "Pre-shipment applications" are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;

(c) In applying these definitions, all countries are urged to refrain from use of methyl bromide and to use non-ozone-depleting technologies wherever possible. Where methyl bromide is used, Parties are urged to minimize emissions and use of methyl bromide through containment and recovery and recycling methodologies to the extent possible.

Decision X/11: Quarantine and pre-shipment exemption

The *Tenth Meeting of the Parties* decided in *Dec. X/11:*

Noting the Technology and Economic Assessment Panel's findings that over 18 per cent of methyl-bromide use is estimated to have been excluded from control under the quarantine and pre-shipment exemption, and that this use is increasing in some regions according to official data,

Noting also that the operation of the exemption criteria might lead to unnecessary use of methyl bromide;

1. To request the Technology and Economic Assessment Panel, as part of its ongoing work:

   (a) To assess the volumes and uses of methyl bromide under the quarantine and pre-shipment exemption, including the trend in use since the 1991 base year;

   (b) To report on the existing and potential availability of alternative substances and technologies, identifying those applications where alternative treatments do not currently exist, and also on the availability and economic viability of recovery, containment and recycling technologies;

   (c) To report on the operation of quarantine and pre-shipment exemptions as set out in decision VII/5, including the scope of the pre-shipment definition;

   (d) To report on existing and potential options that individual Parties might consider to reduce the use and emissions of methyl bromide from its application under the quarantine and pre-shipment exemption and to elaborate further on their recommendations in previous reports, and taking into account the special circumstances of Parties operating under paragraph 1 of Article 5 of the Protocol;

   (e) To review and report on the amendment by the International Plant Protection Convention (IPPC) to its quarantine and non-quarantine pests definitions, and the FAO/IPPC structure relative to the use of pesticides for regulated non-quarantine pests, to help determine whether clarification of the definitions of quarantine and pre-shipment, taking into account these FAO/IPPC usages, would help encourage consistency in the quarantine and pre-shipment definitions;

   (f) To submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol at its first meeting in 1999;

2. To request the Open-ended Working Group, in the light of the report of the Technology and Economic Assessment Panel, to make any appropriate recommendations for consideration by the Eleventh Meeting of the Parties;

3. To request the Parties to submit to the Secretariat by 31 December 1999 a list of regulations that mandate the use of methyl bromide for quarantine and pre-shipment treatments;

4. To remind the Parties of the need to report on the volumes of methyl bromide consumed under the quarantine and pre-shipment exemption as set out in decision IX/28.

Decision XI/12: Definition of pre-shipment applications of methyl bromide

The *Eleventh Meeting of the Parties* decided in *Dec. XI/12* that pre-shipment applications are those non-quarantine applications applied within 21 days prior to export to meet the official requirements of the importing

country or existing official requirements of the exporting country. Official requirements are those which are performed by, or authorized by, a national plant, animal, environmental, health or stored product authority.

Decision XI/13: Quarantine and pre-shipment

The *Eleventh Meeting of the Parties* decided in *Dec. XI/13:*

1. To note that, while the reliability of the survey data was noted by the Technology and Economic Assessment Panel to be insufficient to draw firm conclusions, the Panel's April 1999 report estimates that over 22 per cent of the methyl bromide use is excluded from control under the quarantine and pre-shipment exemption, and that this use is increasing in some countries;

2. To note that the Science Assessment Panel revised the ODP of methyl bromide to 0.4 in its 1998 report;

3. To note that, under an amendment adopted by the Eleventh Meeting of the Parties, each Party shall provide the Secretariat with statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications.

4. To request that the 2003 report of the Technology and Economic Assessment Panel:

   (a) Evaluate the technical and economic feasibility of alternative treatments and procedures that can replace methyl bromide for quarantine and pre-shipment;

   (b) Estimate the volume of methyl bromide that would be replaced by the implementation of technically and economically feasible alternatives for quarantine and pre-shipment, reported by commodity and/or application;

5. To request the Parties to review their national plant, animal, environmental, health and stored product regulations with a view to removing the requirement for the use of methyl bromide for quarantine and pre-shipment where technically and economically feasible alternatives exist;

6. To urge the Parties to implement procedures (using a form shown in the Panel's April 1999 report, if necessary) to monitor the uses of methyl bromide by commodity and quantity for quarantine and pre-shipment uses in order:

   (a) To target the efficient use of resources for undertaking research to develop and implement technically and economically feasible alternatives;

   (b) To encourage early identification of technically and economically feasible alternatives to methyl bromide for quarantine and pre-shipment where such alternatives exist;

7. To encourage the use of methyl bromide recovery and recycling technology (where technically and economically feasible) to reduce emissions of methyl bromide, until alternatives to methyl bromide for quarantine and pre-shipment uses are available.

Decision XVI/10: Reporting of information relating to quarantine and pre-shipment uses of methyl bromide

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/10:*

Recalling the tasks assigned to the Technology and Economic Assessment Panel under decision XI/13 paragraphs 4 (a) and (b) regarding quarantine and pre-shipment uses of methyl bromide,

Recognizing that in order to complete both of these tasks, the Panel will require better data on the nature of each Party's quarantine and pre-shipment uses and on the availability in each Party of technically and economically feasible alternatives to methyl bromide for these uses,

Noting the advice of some Parties that they would require additional time in order to provide useful and robust data to inform the Panel's work on this issue, particularly on the availability of technically and economically feasible alternatives in their jurisdictions,

Desiring that the Technology and Economic Assessment Panel's implementation of decision XI/13, paragraph 4, should nevertheless take place in as timely and reasonable a manner as possible,

Noting with appreciation that some Parties have already submitted partial data to inform the Panel's work on this issue,

Noting that, given the nature of quarantine and pre-shipment applications, quarantine and pre-shipment uses of methyl bromide and its alternatives can vary considerably from year to year,

Noting that the introduction of standard 15 of the International Standards for Phytosanitary Measures, of March 2002, of the International Plant Protection Convention of the Food and Agriculture Organization of the United Nations, may create a growing demand for the quarantine and pre-shipment uses of methyl bromide, despite the availability of heat treatment as a non-methyl bromide option in the standard;

Noting the current workload of the Methyl Bromide Technical Options Committee and its request at the twenty-fourth meeting of the Open-ended Working Group for additional expertise in some quarantine and pre-shipment applications,

Noting that quarantine and pre-shipment treatments, according to decisions VII/5 and XI/12, are authorized or performed by national plant, animal, health or stored product authorities,

1. To request the Panel to establish a task force, with the assistance of the Parties in identifying suitably qualified members, to prepare the report requested by the Parties under decision XI/13 paragraph 4;

2. To request Parties that have not yet submitted data to the Panel on this issue to provide best available data to the task force before 31 March 2005, identifying as available all known uses of methyl bromide for quarantine and pre-shipment, by commodity and application;

3. In responding to the request under paragraph 2, to request the Parties to use best available data for the year 2002 or data considered by the Party to be representative of a calendar year period;

4. To request the task force to report the data submitted by the Parties under paragraphs 2 and 3, or previously submitted by other Parties in response to the 14 April 2004 methyl bromide quarantine and pre-shipment survey, by 31 May 2005, for the information of the Open-ended Working Group at its twenty-fifth session;

5. Also to request the task force, in reporting pursuant to paragraph 4, to present the data in a written report in a format aggregated by commodity and application so as to provide a global use pattern overview, and to include available information on potential alternatives for those uses identified by the Parties' submitted data;

6. To request the Parties to provide information to the task force, as available and based on best available data, on the availability and technical and economic feasibility of applying in their national circumstances the alternatives identified in paragraph 5, focusing in particular on the Parties' own uses, for the calendar year period reported under paragraphs 2 and 3, by 30 November 2005, constituting either:

   (a) More than 10 per cent of their own total annual methyl bromide consumption for quarantine and pre-shipment consumption; or

   (b) In the absence of uses over 10 per cent, which constitute their five highest volume uses; or

   (c) Where data is available to the Party, all their known uses;

7. To request the Panel, on the basis of information contained in paragraph 6, to report to the Parties in accordance with decision XI/13, paragraph 4, by 31 May 2006.

Decision XVI/11: Coordination among United Nations bodies on quarantine and pre-shipment uses

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/11:*

Bearing in mind that, under standard 15 of the International Standards for Phytosanitary Measures, of March 2002, of the International Plant Protection Convention of the Food and Agriculture Organization of the United Nations, guidelines were issued regulating wood packaging materials in international trade, which approved heat treatments and fumigation by methyl bromide for wood packaging to reduce the risk of the introduction and/or spread of quarantine pest associated with wood packaging used in trade,

Understanding that these guidelines are intended to address quarantine and pre-shipment applications,

Considering that coordination among United Nations bodies is essential for the attainment of their common goals,

Taking into account that the Technology and Economic Assessment Panel is conducting assessments on methyl bromide alternatives on quarantine and pre-shipment uses,

1. To request the Ozone Secretariat to make contact with the Secretariat of the International Plant Protection Convention of the Food and Agriculture Organization of the United Nations, stressing the commitment by Parties to the Montreal Protocol to the reduction of methyl bromide with specific reference to standard 15 of the International Standard for Phytosanitary Measures, and to exchange information with a view to encouraging alternatives to methyl bromide treatment of wood packaging material stipulated by that organization as a phytosanitary measure;

2. To request the Ozone Secretariat to report thereon to the Seventeenth Meeting of the Parties;

3. To urge the Parties to consider, in the context of standard 15 of the International Standards for Phytosanitary Measures, the use, as a priority and to the greatest possible extent, when economically feasible and when the country concerned has the required facilities of alternatives such as heat treatment or alternative packaging materials, instead of methyl bromide fumigation;

4. To encourage the importing Parties to consider accepting wood packaging treated with alternative methods to methyl bromide, in accordance with standard 15.

Decision XVII/15: Coordination between the Ozone Secretariat and the Secretariat of the International Plant Protection Convention

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/15:*

Recalling decision XVI/11, on coordination among United Nations bodies on quarantine and pre-shipment uses,

Acknowledging the efforts made by the Ozone Secretariat to make contact and maintain coordination with the Secretariat of the International Plant Protection Convention regarding reduction in the use of methyl bromide, with specific reference to standard 15 of the International Standards for Phytosanitary Measures,

Bearing in mind that the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention agreed to submit to the Standards Committee for expedited review proposals for amending the March 2002 standard 15, so as to increase the duration of exposure to methyl bromide during fumigation and increase the minimum required gas concentrations at various stages of the fumigation to ensure its efficacy, which are expected to be considered for adoption by the Interim Commission on Phytosanitary Measures in 2006,

Stressing the importance of managing and, when economically and technically feasible, replacing quarantine and pre-shipment applications of methyl bromide,

Taking into account the risk to the ozone layer of increasing methyl bromide emissions through quarantine and pre-shipment applications,

1. To request the Ozone Secretariat to further liaise with the secretariat of the International Plant Protection Convention regarding the application of standard 15 of the International Standards for Phytosanitary Measures;

2. To request the Technology and Economic Assessment Panel to provide any information collected by the Quarantine and Pre-shipment Task Force pursuant to decision XVI/10 to the relevant bodies of the International Plant Protection Convention.

Decisions on critical-use exemptions

Decision VII/29: Assessment of the possible need for and modalities and criteria for a critical agricultural use exemption for methyl bromide

The *Seventh Meeting of the Parties* decided in *Dec. VII/29:*

1. To note that the latest Montreal Protocol Scientific Assessment underscores the need for a phase-out of methyl bromide because of its significant role in depleting the ozone layer;

2. To recognize, however, the concerns regarding the applicability of the existing essential-use criteria and process for evaluating the use of methyl bromide in the agricultural sector, and the availability of alternatives for important agricultural uses of this compound;

3. To request the Technology and Economic Assessment Panel to examine need for and the modalities (including the essential-use process) and criteria that could be used to facilitate review, approval and implementation of requests for critical agricultural use exemptions. In recommending suitable modalities and criteria, the Technology and Economic Assessment Panel may take into consideration:

   (a) Whether alternative practices or substitutes exist that are commercially available and efficacious;

   (b) The relative costs and benefit of alternative practices and substitutes to allow the Parties to assess their economic viability, taking into account the scale of application and the individual circumstances of particular uses;

   (c) Whether a Party has demonstrated that all economically feasible actions are being taken to minimize use and any associated emissions from the approved exemption, and that continued efforts are being made to evaluate and develop alternatives to the use of methyl bromide for this application;

   (d) The feasibility of placing a cap on the total percentage of baseline production and consumption permitted under an essential use for any particular country; and

   (e) A range of alternative decision-making and implementation processes;

4. To request the Technology and Economic Assessment Panel to prepare a study of the possible uses of market-based measures to allow for greater flexibility in implementing the requirements for limitations on methyl bromide;

5. That the Technology and Economic Assessment Panel's analysis should be presented for consideration to the Open-ended Working Group at its thirteenth meeting to facilitate a decision by the Eighth Meeting of the Parties.

Decision VIII/16: Critical agricultural uses of methyl bromide

The *Eighth Meeting of the Parties* decided in *Dec. VIII/16:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee pursuant to decision VII/29 of the Seventh Meeting of the Parties;

2. To request the Technology and Economic Assessment Panel to further examine and report to the Ninth Meeting of the Parties on the different options on the issue of critical use of methyl bromide, as presented to the thirteenth meeting of the Open-ended Working Group in the June 1996 TEAP Report.

Decision IX/6: Critical-use exemptions for methyl bromide

The *Ninth Meeting of the Parties* decided in *Dec. IX/6:*

1. To apply the following criteria and procedure in assessing a critical methyl bromide use for the purposes of control measures in Article 2 of the Protocol:

   (a) That a use of methyl bromide should qualify as "critical" only if the nominating Party determines that:

      (i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and

      (ii) There are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination;

   (b) That production and consumption, if any, of methyl bromide for critical uses should be permitted only if:

      (i) All technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide;

      (ii) Methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide, also bearing in mind the developing countries' need for methyl bromide;

      (iii) It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes, taking into consideration the circumstances of the particular nomination and the special needs of Article 5 Parties, including lack of financial and expert resources, institutional capacity, and information. Non-Article 5 Parties must demonstrate that research programmes are in place to develop and deploy alternatives and substitutes. Article 5 Parties must demonstrate that feasible alternatives shall be adopted as soon as they are confirmed as suitable to the Party's specific conditions and/or that they have applied to the Multilateral Fund or other sources for assistance in identifying, evaluating, adapting and demonstrating such options;

2. To request the Technology and Economic Assessment Panel to review nominations and make recommendations based on the criteria established in paragraphs 1 (a) (ii) and 1 (b) of the present decision;

3. That the present decision will apply to Parties operating under Article 5 and Parties not so operating only after the phase-out date applicable to those Parties.

Decision IX/7: Emergency methyl-bromide use

The *Ninth Meeting of the Parties* decided in *Dec. IX/7* to allow a Party, upon notification to the Secretariat, to use, in response to an emergency event, consumption of quantities not exceeding 20 tonnes of methyl bromide. The Secretariat and the Technology and Economic Assessment Panel will evaluate the use according to the "critical methyl bromide use" criteria and present this information to the next meeting of the Parties for review and appropriate guidance on future such emergencies, including whether or not the figure of 20 tonnes is appropriate.

Decision XIII/11: Procedures for applying for a critical-use exemption for methyl bromide

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/11:*

Noting that Parties not operating under paragraph 1 of Article 5 must cease production and consumption of methyl bromide for other than quarantine and pre-shipment applications from 1 January 2005, except for consumption and production that meet the levels agreed by the Parties for critical uses,

Noting the importance of providing the Parties not operating under paragraph 1 of Article 5 with early guidance on arrangements for implementing decision IX/6, which provides criteria and procedures for assessing a critical methyl bromide use,

Noting the need for the Parties to have adequate guidance to enable them to submit nominations for critical-use exemptions for consideration at the 15th Meeting of the Parties in 2003,

1. To note with appreciation the work of the Methyl Bromide Technical Options Committee (MBTOC) in presenting the information required in order adequately to assess nominations submitted in pursuance of decision IX/6 for critical-use exemptions and the ongoing work of the Technology and Economic Assessment Panel in preparing a consolidated list of alternatives to methyl bromide that had been included in past TEAP and MBTOC reports;

2. To request the Technology and Economic Assessment Panel to prepare a handbook on critical-use nomination procedures which provides this information, and the schedule for submission which reflects that currently employed in the essential-use nomination procedure;

3. To request the Technology and Economic Assessment Panel to finalize the consolidated list of alternatives to methyl bromide referred to in paragraph 1 and post it on its Website as soon as possible;

4. To request the Technology and Economic Assessment Panel to finalize the "Handbook on Critical Use Nominations for Methyl Bromide" by January 2002, and the Secretariat to post this Handbook on its Website as soon as possible;

5. To request the Technology and Economic Assessment Panel to engage suitably qualified agricultural economists to assist it in reviewing critical-use nominations.

Decision XV/54: Categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/54:*

Recognizing that Parties had difficulty in taking a decision on the appropriate amount of methyl bromide to use for critical uses,

Mindful that exemptions must comply fully with decision IX/6 and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

1. To invite Parties with nominations that are currently categorized as "noted" in the Technology and Economic Assessment Panel 2003 supplementary report to submit additional information in support of their nominations, using the comments by the Technology and Economic Assessment Panel/Methyl Bromide Technical Options Committee in the October 2003 supplementary report as a guide to the additional information required. The Methyl Bromide Technical Options Committee co-chairs will provide additional guidance to assist Parties concerning the information required if so requested. Parties are requested to submit additional information to the Ozone Secretariat by 31 January 2004;

2. To request the Methyl Bromide Technical Options Committee to convene a special meeting, which should be held in sufficient time to allow a report by the Technology and Economic Assessment Panel to be released to the Parties no later than 14 February 2004;

3. To request the Technology and Economic Assessment Panel to evaluate the critical-use nominations for methyl bromide that are currently categorized as "noted" and recategorize them as "recommended", "not recommended" or "unable to assess".

Decision Ex.I/3: Critical-use exemptions for methyl bromide for 2005

The *First Extraordinary Meeting of the Parties* decided in *Dec. Ex.I/3:*

Reaffirming the obligation to phase out the production and consumption of methyl bromide in accordance with paragraph 5 of Article 2H by 1 January 2005, subject to the availability of an exemption for uses agreed to be critical by the Parties,

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide,

Noting that those alternatives are not always technically and economically feasible in the circumstances of the nominations,

Noting also that Article 5 Parties have made substantial progress in the adoption of effective alternatives,

Mindful that exemptions must fully comply with decision IX/6, and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Mindful also that decision IX/6 permits the production and consumption of methyl bromide for critical uses only if it is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide,

Recognizing the desirability of a transparent presentation of data on alternatives to methyl bromide to assist the Parties to understand better the critical-use volumes and to gauge progress on and impediments to the transition,

Recognizing also that each Party should aim at significantly and progressively decreasing its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available,

Resolved that each Party should revert to methyl bromide only as a last resort and in the situation when a technically and economically feasible alternative to methyl bromide which is in use ceases to be available as a result of de-registration or for other reasons,

Taking into account the recommendation by the Technology and Economic Assessment Panel that critical-use exemptions should not be authorized in cases where technically and economically feasible options are registered, available locally and used commercially by similarly situated enterprises,

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee,

1. For the agreed critical uses set forth in annex II A to the report of the First Extraordinary Meeting of the Parties to the Montreal Protocol *[see Section 3.4 in this Handbook]* for each Party, to permit, subject to

the conditions set forth in decision Ex.I/4, the levels of production and consumption set forth in annex II B to the present report *[see Section 3.4 in this Handbook]* which are necessary to satisfy critical uses, with the understanding that additional levels and categories of uses may be approved by the Sixteenth Meeting of the Parties in accordance with decision IX/6;

2. That a Party with a critical-use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such difference between those levels by using quantities of methyl bromide from stocks that the Party has recognized to be available;

3. That a Party using stocks under paragraph 2 above shall prohibit the use of stocks in the categories set forth in annex II A to the report of the First Extraordinary Meeting of the Parties to the Montreal Protocol *[see Section 3.4 in this Handbook]* when amounts from stocks combined with allowable production and consumption for critical uses exceed the total level for that Party set forth in annex II A to the present report;

4. That Parties should endeavour to allocate the quantities of methyl bromide recommended by the Technology and Economic Assessment Panel as listed in annex II A to the report of the First Extraordinary Meeting of the Parties *[see Section 3.4 in this Handbook]*;

5. That each Party which has an agreed critical use should ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing the use of methyl bromide and that such procedures take into account available stocks. Each Party is requested to report on the implementation of the present paragraph to the Ozone Secretariat;

6. To take note of the proposal by the United States of America on multi-year exemptions, as reflected in paragraph 7 of the paper reproduced in annex III to the present report, and to consider, at the Sixteenth Meeting of the Parties, the elaboration of criteria and a methodology for authorizing multi-year exemptions;

7. Bearing in mind that Parties should aim at significantly and progressively reducing their production and consumption of methyl bromide for critical-use exemptions, that a Party may request reconsideration by the Meeting of the Parties of an approved critical-use exemption in the case of exceptional circumstances, such as unforeseen de-registration of an approved methyl bromide alternative when no other feasible alternatives are available, or where pest and pathogens build resistance to the alternative, or where the use-reduction measures on which the Technology and Economic Assessment Panel based its recommendation as to the level necessary to satisfy critical uses are demonstrated not to be feasible in the specific circumstances of that Party.

Decision Ex.I/4: Conditions for granting and reporting critical-use exemptions for methyl bromide

The *First Extraordinary Meeting of the Parties* decided in *Dec. Ex.I/4:*

Mindful of the principles set forth in the report by the chair of the informal consultation on methyl bromide held in Buenos Aires on 4 and 5 March 2004, namely, fairness, certainty and confidence, practicality and flexibility, and transparency,

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide,

Noting that those alternatives are not always technically and economically feasible in the circumstances of nominations,

Noting that Article 5 and non-Article 5 Parties have made substantial progress in the adoption of effective alternatives,

Mindful that exemptions must comply fully with decision IX/6 and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Recognizing the desirability of a transparent presentation of data on alternatives to methyl bromide to assist the Parties to understand better the critical-use volumes and to gauge progress on and impediments to the transition from methyl bromide,

Resolved that each Party should aim at significantly and progressively decreasing its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available,

Recognizing that Parties should revert to methyl bromide only as a last resort, in the event that a technically and economically feasible alternative to methyl bromide which is in use ceases to be available as a result of de-registration or for other reasons,

1. That each Party which has an agreed critical use under the present decision should submit available information to the Ozone Secretariat before 1 February 2005 on the alternatives available, listed according to their pre-harvest or post-harvest uses and the possible date of registration, if required, for each alternative; and on the alternatives which the Parties can disclose to be under development, listed according to their pre-harvest or post-harvest uses and the likely date of registration, if required and known, for those alternatives, and that the Ozone Secretariat shall be requested to provide a template for that information and to post the said information in a database entitled “Methyl Bromide Alternatives” on its web site;

2. That each Party which submits a nomination for the production and consumption of methyl bromide for years after 2005 should also submit information listed in paragraph 1 to the Ozone Secretariat to include in its Methyl Bromide Alternatives database and that any other Party which no longer consumes methyl bromide should also submit information on alternatives to the Secretariat for inclusion in that database;

3. To request each Party which makes a critical-use nomination after 2005 to submit a national management strategy for phase-out of critical uses of methyl bromide to the Ozone Secretariat before 1 February 2006. The management strategy should aim, among other things:

   (a) To avoid any increase in methyl bromide consumption except for unforeseen circumstances;

   (b) To encourage the use of alternatives through the use of expedited procedures, where possible, to develop, register and deploy technically and economically feasible alternatives;

   (c) To provide information, for each current pre-harvest and post-harvest use for which a nomination is planned, on the potential market penetration of newly deployed alternatives and alternatives which may be used in the near future, to bring forward the time when it is estimated that methyl bromide consumption for such uses can be reduced and/or ultimately eliminated;

   (d) To promote the implementation of measures which ensure that any emissions of methyl bromide are minimized;

   (e) To show how the management strategy will be implemented to promote the phase-out of uses of methyl bromide as soon as technically and economically feasible alternatives are available, in particular describing the steps which the Party is taking in regard to subparagraph (b) (iii) of paragraph 1 of decision IX/6 in respect of research programmes in non-Article 5 Parties and the adoption of alternatives by Article 5 Parties;

4. To request the Meeting of the Parties to take into account information submitted pursuant to paragraphs 1 and 3 of the present decision when it considers permitting a Party to produce or consume methyl bromide for critical uses after 2006;

5. To request a Party that has submitted a request for a critical use exemption to consider and implement, if feasible, Technology and Economic Assessment Panel and Methyl Bromide Technical Options Committee recommendations on actions which a Party may take to reduce critical uses of methyl bromide;

6. To request any Party submitting a critical-use nomination after 2004 to describe in its nomination the methodology used to determine economic feasibility in the event that economic feasibility is used as a criterion to justify the requirement for the critical use of methyl bromide, using as a guide the economic criteria contained in section 4 of annex I to the present report *[see Section 3.4 in this Handbook]*;

7. To request each Party from 1 January 2005 to provide to the Ozone Secretariat a summary of each crop or post-harvest nomination containing the following information:

   (a) Name of the nominating Party;

   (b) Descriptive title of the nomination;

   (c) Crop name (open field or protected) or post-harvest use;

   (d) Quantity of methyl bromide requested in each year;

   (e) Reason or reasons why alternatives to methyl bromide are not technically and economically feasible;

8. To request the Ozone Secretariat to post the information submitted pursuant to paragraph 7 above, categorized according to the year in which it was received, on its web site within 10 days of receiving the nomination;

9. To request the Technology and Economic Assessment Panel:

   (a) To identify options which Parties may consider for preventing potential harmful trade of methyl bromide stocks to Article 5 Parties as consumption is reduced in non-Article 5 Parties and to publish its evaluation in 2005 to enable the Seventeenth Meeting of the Parties to decide if suitable mitigating steps are necessary;

   (b) To identify factors which Article 5 Parties may wish to take into account in evaluating whether they should either undertake new accelerated phase-out commitments through the Multilateral Fund for the Implementation of the Montreal Protocol or seek changes to already agreed accelerated phase-outs of methyl bromide under the Multilateral Fund;

   (c) To assess economic infeasibility, based on the methodology submitted by the nominating Party under paragraph 6 above, in making its recommendations on each critical-use nomination. The report by the Technology and Economic Assessment Panel should be made with a view to encouraging nominating Parties to adopt a common approach in assessing the economic feasibility of alternatives;

   (d) To submit a report to the Open-ended Working Group at its twenty-sixth session on the possible need for methyl bromide critical uses over the next few years, based on a review of the management strategies submitted by Parties pursuant to paragraph 3 of the present decision;

   (e) To review critical-use nominations on an annual basis and apply the criteria set forth in decision IX/6 and of other relevant criteria agreed by the Parties;

   (f) To recommend an accounting framework for adoption by the Sixteenth Meeting of the Parties which can be used for reporting quantities of methyl bromide produced, imported and exported by Parties under the terms of critical-use exemptions, and after the end of 2005 to request each Party which has been granted a critical-use exemption to submit information together with its nomination using the agreed format;

   (g) To provide, in consultation with interested Parties, a format for a critical-use exemption report, based on the content of annex I to the present report *[see Section 3.4 in this Handbook]*, for adoption by the Sixteenth Meeting of the Parties, and to request each Party which reapplies for a

methyl bromide critical-use exemption after the end of 2005 to submit a critical-use exemption report in the agreed format;

(h) To assess, annually where appropriate, any critical-use nomination made after the end of 2006 in the light of the Methyl Bromide Alternatives database information submitted pursuant to paragraph 1 of the present decision, and to compare, annually where appropriate, the quantity, in the nomination, of methyl bromide requested and recommended for each pre-harvest and post-harvest use with the management strategy submitted by the Party pursuant to paragraph 3 of the present decision;

(i) To report annually on the status of re-registration and review of methyl bromide uses for the applications reflected in the critical-use exemptions, including any information on health effects and environmental acceptability;

(j) To report annually on the status of registration of alternatives and substitutes for methyl bromide, with particular emphasis on possible regulatory actions that will increase or decrease dependence on methyl bromide;

(k) To modify the handbook on critical-use nominations for methyl bromide to take the present decision and other relevant information into account, for submission to the Sixteenth Meeting of the Parties.

Decision XVI/2: Critical use exemptions for methyl bromide for 2005 and 2006

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/2:*

Cognizant of its duty to assess critical uses of methyl bromide under Article 2H, paragraph 5, of the Montreal Protocol,

Taking into account the criteria and procedures for the assessment of critical uses of methyl bromide articulated in decision IX/6,

Noting with great appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee,

Recognizing that the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee review nominations for critical-use exemptions pursuant to paragraph 2 of decision IX/6 and that the Parties assess a critical methyl bromide use for the purposes of control measures in Article 2H of the Protocol,

Noting that decision XVI/4 should provide a solid basis for review of critical-use nominations in the future, and that in the absence of technical and economic justification for a recommendation, particular consideration should be given to the Party's nomination,

Bearing in mind, in particular, paragraphs 3 and 4 of the working procedures of the Methyl Bromide Technical Options Committee relating to the evaluation of nominations for critical uses of methyl bromide, as set out in annex I to the report of the Sixteenth Meeting of the Parties *[see Section 3.4 in this Handbook]*,

1. For the agreed supplemental critical-use categories for 2005, set forth in section IA to the annex to the present decision *[see Section 3.4 in this Handbook]* for each Party, to permit, subject to the conditions set forth in decision Ex.I/4, to the extent that those conditions are applicable, the supplementary levels of production and consumption for 2005 set forth in section IB to the annex to the present decision *[see Section 3.4 in this Handbook]* which are necessary to satisfy critical uses;

2. For the agreed critical-use categories for 2006, set forth in section IIA to the annex to the present decision *[see Section 3.4 in this Handbook]* for each Party, to permit, subject to the conditions set forth in decision Ex. I/4, to the extent that those conditions are applicable, the levels of production and consumption for 2006 set forth in section IIB to the annex to the present decision *[see Section 3.4 in this Handbook]* which are necessary to satisfy critical uses, with the understanding that additional levels of

production and consumption and categories of uses may be approved by the Meeting of the Parties to the Montreal Protocol in accordance with decision IX/6;

3. That Parties should endeavour to ensure that the quantities of methyl bromide recommended by the Technology and Economic Assessment Panel are allocated as listed in sections IA and IIA of the annex to the present decision;

4. That each Party which has an agreed critical use should ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and that such procedures take into account available stocks of banked or recycled methyl bromide. Each Party is requested to report on the implementation of the present paragraph to the Ozone Secretariat;

5. To approve in the interim, until the Extraordinary Meeting of the Parties referred to in paragraph 9 below is convened, subject to the conditions set forth in decision Ex. I/4, to the extent that those conditions are applicable, the portions of the 2006 critical-use nominations set forth in section III of the annex to the present decision *[see Section 3.4 in this Handbook]*;

6. To ask the Methyl Bromide Technical Options Committee to review:

   (a) Those portions of the 2006 critical-use nominations set forth in section III of the annex to the present decision;

   (b) The 2006 critical-use nominations that were identified as "unable to assess" in the October 2004 report of the Technology and Economic Assessment Panel,

   on the basis of all relevant information submitted by 24 January 2005, including any supplemental information submitted by the Parties, and information relating to what is suitable for the crops and circumstances of the nomination;

7. To request the Methyl Bromide Technical Options Committee to evaluate the nominations referred to in paragraph 6 of the present decision:

   (a) In accordance with the procedures set out in annex I to the report of the Sixteenth Meeting of the Parties subject to modifications necessary to meet the timetable provided in paragraphs 6–9 of the present decision;

   (b) To meet the nominating Party before it completes its deliberations, if so requested by the Party;

8. To request the Technology and Economic Assessment Panel to report its findings to the Parties in the form of an interim report by 30 April 2005, and in the form of a final report by 15 May 2005;

9. To review the report of the Technology and Economic Assessment Panel prepared pursuant to paragraphs 6–8 of the present decision at an extraordinary Meeting of the Parties held in conjunction with the twenty-fifth meeting of the Open-Ended Working Group, in order to adopt a decision at the Meeting with respect to the portions of the 2006 critical-use nominations referred to in paragraph 6 of the present decision, with the understanding that it shall not give rise to any further financial implications;

10. That the procedure provided for in paragraphs 6–9 of the present decision is exceptional and applies only in 2005, unless the Parties decide otherwise.

Decision XVI/3: Duration of critical-use nominations of methyl bromide

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/3:*

Mindful that decision Ex.I/4, under paragraph 9 (e), requested the Technology and Economic Assessment Panel to review critical-use nominations on an annual basis and to apply the criteria set forth in decision IX/6 and of other relevant criteria agreed by the Parties,

Recognizing that decision Ex.I/3, under paragraph 6, asked the Parties to take note of the proposal by the United States of America on multi-year exemptions, and to consider the elaboration of criteria and a methodology for authorizing multi-year exemptions,

1. To agree that the basis for extending the duration of critical-use nominations and exemptions of methyl bromide to periods greater than one year requires further attention;

2. To elaborate, as far as possible, at the Seventeenth Meeting of Parties a framework for spreading a critical-use exemption over more than one year and to agree that the following elements, among others, should be taken into account:

   (a) Annual reporting on:

      (i) Status of re-registration and review of methyl bromide;

      (ii) Status of registration of alternatives and substitutes for methyl bromide;

      (iii) Efforts to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes;

   (b) Assessment of requests to reconsider approved critical-use exemptions in the case of exceptional circumstances;

   (c) Review of downward trends for different instances;

   (d) Assessments of nominations in the light of the alternatives database referred to in paragraph 1 of decision Ex.I/4, and comparisons with management strategies;

   (e) Applicability of existing decisions to methyl bromide critical-use exemptions longer than one year;

   (f) Additional conditions applicable to critical-use exemptions longer than one year;

3. To consider the technical justifications for spreading a critical-use exemption over more than one year, taking into account, among others, the following instances:

   (a) Where the use patterns of methyl bromide are not regular on an annual or seasonal basis;

   (b) Where, for a specific use, no alternatives or emerging solutions are anticipated for several years;

   (c) Where a plan of implementation of an alternative stretches over several years;

   (d) Where management strategies include a complete time-bound phase-out for a nomination or sector or use.

Decision XVI/6: Accounting framework

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/6:*

Noting with appreciation the work undertaken by the Technology and Economic Assessment Panel, pursuant to decision Ex.I/4, paragraph 9 (f), in developing an accounting framework,

Mindful that after the end of 2005 each Party which has been granted a critical-use exemption is requested to submit information on the quantities of methyl bromide produced, imported and exported by Parties under the terms of the critical-use exemptions,

Aware that such information must be submitted with a Party's nomination using the accounting framework format,

1. To adopt the accounting framework, as set out in annex II to the report of the Sixteenth Meeting of the Parties *[see Section 3.4 in this Handbook]*;

2. To request the Technology and Economic Assessment Panel to include the accounting framework in the next version of the Handbook on Critical Use Nominations for Methyl Bromide.

Decision Ex.II/1: Critical-use exemptions for methyl bromide

The *Second Extraordinary Meeting of the Parties* decided in *Dec. Ex.II/1:*

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide, and that those alternatives are not always technically and economically feasible in the circumstances of the nominations,

Mindful that exemptions must fully comply with decision IX/6, including with regard to use minimization and emissions reduction, and that they are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Recognizing the value of gas retention or other techniques for minimizing emissions of methyl bromide and other chemical alternatives, and that such uses can achieve pest and disease control with significant reductions in dose,

Acknowledging that further information described in decision Ex.I/4 will be submitted by the Parties in 2006,

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee,

1. For the agreed critical uses for 2006, set forth in table A of the annex to the present decision *[see Section 3.4 in this Handbook]*, to permit, subject to the conditions set forth in the present decision and in decision Ex. I/4, to the extent those conditions are applicable, the supplementary levels of production and consumption for 2006 set forth in table B of the annex to the present decision *[see Section 3.4 in this Handbook]* which are necessary to satisfy critical uses, with the understanding that additional levels and categories of uses may be approved by the Seventeenth Meeting of the Parties in accordance with decision IX/6;

2. That a Party with a critical-use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such difference between those levels by using quantities of methyl bromide available from existing stocks;

3. That each Party which has an agreed critical use shall take into full consideration all quantities of existing stocks of methyl bromide and that the sum of these quantities shall be reported in 2006 in column G of the Framework Report, as set out in annex II to the report of the Sixteenth Meeting of the Parties *[see Section 3.4 in this Handbook]*, subject to confidentiality and disclosure clauses of domestic laws and regulations. Where all or part of the quantities are withheld pursuant to such laws and regulations, the reasons for withholding the quantities in column G shall be footnoted appropriately;

4. That Parties that have an agreed critical use shall endeavour to license, permit, authorize or allocate the quantities of methyl bromide recommended by the Technology and Economic Assessment Panel to the specific categories of use shown in table A of the annex to the present decision;

5. That each Party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing the use of methyl bromide and that such procedures take into account quantities of methyl bromide available from existing stocks;

6. To request Parties licensing, permitting or authorizing methyl bromide that is used for 2006 critical uses to ensure, wherever methyl bromide is authorized for critical-use exemptions, the use of emission

minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible.

Decision XVII/9: Critical-use exemptions for methyl bromide for 2006 and 2007

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/9:*

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee,

Noting with appreciation that some Parties have made substantial reductions in the quantities of methyl bromide authorized, permitted or licensed for 2005 and have significantly reduced the quantities for 2006,

Noting that Parties submitting requests for methyl bromide for 2007 have supported their requests with a national management strategy,

1. For the agreed critical-use categories for 2006, set forth in table A of the annex to the present decision *[see Section 3.4 in this Handbook]* for each Party, to permit, subject to the conditions set forth in the present decision and decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2006 set forth in table B of the annex to the present decision *[see Section 3.4 in this Handbook]* which are necessary to satisfy critical uses;

2. For the agreed critical-use categories for 2007, set forth in table C of the annex to the present decision *[see Section 3.4 in this Handbook]* for each Party, to permit, subject to the conditions set forth in the present decision and in decision Ex. I/4, the levels of production and consumption for 2007 set forth in table D of the annex to the present decision *[see Section 3.4 in this Handbook]* which are necessary to satisfy critical uses, with the understanding that additional levels of production and consumption and categories of uses may be approved by the Meeting of the Parties to the Montreal Protocol in accordance with decision IX/6;

3. That a Party with a critical use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such differences between those levels by using quantities of methyl bromide from stocks that the Party has recognized to be available;

4. That Parties shall endeavour to license, permit, authorize or allocate quantities of critical-use methyl bromide as listed in tables A and C of the annex to the present decision;

5. That each Party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and that such procedures take into account available stocks of banked or recycled methyl bromide. Each Party is requested to report on the implementation of the present paragraph to the Ozone Secretariat by 1 February for the years to which this decision applies;

6. That Parties licensing, permitting or authorizing methyl bromide that is used for 2007 critical uses shall request the use of emission minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible;

7. To request Parties to endeavour to use stocks, where available, to meet any demand for methyl bromide for the purposes of research and development;

8. To request the Quarantine and Pre-shipment Task Force of the Technology and Economic Assessment Panel to evaluate whether soil fumigation with methyl bromide to control quarantine pests on living plant material can in practice control pests to applicable quarantine standards, to evaluate the long-term effectiveness of pest control several months after fumigation for this purpose and to provide a report in time for the twenty-sixth meeting of the Open-ended Working Group;

9. That each Party should ensure that its national management strategy for the phase-out of critical uses of methyl bromide addresses the aims specified in paragraph 3 of decision Ex.I/4;

10. To request the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee to report for 2005 and annually thereafter, for each agreed critical use category, the amount of methyl bromide nominated by a Party, the amount of the agreed critical use and either:

    (a) The amount licensed, permitted or authorized; or

    (b) The amount used.

Decision XVII/10: Laboratory and analytical critical uses of methyl bromide

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/10:*

1. To authorize, for Parties not operating under paragraph 1 of Article 5 of the Protocol, production and consumption of the controlled substance in Annex E of the Protocol, necessary to satisfy laboratory and analytical critical uses;

2. To agree, subject to paragraph 3 of the present decision, that the relevant illustrative uses listed in annex IV to the report of the Seventh Meeting of the Parties are laboratory and analytical critical uses until 31 December 2006, subject to the conditions applied to exemption for laboratory and analytical uses contained in annex II to the report of the Sixth Meeting of the Parties;[4]

3. That the uses listed in subparagraphs (a) and (c) of paragraph 6 of decision VII/11 and decision XI/15 are excluded from the uses agreed in paragraph 2 of the present decision;

4. To request the Technology and Economic Assessment Panel to consider the uses and criteria referred to in paragraph 2 of the present decision in terms of the relevance of their application to laboratory and analytical critical uses of methyl bromide;

5. To further request the Technology and Economic Assessment Panel to consider other possible laboratory and analytical uses for methyl bromide for which information is available;

6. That the Technology and Economic Assessment Panel report to the Open-ended Working Group at its twenty-sixth meeting on the outcomes of paragraphs 4 and 5 of the present decision;

7. To adopt an illustrative list of analytical and laboratory critical uses for methyl bromide at its Eighteenth Meeting of the Parties;

8. To request the Technology and Economic Assessment Panel to report in 2007 and every other year thereafter on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substance in Annex E of the Protocol;

9. That the Meeting of the Parties shall, on the basis of information reported by the Technology and Economic Assessment Panel in accordance with paragraph 8 of the present decision, decide on any uses which should no longer be agreed as laboratory and analytical critical uses and the date from which any such restriction should apply;

10. That the Secretariat should establish and maintain for the Parties a current and consolidated list of laboratory and analytical critical uses that the Parties have agreed are no longer laboratory and analytical critical uses;

11. That any decision taken pursuant to paragraph 9 of the present decision should not prevent a Party from nominating a specific use under the critical use procedure set out in decision IX/6.

Decisions on new substances

Decision IX/24: Control of new substances with ozone-depleting potential

The *Ninth Meeting of the Parties* decided in *Dec. IX/24:*

1. That any Party may bring to the attention of the Secretariat the existence of new substances which it believes have the potential to deplete the ozone layer and have the likelihood of substantial production, but which are not listed as controlled substances under Article 2 of the Protocol;

2. To request the Secretariat to forward such information forthwith to the Scientific Assessment Panel and the Technology and Economic Assessment Panel;

3. To request the Scientific Assessment Panel to carry out an assessment of the ozone-depleting potential of any such substances of which it is aware either as a result of information provided by Parties, or otherwise, to pass that information to the Technology and Economic Assessment Panel as soon as possible, and to report to the next ordinary Meeting of the Parties;

4. To request the Technology and Economic Assessment Panel to report to each ordinary Meeting of the Parties on any such new substances of which it is aware either as a result of information provided by Parties, or otherwise, and for which the Scientific Assessment Panel has estimated to have a significant ozone-depleting potential. The report shall include an evaluation of the extent of use or potential use of each substance and if necessary the potential alternatives, and shall make recommendations on actions which the Parties should consider taking;

5. To request Parties to discourage the development and promotion of new substances with a significant potential to deplete the ozone layer, technologies to use such substances and use of such substances in various applications.

Decision X/8: New substances with ozone-depleting potential

The *Tenth Meeting of the Parties* decided in *Dec. X/8:*

Recalling that, under the Montreal Protocol, each Party has undertaken to control the global emissions of ozone-depleting substances with the ultimate objective of their elimination,

Recalling that decision IX/24 requested Parties to discourage the development and promotion of substances with a significant potential to deplete the ozone layer and provides a procedure for notifying such substances to the Secretariat and their evaluation by the Science Assessment Panel and the Technology and Economic Assessment Panel,

1. That all Parties should take measures actively to discourage the production and marketing of bromochloromethane;

2. To encourage Parties, in the light of reports from the Scientific Assessment Panel and the Technology and Economic Assessment Panel, to take measures actively, as appropriate, to discourage the production and marketing of new ozone-depleting substances;

3. That should new substances be developed and marketed which, following application of decision IX/24, are agreed by the Parties to pose a significant threat to the ozone layer, the Parties will take appropriate steps under the Protocol to ensure their control and phase-out;

4. That Parties should report to the Secretariat, as far as possible by 31 December 1999, and as necessary thereafter, on any new ozone-depleting substances notified and evaluated under the terms of decision IX/24 being produced or sold in their territories, including the nature of the substances, the quantities

involved, the purposes for which these substances are being marketed or used and, if possible, the names of the producers and distributors;

5. To request the Technology and Economic Assessment Panel and the Science Assessment Panel, taking into account, as appropriate, assessments carried out under decision IX/24, to collaborate in undertaking further assessments:

   (a) To determine whether substances such as n-propyl bromide, with a very short atmospheric life-time of less than one month, pose a threat to the ozone layer;

   (b) To identify the sources and availability of halon-1202;

   and to report back to the Meeting of the Parties as soon as possible, but not later than the Twelfth Meeting of the Parties;

6. To request the legal drafting group which the Open-ended Working Group may establish to consider and report back to the Eleventh Meeting of the Parties through the Open-ended Working Group on the options available under the Montreal Protocol to introduce controls on new ozone-depleting substances.

Decision XI/19: Assessment of new substances

The *Eleventh Meeting of the Parties* decided in *Dec. XI/19:*

1. To recall that decision X/8 requested Parties that, should new substances be developed and marketed which, following application of decision IX/24, are agreed by the Parties to pose a significant threat to the ozone layer, appropriate steps are taken under the Montreal Protocol to ensure their control and phase-out;

2. To note that many new chemicals are brought into the market by the chemical industry so that criteria for assessing the potential ODP of these chemicals will be useful;

3. To request the Scientific Assessment Panel and the Technology and Economic Assessment Panel:

   (a) To develop criteria to assess the potential ODP of new chemicals;

   (b) To develop a guidance paper on mechanisms to facilitate public-private sector cooperation in the evaluation of the potential ODP of new chemicals in a manner that satisfies the criteria to be set by the Panels;

4. To request the Panels to report back to the Thirteenth Meeting of the Parties.

Decision XI/20: Procedure for new substances

The *Eleventh Meeting of the Parties* decided in *Dec. XI/20:*

Recalling decisions IX/24 and X/8 on control of new ozone-depleting substances,

Noting that the issue was discussed at the Eleventh Meeting of the Parties,

To continue to give full consideration to ways to expedite the procedure for adding new substances and their associated control measures to the Protocol and for removing them therefrom.

Decision XIII/5: Procedures for assessing the ozone-depleting potential of new substances that may be damaging to the ozone layer

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/5:*

Understanding that "new substances" are those believed to deplete the ozone layer and to have the likelihood of substantial production but not listed as controlled substances under Article 2 of the Protocol,

Mindful of the requests to Parties under decision IX/24 and decision X/8 to report to the Ozone Secretariat new substances being produced in their territory,

Recalling decision XI/19 on the assessment of new substances, which requests the Technology and Economic Assessment Panel and the Scientific Assessment Panel to develop criteria to assess the potential ODP of a new substance and to produce a guidance paper on public/private sector partnerships in this assessment,

Understanding the urgency and the benefit of disseminating information on new substances that enables individual Parties to limit or ban the use of those substances as soon as possible,

Noting the desirability of having a standardized and independent ODP analysis in order to ensure consistent and reproducible results,

1. To request the Secretariat to keep the list of new substances submitted by Parties pursuant to decision IX/24 on the UNEP Website up to date and to distribute the current version of the list to all Parties about six weeks in advance of the meeting of the Open-ended Working Group and the Meeting of the Parties;

2. To ask the Secretariat to request a Party that has an enterprise producing a listed new substance to request that enterprise to undertake a preliminary assessment of its ODP following procedures to be developed by the Scientific Assessment Panel and to submit, if available, toxicological data on the listed new substance, and further to request the Party to report the outcome of the request to the Secretariat;

3. To call on Parties to encourage their enterprises to conduct the preliminary assessment of its ODP within one year of the request of the Secretariat and, in cases where the substance is produced in more than one territory, to request the Secretariat to notify the Parties concerned in order to promote the coordination of the assessment;

4. To request the Secretariat to notify the Scientific Assessment Panel of the outcome of the preliminary assessment of the ODP to enable the Panel to review the assessment for each new substance in its annual report to the Parties and to recommend to the Parties when a more detailed assessment of the ODP of a listed new substance may be warranted.

Decision XIII/6: Expedited procedures for adding new substances to the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/6:*

Recalling decision XI/20, which requires Parties to give full consideration to ways for expediting the procedure for adding new substances and their associated control measures to the Protocol,

To request the Ozone Secretariat to compile precedents in other Conventions regarding the procedures for adding new substances and to provide a report at the 22nd Meeting of the Open-ended Working Group, in 2002.

Decision XIII/7: n-propyl bromide

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/7:*

Noting the Technology and Economic Assessment Panel's report that n-propyl bromide (nPB) is being marketed aggressively and that nPB use and emissions in 2010 are currently projected to be around 40,000 metric tonnes,

1. To request Parties to inform industry and users about the concerns surrounding the use and emissions of nPB and the potential threat that these might pose to the ozone layer;

2. To request Parties to urge industry and users to consider limiting the use of nPB to applications where more economically feasible and environmentally friendly alternatives are not available, and to urge them also to take care to minimize exposure and emissions during use and disposal;

3. To request the Technology and Economic Assessment Panel to report annually on nPB use and emissions.

Decisions on other issues

Decision I/12G: Clarification of terms and definitions: Article 2, paragraph 6

The *First Meeting of the Parties* decided in *Dec. I/12G* to agree to the following clarification of Article 2, paragraph 6 of the Protocol:

(a) paragraphs 1 to 4 of Article 2 of the Protocol freeze and then reduce annual production and therefore do not allow any increase of such production under Article 2, paragraph 6;

(b) since the object and purpose of the Protocol is to significantly reduce the production and use of CFCs and halons, neither Article 2, paragraph 6 nor any other provision allows an increase in production to be exported to non-Parties so that the reduction in global consumption is not obtained in accordance with the object of the Protocol;

(c) only countries that notify the Secretariat that the facilities were under construction or contracted prior to 16 September 1987, provided for in national legislation prior to 1 January 1987 and completed by 31 December 1990 were allowed to operate under Article 2, paragraph 6.

Article 4: Control of trade with non-Parties

Decisions on non-Parties in compliance with the Protocol

Decision IV/17B: Application to Colombia of paragraph 8 of Article 4 of the amended Montreal Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/17B* that the exceptions provided for in paragraph 8 of Article 4 of the 1990 London Amendment to the Montreal Protocol should apply to Colombia, a country not yet Party to the Protocol, from 1 January 1993 until the date on which the Protocol and its Amendment enter into force for Colombia, bearing in mind that Colombia is in full compliance with Article 2, Articles 2A to E, and Article 4 of the Protocol and the amended Protocol and has submitted data to that effect to this Meeting and, previously, to the Ozone Secretariat, as specified in Article 7 of the amended Protocol.

Decision IV/17C: Application of trade measures under Article 4 to non-Parties to the Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/17C:*

1. recalling that paragraph 8 of Article 4 of the Protocol permits a Meeting of the Parties to determine that a State not party to the Protocol is in full compliance with Articles 2, 2A to 2E and Article 4 of the Protocol and therefore is not to be subject to the trade controls specified in that Article, to determine provisionally, pending a final decision at the Fifth Meeting of the Parties, that any State not party to the Protocol which:

   (a) has by 31 March 1993 notified the Secretariat that it is in full compliance with Articles 2, 2A to 2E and Article 4 of the Protocol;

   (b) has by 31 March 1993 submitted supporting data to that effect to the Secretariat as specified in Article 7 of the Protocol;

   is in compliance with the relevant provisions of the Protocol and may be exempt, between that time and the Fifth Meeting of the Parties, from the trade controls in paragraphs 2 and 2 *bis* of Article 4 of the Protocol;

2. to request the Secretariat to transmit any such data received to the Implementation Committee and to the Parties;

3. that a final decision on the position of such States will be taken at the Fifth Meeting of the Parties, taking account of any comment on the data of these States that the Implementation Committee may make.

Decision V/3: Application of trade measures under Article 4 to non-Parties to the London Amendment

The *Fifth Meeting of the Parties* decided in *Dec. V/3*:

1. To note the information reported by non-Parties to the Montreal Protocol pursuant to decision IV/17C (Control of trade with non-Parties) of the Fourth Meeting of the Parties and to request the Secretariat to inform those States that the trade restrictions under Article 4 are applicable to all non-Parties as per the provisions of that Article;

2. To note, however, the request by Malta, Jordan, Poland and Turkey to the Meeting of the Parties to agree an extension for them of decision IV/17 C pending completion of their procedures for ratification of the London Amendment;

3. To note that these four countries have all submitted data pursuant to decision IV/17 C notifying that in 1992 they were in full compliance with Articles 2, 2A to 2E and 4 of the Montreal Protocol and have submitted supporting data to that effect as specified in Article 7 of the Protocol;

4. To agree to extend, until the Sixth Meeting of the Parties, the exemption of those four countries from the trade controls in Articles 2, 2A to 2E and 4 of the Montreal Protocol provided that by 31 March 1994 they submit to the Secretariat, for consideration by the Implementation Committee, data as specified in Article 7 to demonstrate that during 1993 they were in full compliance with the controls in all those Articles. Such data shall be submitted in accordance with the revised format for reporting of data as adopted by the Parties in decision V/5;

5. To agree to this exemption on the understanding that any future exemption of this nature would only be granted in accordance with the requirements of paragraph 8 of Article 4.

Decision VI/4: Application of trade measures under Article 4 to non-Parties to the London Amendment to the Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/4:*

1. To note the information reported by Poland and Turkey pursuant to decision V/3 (Application of trade measures under Article 4 to non-Parties to the London Amendment) of the Fifth Meeting of the Parties and to note that these two countries have thereby submitted data demonstrating that in 1993 they were in full compliance with Articles 2, 2A–2E and 4 of the Montreal Protocol and have submitted supporting data to that effect as specified in Article 7 of the Protocol;

2. To request those countries to submit data on their compliance with the above Articles of the Protocol by 31 March 1995 in order to establish their continued eligibility under Article 4, paragraph 8, to treatment as Parties during the year 1995–1996;

3. To welcome the fact that both countries intend to ratify or accede to the London Amendment in 1995.

Decision XV/3: Obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to hydrochlorofluorocarbons

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/3*:

Affirming that it is operating by consensus,

Reaffirming the obligation to control consumption of hydrochlorofluorocarbons by the Parties to the amendment adopted by the Fourth Meeting of the Parties to the Montreal Protocol at Copenhagen on 25 November 1992 (the "Copenhagen Amendment"),

Reaffirming the obligation to control production of hydrochlorofluorocarbons by the Parties to the amendment adopted by the Eleventh Meeting of the Parties to the Montreal Protocol at Beijing on 3 December 1999 (the "Beijing Amendment"),

Strongly urging all States not yet party to the Copenhagen or Beijing Amendments to ratify, accede to or accept them as soon as possible,

Recalling that, as of 1 January 2004, the Parties to the Beijing Amendment have accepted obligations under Article 4, paragraph 1 quin., and paragraph 2 quin., of the Protocol to ban the import and export of the controlled substances in group 1 of Annex C (hydrochlorofluorocarbons) from any "State not party to this Protocol",

Noting that Article 4, paragraph 9 of the Protocol provides that "for the purposes of this Article, the term 'State not party to this Protocol' shall include, with respect to a particular controlled substance, a State or regional

economic integration organization that has not agreed to be bound by the control measures in effect for that substance",

Noting also that Article 4, paragraph 8 of the Protocol permits Parties to the Beijing Amendment to import and export hydrochlorofluorocarbons from "any State not party to this Protocol, if that State is determined, by a Meeting of the Parties, to be in full compliance with Article 2, Articles 2A–2I and this Article, and have submitted data to that effect as specified in Article 7",

Acknowledging that the meaning of the term "State not party to this Protocol" may be subject to differing interpretations with respect to hydrochlorofluorocarbons by Parties to the Beijing Amendment, given that control measures for the consumption of hydrochlorofluorocarbons were introduced in the Copenhagen Amendment while control measures for the production of hydrochlorofluorocarbons were introduced in the Beijing Amendment,

Acknowledging also that, for those Parties operating under Article 5, paragraph 1, of the Protocol no control measures for the consumption or production of hydrochlorofluorocarbons will be in effect under either the Copenhagen or Beijing Amendments until 2016,

Desiring to decide in that context on a practice in the application of Article 4, paragraph 9 of the Protocol by establishing by consensus a single interpretation of the term "State not party to this Protocol", to be applied by Parties to the Beijing Amendment for the purpose of trade in hydrochlorofluorocarbons under Article 4 of the Protocol,

Expecting Parties to the Beijing Amendment to import or export hydrochlorofluorocarbons in ways that do not result in the importation or exportation of hydrochlorofluorocarbons to any "State not party to this Protocol" as that term is interpreted herein, recognizing the need to assess the fulfilment of that expectation,

1. That the Parties to the Beijing Amendment will determine their obligations to ban the import and export of controlled substances in group I of Annex C (hydrochlorofluorocarbons) with respect to States and regional economic organizations that are not parties to the Beijing Amendment by January 1 2004 in accordance with the following:

   (a) The term "State not party to this Protocol" in Article 4, paragraph 9 does not apply to those States operating under Article 5, paragraph 1, of the Protocol until January 1, 2016 when, in accordance with the Copenhagen and Beijing Amendments, hydrochlorofluorocarbon production and consumption control measures will be in effect for States that operate under Article 5, paragraph 1, of the Protocol;

   (b) 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;

   (c) Recognizing, however, the practical difficulties imposed by the timing associated with the adoption of the foregoing interpretation of the term "State not party to this Protocol," paragraph 1 (b) shall apply unless such a State has by 31 March 2004:

      (i) Notified the Secretariat that it intends to ratify, accede or accept the Beijing Amendment as soon as possible;

      (ii) Certified that it is in full compliance with Articles 2, 2A to 2G and Article 4 of the Protocol, as amended by the Copenhagen Amendment;

`   (iii) Submitted data on (i) and (ii) above to the Secretariat, to be updated on 31 March 2005,

   in which case that State shall fall outside the definition of "State not party to this Protocol" until the conclusion of the Seventeenth Meeting of the Parties;

2. That the Secretariat shall transmit data received under paragraph 1 (*c*) above to the Implementation Committee and the Parties;

3. That the Parties shall consider the implementation and operation of the foregoing decision at the Sixteenth Meeting of the Parties, in particular taking into account any comments on the data submitted by States by 31 March 2004 under paragraph 1 (*c*) above that the Implementation Committee may make.

Decision XVII/3: Application to Belgium, Poland and Portugal of paragraph 8 of Article 4 of the Montreal Protocol with respect to the Beijing Amendment to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/3:*

Acknowledging that Belgium, Poland and Portugal have notified the Secretariat, pursuant to decision XV/3, that their respective ratification processes are under way and that they will do all that is possible to complete those procedures as expeditiously as possible,

Expressing regret that despite their best efforts, Belgium, Poland and Portugal will not be able to ratify the Beijing Amendment before the expiry of decision XV/3 on the last day of the Seventeenth Meeting of the Parties,

1. That on the basis of the data submitted under Article 7 of the Protocol and the review conducted by the Implementation Committee, Belgium, Poland and Portugal are in full compliance with Articles 2, 2A to 2I and 4 of the Montreal Protocol, including its Beijing Amendment;

2. That the exceptions provided for in paragraph 8 of Article 4 of the Montreal Protocol shall apply to Belgium, Poland and Portugal from 17 December 2005;

3. That the determination in paragraph 1 of the present decision and the exceptions referred to in paragraph 2 of the present decision shall expire at the end of the Eighteenth Meeting of the Parties.

Decision XVII/4: Application to Tajikistan of paragraph 8 of Article 4 of the Montreal Protocol with respect to the Beijing Amendment to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/4:*

Acknowledging that Tajikistan has notified the Secretariat, pursuant to decision XV/3, that its ratification process is under way and that it will do all that is possible to complete that procedure as expeditiously as possible,

Expressing regret that despite its best efforts, Tajikistan will not be able to ratify the Beijing Amendment before the expiry of decision XV/3 on the last day of the Seventeenth Meeting of the Parties,

1. That on the basis of the data submitted under Article 7 of the Protocol and the review conducted by the Implementation Committee, Tajikistan is in full compliance with Articles 2, 2A to 2I and 4 of the Montreal Protocol, including its Beijing Amendment;

2. That the exceptions provided for in paragraph 8 of Article 4 of the Montreal Protocol shall apply to Tajikistan from 17 December 2005;

3. That the determination in paragraph 1 of the present decision and the exceptions referred to in paragraph 2 of the present decision shall expire at the end of the Eighteenth Meeting of the Parties.

Decisions on restrictions on trade with non-Parties

Decision III/15: Annex to the Montreal Protocol

The *Third Meeting of the Parties* decided in *Dec. III/15* to:

(a) To adopt as an Annex D to the Montreal Protocol, in accordance with the procedure laid down in Article 10 of the Vienna Convention, the list of products containing controlled substances. The annex is contained in Annex V of the report of the Third Meeting of the Parties*;*

(b) To request the Secretariat to identify the Customs Code Numbers for the items on the list from the Customs Co-operation Council. The Customs Code Numbers will be submitted for acceptance by the Fourth Meeting of the Parties.

Decision IV/16: Annex D to the Montreal Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/16:*

1. to take note of the entry into force of Annex D to the Protocol on 27 May 1992;

2. to note that Singapore intends to remove its objection with respect to the products classified under items 1, 2 (with regard to domestic refrigerators and freezers), 4, 5 and 6 of Annex D;

3. to adopt the conclusions of the note regarding the Harmonized System customs code numbers for the products listed in Annex D of the amended Montreal Protocol, as contained in document UNEP/OzL.Pro.4/3.

Decision IV/17A: Trade issues

The *Fourth Meeting of the Parties* decided in *Dec. IV/17A:*

1. to take note of the information provided by some Parties on the implementation of Article 4 of the Protocol and to encourage further those Parties that have not yet done so to provide the information to the Secretariat as soon as possible;

2. to clarify, as follows, the situation of Parties that have not ratified the London Amendment:

    (a) under paragraph 2 of Article 4 of the Protocol, the export ban on Annex A substances shall apply only to any State not party to the Montreal Protocol of 1987;

    (b) under paragraph 2 *bis* of Article 4 of the Protocol, the export ban on Annex B substances shall commence only on 10 August 1993.

Decision IV/27: Implementation of paragraph 4 of Article 4 of the Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/27* to request the Technology and Economic Assessment Panel to study the feasibility, in accordance with paragraph 4 of Article 4 of the Protocol, of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A of the Protocol and to report its findings, by 31 March 1993, to the Secretariat with a view to their consideration at the Fifth Meeting of the Parties in 1993.

Decision IV/28: Implementation of paragraph 3 *bis* of Article 4 of the Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/28* to request the Technology and Economic Assessment Panel to study and report, through the Secretariat, by 31 March 1994 at the latest, on a list of products containing controlled substances from Annex B to enable the Sixth Meeting of the Parties, in 1994, to consider the elaboration of such a list as an annex to the Protocol, in accordance with paragraph 3 *bis* of Article 4 of the Protocol.

Decision V/17: Feasibility of banning or restricting from States not party to the Montreal Protocol the import of products produced with, but not containing, controlled substances in Annex A, in accordance with paragraph 4 of Article 4 of the Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/17:*

1. To note with appreciation the work by the Technology and Economic Assessment Panel regarding the feasibility of banning or restricting the import of products produced with, but not containing, controlled substances;

2. That it is not feasible to impose a ban or restriction on the import of such products under the Protocol at this stage;

3. To request the Technology and Economic Assessment Panel to review this issue at regular intervals.

Decision V/20: Extension of application of trade measures under Article 4 to controlled substances listed in Group I of Annex C and in Annex E

The *Fifth Meeting of the Parties* decided in *Dec. V/20:*

1. To request the Technology and Economic Assessment Panel to assess the feasibility and implications of extending the application of trade measures under Article 4 of the Protocol to trade in the controlled substances listed in Group I of Annex C and in Annex E and report through the Secretariat by 30 November 1994 at the latest to the Open-ended Working Group;

2. To request the Open-ended Working Group to make recommendations on the subject, as appropriate, with a view to their consideration by the Seventh Meeting of the Parties, in 1995.

Decision VI/12: List of products containing controlled substances in Annex B of the Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/12:*

1. To note the conclusions of the Technology and Economic Assessment Panel and the recommendation of the Open-ended Working Group of the Parties on elaborating a list of products containing controlled substances in Annex B of the Protocol;

2. To agree that, in view of the tightening of the phase-out schedule for Annex B substances from 1 January 2000 to 1 January 1996 and ratification of the Protocol by an overwhelming majority of countries, the elaboration of the list called for in Article 4, paragraph 3 *bis*, of the Montreal Protocol would be of little practical consequence and the work entailed in drawing up and adopting such a list would be disproportionate to the benefits, if any, to the ozone layer;

3. To decide not to elaborate the list specified in Article 4, paragraph 3 *bis*, of the Montreal Protocol.

Decision VII/7: Trade in methyl bromide

The *Seventh Meeting of the Parties* decided in *Dec. VII/7:*

1. To recall paragraph 10 of Article 4 of the Protocol, which provides, *inter alia*, that Parties shall consider by 1 January 1996 whether to amend the Protocol in order to extend the measures in Article 4 to trade in methyl bromide with States not party to the Protocol;

2. Recognizing the importance of Article 4 trade controls in promoting the environmental objectives of the Protocol, to consider at the Eighth Meeting of the Parties whether to amend the Protocol to control trade in the controlled substance in Annex E, and in products containing the controlled substance in Annex E, with States not party to the Protocol;

3. To this end, to request the Technology and Economic Assessment Panel to clarify, before the Eighth Meeting of the Parties, what products, if any, should be considered products containing the controlled substance in Annex E.

Decision VIII/15: Control of trade in methyl bromide with non-Parties

The *Eighth Meeting of the Parties* decided in *Dec. VIII/15* to consider the issue of control of trade in methyl bromide with non-Parties at the Ninth Meeting of the Parties to the Montreal Protocol in 1997.

Decision VIII/18: List of products containing controlled substances in Group II of Annex C (Hydrobromofluorocarbons) of the Protocol

The *Eighth Meeting of the Parties* decided in *Dec. VIII/18*:

1. To note the conclusion of the Technology and Economic Assessment Panel on the elaboration of a list of products containing controlled substances in Group II of Annex C of the Protocol;

2. To decide not to elaborate the lists referred to in Article 4, paragraphs 3 *ter* and 4 *ter* of the Montreal Protocol.

Decisions on other trade issues

Decision II/15: Extension of the mandate of the Open-ended Working Group of the Parties

The *Second Meeting of the Parties* decided in *Dec. II/15* to continue the work of the Open-ended Working Group of the Parties and to extend its mandate to consider, if necessary and in particular, the following topic:

(d) problems arising under the trade provisions of the Protocol, in respect of both trade between Parties and trade with non-Parties including issues related to free-trade zones; and to make recommendations to the Third Meeting of the Parties.

[the remainder of this decision is located under Article 11]

Decision III/16: Trade Issues

The *Third Meeting of the Parties* decided in *Dec. III/16* to encourage the Parties to inform the Secretariat of the implementation of Article 4 of the Protocol.

Article 4A: Control of trade with Parties

Decisions on trade in products and equipment containing Annex A and B substances

Decision VII/32: Control of export and import of products and equipment containing substances listed in Annexes A and B of the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/32:*

1. To recommend that each Party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products and equipment containing substances listed in Annexes A and B of the Montreal Protocol and of technology used in the manufacturing of such products and equipment, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision I/12C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

2. To recommend that Parties report on action taken to implement the present decision at future Meetings of the Parties.

Decision IX/9: Control of export of products and equipment whose continuing functioning relies on Annex A and Annex B substances

The *Ninth Meeting of the Parties* decided in *Dec. IX/9:*

1. To recommend that each Party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products, equipment, components and technology whose continuing functioning relies on supply of substances listed in Annexes A and B of the Montreal Protocol, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision 1/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

2. To recommend to non-Article 5 Parties to adopt appropriate measures to control, in cooperation with the importing Article 5 Parties, the export of used products and equipment, other than personal effects, whose continuing functioning relies on supply of substances listed in Annexes A and B of the Montreal Protocol;

3. To recommend to Parties to report to the Tenth Meeting of the Parties on actions taken to implement the present decision.

Decision X/9: Establishment of a list of countries that do not manufacture for domestic use and do not wish to import products and equipment whose continuing functioning relies on Annex A and Annex B substances

The *Tenth Meeting of the Parties* decided in *Dec. X/9:*

1. To recall that decision IX/9 recommends:

   (a) That each Party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products, equipment, components

and technology whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision I/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

(b) That non-Article 5 Parties adopt appropriate measures to control, in cooperation with importing Article 5 Parties, the export of used products and equipment, other than personal effects, whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol;

2. To note that in order for such export measures to be effective, both importing and exporting Parties need to take appropriate steps;

3. To note that the products and equipment listed below* constitute categories of products and equipment whose continued use relies on the supply of substances listed in Annex A or Annex B;

4. To invite, on a voluntary basis, those Parties that do not manufacture for domestic use products and equipment in a category listed below* and that do not permit the importation of such products and equipment from any source, to inform the Secretariat, if they so choose, that they do not consent to the importation of such products and equipment;

5. To request the Secretariat to maintain a list of Parties that do not want to receive products and equipment from one or more categories listed below.* This list shall be distributed to all Parties by the Secretariat at the Eleventh Meeting of the Parties and updated on an annual basis thereafter;

6. To acknowledge that the issue of imports and exports of products and equipment whose continued functioning relies on Annex A and Annex B substances should be further considered at the Eleventh Meeting of the Parties with a view to addressing more specifically the concerns of countries in the process of phasing out production of those products and equipment;

* *Products and equipment containing a controlled substance specified in Annex A or B of the Montreal Protocol*: 1) Automobile and truck air conditioning units (whether incorporated in vehicles or not); 2) domestic and/or commercial refrigeration and air conditioning/heat pump equipment (when containing controlled substances in Annex A or Annex B as a refrigerant and/or in insulating material of the product) (e.g. refrigerators, freezers, dehumidifiers, water coolers, ice machines, air conditioning and heat pump units); 3) transport refrigeration units; 4) aerosol products, except medical aerosols; 5) portable fire extinguisher; 6) insulation boards, panels and pipe covers; 7) pre-polymers.

Article 4B: Licensing

Decisions on licensing systems

Decision VII/9: Basic domestic needs

The *Seventh Meeting of the Parties* decided in *Dec. VII/9:*

Recognizing that the Montreal Protocol requires each Party operating under Article 5 to freeze its production and consumption of chlorofluorocarbons by 1 July 1999 and of other Annex A and B substances thereafter,

Recognizing the needs of Parties operating under Article 5 for adequate and quality supplies of ozone-depleting substances at fair and equitable prices,

Recognizing the need to take steps to avoid any monopoly of supplies of ozone-depleting substances to Parties operating under Article 5,

Recognizing that the needs above could be met by calculating the production baselines of Parties operating under Article 5 separately from the consumption baseline and that paragraph 3 of Article 5 of the Protocol should be amended to reflect this,

1. That until the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, until 1 July 1999), Parties operating under Article 5 may supply such substance to meet the basic domestic needs of Parties operating under Article 5;

2. That after the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, after 1 July 1999), Parties operating under Article 5 may supply such substance to meet the basic domestic needs of Parties operating under Article 5, within the production limits required by the Protocol;

3. That in order to prevent oversupply and dumping of ozone-depleting substances, all Parties importing and exporting ozone-depleting substances should monitor and regulate this trade by means of import and export licences;

4. That in addition to the reporting required under Article 7 of the Protocol, exporting Parties should report to the Ozone Secretariat by 30 September each year on the types, quantities and destinations of their exports of ozone-depleting substances during the previous year;

5. That the determination of the eligible incremental costs for phase-out projects in the production sector should be consistent with paragraph 2 (a) of the indicative list of incremental costs and based on the conclusions of the Executive Committee's guidelines on phase-out of the production sector;

6. That the Executive Committee should as a priority agree on modalities to calculate and verify production capacity in Parties operating under Article 5;

7. That from 7 December 1995, no Party should install or commission any new capacity for the production of controlled substances listed in Annex A or Annex B of the Montreal Protocol;

8. To incorporate appropriately into the Protocol by the Ninth Meeting of the Parties:

   (a) A licensing system, including a ban on unlicensed imports and exports; and

   (b) The establishment of a production sector baseline for Parties operating under Article 5 calculated:

(i) For Annex A substances, as the average of the annual calculated level of production during the period of 1995 to 1997 inclusive or the calculated level of consumption of 0.3 kg per capita, whichever is lower; and

(ii) For Annex B substances, as the average of the annual calculated level of production for 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kg per capita, whichever is lower;

At the same time, the Parties should consider introducing a mechanism to ensure that imports and exports of controlled substances should only be permitted between Parties to the Montreal Protocol which have reported data and demonstrated their compliance with all relevant provisions of the Protocol. The Parties should also consider whether to extend the terms of the present decision to all other controlled substances covered under the Montreal Protocol.

Decision VIII/26: Exports of ozone-depleting substances and products containing ozone-depleting substances

The *Eighth Meeting of the Parties* decided in *Dec. VIII/26:*

1. To note that the links among exports of ozone-depleting substances and products containing such substances under the Montreal Protocol, illegal trade, and compliance with the Montreal Protocol were discussed at the Seventh Meeting of the Parties to the Montreal Protocol; and also to note that some aspects of this issue were briefly discussed again at the Eighth Meeting of the Parties to the Montreal Protocol in the context of document UNEP/OzL.Pro.8/CRP.1;

2. To note that the debate at the Seventh Meeting of the Parties to the Montreal Protocol and a brief discussion at the Eighth Meeting of the Parties to the Montreal Protocol have demonstrated the importance, complexity and sensitivity of this issue; and also to note that, in addition, the debate and brief discussion revealed important aspects that require further deliberation including, inter alia, the need for controlling exports of ODS from Parties not operating under Article 5 found to be in non-compliance with their obligations under the Protocol to Parties operating under Article 5;

3. To recognize that this issue ultimately has a direct impact on progress towards the elimination of ozone-depleting substances and the protection of the ozone layer;

4. To decide to include this issue on the agenda of the Fifteenth Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol;

5. To encourage interested Parties to submit their views to the Secretariat by March 1997, for compilation and forwarding to Parties prior to the Fifteenth Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol.

Decision IX/8: Licensing system

The *Ninth Meeting of the Parties* decided in *Dec. IX/8:*

Noting that decisions V/25 and VI/14A set in place systems for exchange, recording and reporting of information concerning trade in controlled substances to meet the basic domestic needs of Parties operating under Article 5,

Noting that decision VI/14B requested that recommendations be made to the Seventh Meeting of the Parties concerning whether reports under Article 7 should be made in relation to trade to meet the basic domestic needs of Parties operating under Article 5,

Noting that decision VII/9 required that an import- and export-licensing system be incorporated into the Montreal Protocol by the Ninth Meeting of the Parties,

Noting that, in response to a report prepared by the Secretariat on illegal imports and exports of ozone-depleting substances, decision VIII/20 urged each Party not operating under Article 5 to establish a system for validation and approval of imports of any used, recycled or reclaimed controlled substances before they are imported and to report to the Ninth Meeting of the Parties on the establishment of such a system,

Noting that decision VIII/20 also requests the Ninth Meeting of the Parties to consider instituting a system to require validation and approval of exports of used and recycled ozone-depleting substances from all Parties,

Noting that the Ninth Meeting of the Parties has adopted an Amendment to the Protocol, requiring all Parties to implement an import and export licensing system,

1. That the licensing system to be established by each Party should:

   (a) Assist collection of sufficient information to facilitate Parties' compliance with relevant reporting requirements under Article 7 of the Protocol and decisions of the Parties; and

   (b) Assist Parties in the prevention of illegal traffic of controlled substances, including, as appropriate, through notification and/or regular reporting by exporting countries to importing countries and/or by allowing cross-checking of information between exporting and importing countries;

2. To facilitate the efficient notification and/or reporting and/or cross-checking of information, each Party should inform the Secretariat by 31 January 1998 of the name and contact details of the officer to whom such information and requests should be directed. The Secretariat shall periodically prepare, update and circulate to all Parties a full list of these contact details;

3. That the Secretariat and Implementing Agencies should take steps to assist Parties in the design and implementation of appropriate national licensing systems;

4. That Parties operating under Article 5 may require assistance in the development, establishment and operation of such a licensing system and, noting that the Multilateral Fund has provided some funding for such activities, that the Multilateral Fund should provide appropriate additional funding for this purpose.

Decision XIV/36: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/36:*

1. To note with appreciation that 59 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To further note with appreciation that 56 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;

3. To urge all the remaining 25 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;

4. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

5. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XV/20: Report on the establishment of licensing systems under Article 4B of the Montreal Protocoll

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/20:*

1. To note with appreciation that 73 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To note also with appreciation that 43 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;

3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;

4. To urge all the remaining 33 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;

5. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XVI/32: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/32:*

1. To note with appreciation that 81 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To note also with appreciation that 42 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;

3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;

4. To urge all the remaining 39 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;

5. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XVII/23: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/23:*

1. To note with appreciation that 107 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To note also with appreciation that 37 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;

3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;

4. To urge all the remaining 29 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;

5. To encourage all remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decisions on illegal trade

Decision VII/33: Illegal imports and exports of controlled substances

The *Seventh Meeting of the Parties* decided in *Dec. VII/*33 to request that the Secretariat examine information available to it, and request further information from the Parties regarding dumping, illegal imports and exports, and uncontrolled production of Annex A and B substances and products containing them that could undermine the effectiveness of the Protocol, and report to the Eighth Meeting of the Parties, taking into account the non-compliance procedure under the Montreal Protocol.

Decision VIII/20: Illegal imports and exports of controlled substances

The *Eighth Meeting of the Parties* decided in *Dec. VIII/20:*

1. To note with appreciation the report prepared by the Secretariat on illegal imports and exports of ozone-depleting substances;

2. To urge each Party not operating under Article 5 that has not already done so to establish a system requiring validation and approval of imports of any used, recycled or reclaimed ozone-depleting substances before they are imported. Importers should sufficiently demonstrate to approving authorities that the ozone-depleting substances have indeed been previously used;

3. To request each Party not operating under Article 5 to report to the Secretariat by the Ninth Meeting of the Parties on the establishment of the system described in paragraph 2 above;

4. That the exception in decision IV/24 (which provides that the import and export of recycled and used controlled substances not be taken into account in the calculation of the Party's consumption level) shall

not apply to any Party not operating under Article 5 that has not established by 1 January 1998 a system such as that described in paragraph 2 above;

5. To request the Ninth Meeting of the Parties to consider instituting a system to require validation and approval of exports of used and recycled ozone-depleting substances from all Parties.

Decision XII/10: Monitoring of international trade and prevention of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances

The *Twelfth Meeting of the Parties* decided in *Dec. XII/10:*

Recognizing the threat of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances to the global process of ozone layer protection,

Understanding the importance of control of trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances in all Parties in view of the need for global implementation of the provisions of the Montreal Protocol,

Acknowledging that presently the effective control at national borders of trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances is very difficult due to problems in ozone-depleting substances identification, the complexity of relevant customs codes, the lack of an internationally accepted common labelling system and the lack of specially trained customs officers, and the need to approach most of these problems by concerted action at the international level,

Acknowledging that it is important to understand the status of and take into account ongoing work in this area by other international bodies, and take into consideration previous decisions of the Parties, including decisions IX/22, X/18 and XI/26,

1. To request the Ozone Secretariat, in consultation, as appropriate, with the Technology and Economic Assessment Panel, the United Nations Environment Programme, the discussion group on customs codes for ozone-depleting substances and international trade and customs organizations, to examine the options for studying the following issues and to report on these options at the twenty-first meeting of the Open-ended Working Group for consideration by the Parties in 2001:

   (a) Current national legislation on the labelling of ozone-depleting substances, mixtures containing ozone-depleting substances and products containing ozone-depleting substances;

   (b) The need for, scope of and cost of implementation of a universal labelling and/or classification system for ozone-depleting substances, mixtures containing ozone-depleting substances and products containing ozone-depleting substances, including the feasibility of the introduction of a producer-specific marker, identifier or identification methodology;

   (c) Methods for sharing experience between Parties on issues related to classification, labelling, compliance and incidents of illegal trade;

   (d) The differences between products containing ozone-depleting substances and mixtures containing ozone-depleting substances, and the possibility of the creation of a list of categories of products containing ozone-depleting substances with the corresponding Harmonized System/Combined Nomenclature classification;

   (e) Possible guidance for customs authorities on how to proceed with the illegally traded ozone-depleting substances seized on the border;

2. To express appreciation for the activities of the Division of Technology, Industry and Economics of the United Nations Environment Programme and to encourage further work with regard to providing information on the above to Article 5 Parties and countries with economies in transition, specifically through customs training at the regional and/or national level.

Decision XIII/12: Monitoring of international trade and prevention of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/12:*

1. To request the Ozone Secretariat, in consultation, as appropriate, with the Technology and Economic Assessment Panel, the World Customs Organization, the United Nations Environment Programme Division of Technology, Industry and Economics (UNEP/DTIE) and the World Trade Organization to undertake a study and present a report with practical suggestions on the issues contained in Decision XII/10 to the Open-ended Working Group at its 22nd meeting, in 2002, for consideration by the Parties in 2002;

2. That in preparing the study, the Secretariat should use Decision XII/10 as terms of reference and should study solely those issues discussed in that decision.

Decision XIV/7: Monitoring of trade in ozone-depleting substances and preventing illegal trade in ozone-depleting substances

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/7:*

Mindful of Decision XIII/12 requesting the Ozone Secretariat to undertake a study dealing with issues related to monitoring of trade in ODS and preventing illegal trade in ODS listed in Decision XII/10 and present a report with practical suggestions to the Open-ended Working Group at its twenty-second meeting, in 2002, for consideration of the Parties in 2002,

Acknowledging with appreciation the work of the Ozone Secretariat and all organizations and individuals which assisted in the preparation of the report,

Acknowledging with appreciation the proposal from the Ozone Secretariat, based on the work done by the ODS Customs Codes Discussion Group convened under Decision X/18, on national subdivisions to customs codes for classification of mixtures containing ODS, which is presently being processed by the World Customs Organization,

Recalling previous decisions of the Parties dealing with monitoring of trade in ODS, customs codes, ODS import and export licensing systems and prevention of illegal trade in ODS, namely Decisions II/12, VI/19, VIII/20, IX/8, IX/22, X/18 and XI/26,

Understanding the importance of actions aimed at improvement of monitoring of trade in ODS and preventing illegal trade in ODS for timely and smooth phase-out of ODS according to the agreed schedules,

1. To encourage each Party to consider means and continued efforts to monitor international transit trade;

2. To encourage all Parties to introduce economic incentives that do not impair international trade but which are appropriate and consistent with international trade law, to promote the use of ODS substitutes and products (including equipment) containing them or designed for them, and technologies utilizing them; and to consider demand control measures in addressing illegal trade;

3. To urge each Party that has not already done so to introduce in its national customs classification system the separate sub-divisions for the most commonly traded HCFCs and other ODS contained in the World Customs Organization recommendation of 25 June 1999 and request that Parties provide a copy to the Secretariat; and to urge all Parties to take due account of any new recommendations by the World Customs Organization once they are agreed;

4. To provide the following further clarification of the difference between a controlled substance, or a mixture containing a controlled substance, and a product containing a controlled substance contained in Article 1 of the Montreal Protocol and further explained in Decision I/12A:

(a) No matter which customs code is allocated to a controlled substance or mixture containing a controlled substance, such substance or mixture, when in a container used for transportation or storage as defined in Decision 1/12A, shall be considered to be a "controlled substance" and thus shall be subject to the phase-out schedules agreed upon by the Parties;

(b) The clarification contained in subparagraph (a) above concerns, in particular, controlled substances or mixtures containing controlled substances classified under customs codes related to their function and sometimes wrongly considered to be "products", thus avoiding any controls resulting from the Montreal Protocol phase-out schedules;

5. To encourage all Parties to exchange information and intensify joint efforts to improve means of identification of ODS and prevention of illegal ODS traffic. In particular those Parties concerned should make even greater use of the UNEP regional networks and other networks in order to increase cooperation on illegal trade issues and enforcement activities;

6. To request the Division of Technology, Industry and Economics of the United Nations Environment Programme through the Executive Committee to report to the Sixteenth Meeting of the Parties on the activities of the regional networks with regard to means of combating illegal trade; to request the Executive Committee to consider making an evaluation of customs officers training and licensing systems projects a priority and, if possible, report to the Sixteenth Meeting of the Parties;

7. To invite Parties, in order to facilitate exchange of information, to report to the Ozone Secretariat fully proved cases of illegal trade in ozone-depleting substances. The illegally traded quantities should not be counted against a Party's consumption provided the Party does not place the said quantities on its own market. The Secretariat is requested to collect any information on illegal trade received from the Parties and to disseminate it to all Parties. The Secretariat is also requested to initiate exchanges with countries to explore options for reducing illegal trade;

8. To request the Executive Committee of the Multilateral Fund to continue to provide financial and technical assistance to Article 5 Parties to introduce, develop and apply inspection technologies and equipment in customs to combat illegal ODS traffic and to monitor ODS trade, and to report to the Sixteenth Meeting of the Parties to the Montreal Protocol on activities to date.

Decision XVI/33: Illegal trade in ozone-depleting substances

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/33:*

1. To note with appreciation the notes by the Secretariat on information reported by the Parties on illegal trade in ozone-depleting substances and on streamlining the exchange of information on reducing illegal trade in ozone-depleting substances;

2. Further to note with appreciation the report by the Division of Technology, Industry and Economics of the United Nations Environment Programme on activities of the regional networks with regard to means of combating illegal trade;

3. To note the need for coordination of efforts by Parties at national and international level to suppress illegal trade in ozone-depleting substances;

4. To request the Ozone Secretariat to gather further ideas from the Parties on further areas of cooperation between Parties and other bodies in combating illegal trade such as development of a system of tracking trade in ozone-depleting substances and improvement of communications between exporting and importing countries in the light of the information provided in the note by the Secretariat on streamlining the exchange of information on reducing illegal trade in ozone-depleting substances and the report by the Division of Technology, Industry and Economics of the United Nations Environment Programme on activities of the regional networks with regard to means of combating illegal trade;

5. Further to request the Ozone Secretariat to produce draft terms of reference for a study on the feasibility of developing a system of tracking trade in ozone-depleting substances and the cost implications of carrying out such a study, taking into account the proposal presented by Sri Lanka;

6. To request in addition the Executive Secretary of the Ozone Secretariat to convene in the first half of 2005, and provided that funds are available, a workshop of experts from Parties to the Montreal Protocol to develop specific areas and a conceptual framework of cooperation in the light both of information already available and of the reports to be produced by the Secretariat pursuant to paragraphs 4 and 5 above and make appropriate proposals to the Meeting of the Parties;

7. To consider the information on the outcome of the workshop to be convened by the Ozone Secretariat at the Seventeenth Meeting of the Parties.

Decision XVII/16: Preventing illegal trade in controlled ozone-depleting substances

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/16:*

Mindful of the importance of preventing illegal trade to ensuring the smooth and effective phase-out of controlled ozone-depleting substances,

Understanding the need to control both import and export of all controlled ozone-depleting substances by all Parties, in particular through establishment of licensing systems, as required under Article 4B of the Montreal Protocol,

Recalling the provisions related to monitoring and control of trade in controlled ozone-depleting substances contained in decisions VII/9, VIII/20, IX/8 and XIV/7,

Recognizing that there are already trade tracking systems established in other environmental conventions as well as international trade statistics databases,

Mindful of the ongoing development of the Strategic Approach to International Chemicals Management, which includes as an objective the prevention of illegal international trade, and of decision 23/9 of the Governing Council of the United Nations Environment Programme, on chemicals management, requesting the Executive Director of the United Nations Environment Programme to promote cooperation between the Montreal Protocol and certain other conventions in addressing international illegal trafficking of hazardous chemicals and hazardous wastes,

Acknowledging with appreciation the draft terms of reference for a study on the feasibility of developing an international system of tracking the movement of controlled ozone-depleting substances between Parties produced by the Ozone Secretariat, as required by decision XVI/33,

Noting with appreciation the outcome of the workshop of experts from the Parties to the Montreal Protocol organized by the Ozone Secretariat on 3 April 2005 in Montreal on the development of specific areas and a conceptual framework of cooperation in preventing and combating illegal trade in controlled ozone-depleting substances,

Noting with appreciation the Report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol on the evaluation of customs officers training and licensing system projects to the twenty-fifth meeting of the Open-ended Working Group,

1. To approve the terms of reference for a study on the feasibility of developing an international system of monitoring the transboundary movement of controlled ozone-depleting substances between Parties, as presented in the appendix to the present decision, and to request the Ozone Secretariat to undertake such a study, to initiate the necessary tenders and to present the results to the Eighteenth Meeting of the Parties to the Montreal Protocol in 2006;

2. To invite the Ozone Secretariat to consult with other conventions or organizations who might benefit from the outcome of that study to contribute towards its work;

3. To urge all Parties, including regional economic integration organizations, to implement fully their obligations under Article 4B of the Montreal Protocol, in particular, the licensing systems for the control of imports, exports, re-exports (re-exports mean exports of previously imported substances) and, if technically and administratively feasible, transit of all controlled ozone-depleting substances, including mixtures containing them, regardless of whether the Party concerned is or is not recognized as the producer and/or importer, exporter or re-exporter of the particular substance or group of substances;

4. To request the Ozone Secretariat to revise the reporting format resulting from decision VII/9 to cover exports (including re-exports) of all controlled ozone-depleting substances, including mixtures containing them, and to urge the Parties to implement the revised reporting format expeditiously. The Ozone Secretariat is also requested to report back aggregated information related to the controlled substance in question received from the exporting/re-exporting Party to the importing Party concerned;

5. To invite Parties to submit information to the Ozone Secretariat by 30 June 2006 on any existing systems for exchanging information on import and export licenses between importing and exporting Parties;

6. To consider additional control measures with regard to the use of controlled ozone-depleting substances in particular sectors or in particular applications, as this approach may effectively diminish illegal trade activities;

7. To encourage further work on the Green Customs initiative of the United Nations Environment Programme in combating illegal trade in controlled ozone-depleting substances as well as further networking and twinning activities in the framework of regional networks aimed at the exchange of information and experience on both licit and illicit trade in controlled ozone-depleting substances between the Parties, including enforcement agencies;

8. To request the Executive Committee to consider at its forty-eighth meeting the recommendations contained in the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol on the Evaluation of Customs Officers Training and Licensing System Projects to the twenty-fifth meeting of the Open-ended Working Group, in particular where they relate to customs training and other elements of capacity building that are needed in combating illegal trade in controlled ozone-depleting substances;

9. To approve a maximum amount of $200,000 from the Trust Fund of the Vienna Convention as a one-time measure to facilitate the feasibility study on developing a system for monitoring the transboundary movement of controlled ozone-depleting substances between the Parties.

Article 5: Special situation of developing countries

Decisions on definitions and classification

Decision I/12E: Clarification of terms and definitions: developing countries

The *First Meeting of the Parties* decided in *Dec. I/12E* that the following countries shall be considered developing countries for the purposes of the Protocol:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Romania, Rwanda, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

Decision II/10: Data of developing countries

The *Second Meeting of the Parties* decided in *Dec. II/10* concerning data of developing countries:

- to ask the Secretariat to determine from the data available to it the exact quantities of the controlled substances required by developing countries operating under paragraph 1 of Article 5 and the possible sources of supply to assist developed countries to authorize their companies to produce the additional amounts needed within the percentages authorized by Article 2 and Articles 2A to 2E of the Protocol;

- to request the Secretariat to publish in its annual report on data an updated list of developing countries which, on the basis of complete data submissions, are considered to be operating under paragraph 1 of Article 5. The Secretariat shall also publish a list of developing countries that, having submitted incomplete or estimated data, appear to qualify as Parties operating under paragraph 1 of Article 5. In accordance with the provisions of Article 5 of the Protocol, no Party will be eligible for paragraph 1 of Article 5 treatment until it submits complete data to the Secretariat establishing that its annual calculated per capita level of consumption is below 0.3 kg.

Decision III/3: Implementation Committee

The *Third Meeting of the Parties* decided in *Dec. III/3:*

(d) To endorse the recommendation on the categorization of the developing countries under paragraph 1 of Article 5:

"In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1), the recommendation contained in paragraph 14 (e) of the report of the *Ad hoc* Group of Experts on the Reporting of Data (UNEP/OzL.Pro/WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under Article 5, paragraph 1: Bahrain,

Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under Article 5, paragraph 1."

[the remainder of this decision is located under Article 8]

Decision III/5: Definition of developing countries

The *Third Meeting of the Parties* decided in *Dec. III/5*:

(a) to consider the requests by States for classification as developing countries on an individual basis as and when they come;

(b) to accept the classification of Turkey as a developing country for the purposes of the Montreal Protocol, noting that Turkey is classified as a developing country by the World Bank, OECD and UNDP;

(c) to request the Open-ended Working Group of the Parties to study and fully define the criteria which will be applied in the future in case of applications for classification as a developing country for the purpose of the Montreal Protocol, and to submit a report for consideration to the Fourth or Fifth Meeting of the Parties.

Decision III/13: Further adjustments to and amendments of the Montreal Protocol

The *Third Meeting of the Parties* decided in *Dec. III/13* regarding further adjustments to and amendments of the Montreal Protocol to request the Open-ended Working Group of the Parties, to consider the following proposal which is aimed at possibly amending the Montreal Protocol and to submit a report on this proposal to the Fourth Meeting of the Parties:

(a) Article 7, paragraph 5 (of the amended Protocol): "In cases of trans-shipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import";

(b) to review all relevant articles of the Montreal Protocol in order to consider the possible consequences of a country which is operating under Article 5, paragraph 1 of the Protocol, exceeding the consumption ceiling of 0.3 kilograms per capita specified in that Article;

(c) to discuss measures including possible amendments to the Protocol to clarify the situations of such a Party with respect to the Article 2 control measures and in particular to specify:

- the base year which should apply to such a Party for the purpose of the reduction schedule;
- the stage of the reduction schedule with which it should be in compliance;
- what (if any) period should be allowed to the Party to enable it to comply fully with the control measures;

(d) to consider the possible implications of a Party losing its Article 5(1) status if it is at the time a member of the Executive Committee of the Interim Multilateral Fund.

Decision IV/7: Definition of developing countries

The *Fourth Meeting of the Parties* decided in *Dec. IV/7* to note that the Open-ended Working Group recommended that no criteria for future classification as a developing country for the purpose of the Montreal Protocol be adopted by the Meeting of the Parties and that the Parties should consider individually applications by Parties for classification as developing countries as and when such applications are made.

Decision IV/15: Situation whereby Parties operating under paragraph 1 of Article 5 exceed the consumption limit set in that Article

The *Fourth Meeting of the Parties* decided in *Dec. IV/15* to clarify, as follows, the situation whereby a developing country operating under paragraph 1 of Article 5 of the Protocol exceeds the consumption limits set in that Article:

> Where a developing country operating under paragraph 1 of Article 5 of the Protocol exceeds the maximum level of consumption for controlled substances set in that Article, the Parties shall consider the situation on a case-by-case basis when requested to do so by the developing country. The procedure on non-compliance adopted by the Fourth Meeting of the Parties (Annex IV to the report of the Fourth Meeting of the Parties) would enable the Implementation Committee to address such a situation with a view to securing an amicable solution and to make appropriate recommendations to the Meeting of the Parties regarding, *inter alia*, such measures as reduction schedules and technical and financial assistance.

Decision V/4: Classification of certain developing countries as not operating under Article 5 and reclassification of certain developing countries earlier classified as not operating under Article 5

The *Fifth Meeting of the Parties* decided in *Dec. V/4:*

1. To note that Cyprus, Kuwait, the Republic of Korea, Saudi Arabia, Singapore and the United Arab Emirates are not classified as Parties operating under Article 5 based on their annual per capita consumption of controlled substances, which is more than 0.3 kilograms. The classification will be appropriately revised in accordance with paragraph 1 of Article 5 of the Protocol, on receipt of further data from them, if it warrants reclassification;

2. To reclassify Malta and Bahrain as Parties operating under Article 5 from the year 1991, based on the data furnished by those Parties showing their annual per capita consumption of controlled substances to be less than 0.3 kilograms;

3. That the Open-ended Working Group shall analyse the operation of Article 5 with regard to the classification and reclassification of those developing countries to which the Article applies and propose to the Sixth Meeting of the Parties any clarificatory decisions it deems necessary.

Decision VI/5: Status of certain Parties vis-à-vis Article 5 of the Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/5* to adopt the following principles regarding treatment of classified and reclassified developing country Parties:

(a) The Secretariat should continue to classify, in absence of complete data, developing countries temporarily as operating or not operating under Article 5 based on the information available to the Secretariat, subject to the conditions that:

   (i) The Secretariat encourages these Parties to approach the Executive Committee and the Implementation Committee for assistance in establishing accurate data;

(ii) A country may only be classified temporarily as operating under Article 5 for a period of two years applicable from the time of adoption of the present decision. After this period, Article 5 status can no longer be extended without data reporting as required by the Protocol, unless the country has sought the assistance of the Executive Committee and the Implementation Committee. In this case, the extension period shall not exceed two years;

(iii) A developing country temporarily classified as operating under Article 5 would lose the status if it does not report base-year data as required by the Protocol within one year of the approval of its country programme and its institutional strengthening by the Executive Committee, unless otherwise decided by a Meeting of the Parties;

(b) The Executive Committee will consider projects from Parties temporarily classified as operating under Article 5. The projects approved when such temporary classification is operative will continue to be funded even if the countries subsequently are reclassified as not operating under Article 5 on receipt of data. However, no project will be sanctioned during a period during which the country is classified as not operating under Article 5;

(c) Parties may be allowed to correct the data submitted by them in the interest of accuracy for a given year but no change of classification will be permitted for that year pertaining to which the data has been corrected. Any such corrections should be accompanied by an explanatory note to facilitate the work of the Implementation Committee;

(d) Regarding developing-country Parties which are initially classified as not operating under Article 5 and then reclassified, any outstanding contribution to the Multilateral Fund will be disregarded, only for the years in which they are reclassified as operating under Article 5. Any Party reclassified as operating under Article 5 will be allowed to utilize the remainder of the ten-year grace period;

(e) Any developing-country Party initially classified as non-Article 5 but reclassified subsequently as operating under Article 5 shall not be requested to contribute to the Multilateral Fund. Such Parties are urged not to request financial assistance for national programmes from the Multilateral Fund but may seek other assistance under Article 10 of the Montreal Protocol. This will not apply if the initial classification of the Party as non-Article 5, made in the absence of complete data, is subsequently proved to be wrong on the basis of complete data.

Decision VIII/29: Application of Georgia for developing country status under the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *Dec. VIII/29* to accept the application of Georgia to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that Georgia is classified as a developing country by the World Bank and the Organisation for Economic Cooperation and Development and as a net recipient country by the United Nations Development Programme.

Decision IX/26: Application of the Republic of Moldova for developing country status under the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/26* to accept the application of the Republic of Moldova to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the Republic of Moldova is classified as a developing country by the World Bank and the Organisation for Economic Cooperation and Development and as a net recipient country by the United Nations Development Programme.

Decision IX/27: Application of South Africa for developing country status under the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/27:*

Noting that South Africa is classified as a developing country by the United Nations Development Programme and the Organisation for Economic Cooperation and Development,

Noting that South Africa is regarded as a developing country in all other international environmental agreements and protocols to which it is a Party and where this distinction is made,

Noting that South Africa's annual calculated level of consumption of controlled substances in Annex A of the Montreal Protocol was less than 0.3 kilograms per capita at the time of its accession to the Montreal Protocol,

Noting that South Africa has thus far totally complied with the requirements of the existing Amendments to the Montreal Protocol and undertakes not to revert to producing or consuming substances phased out under these Amendments, and

Noting that South Africa has undertaken not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties,

To accept the classification of South Africa as a developing country for the purposes of the Montreal Protocol.

Decision IX/33: Request by Brunei Darussalam for reclassification as a Party operating under paragraph 1 of Article 5

The *Ninth Meeting of the Parties* decided in *Dec. IX/33:*

1. To recall decision VI/5, subparagraph (c), of the Sixth Meeting of the Parties to the Montreal Protocol under which a Party is allowed to correct the data submitted by it in the interest of accuracy for a given year but no change of classification is permitted for that year pertaining to which the data has been corrected;

2. To note the revised data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1994 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;

3. To note further the data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1995 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;

4. To reclassify Brunei Darussalam as a Party operating under paragraph 1 of the Article 5 effective 1 January 1995 on the basis of its data submitted for 1995.

Decision XII/11: Application by Kyrgyzstan for developing country status under the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *Dec. XII/11* to accept the application of Kyrgyzstan to be listed as a developing country for the purposes of the Montreal Protocol, taking into account its difficult economic situation, its classification as a developing country by World Bank and its low per capita consumption of ozone-depleting substances.

Decision XII/12: Request by Slovenia to be removed from the list of developing counties under the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *Dec. XII/12:*

1. To note the request by Slovenia to be removed from the list of developing countries under Article 5 of the Montreal Protocol;

2. To approve Slovenia's request and note further that Slovenia shall assume the obligations of a Party not operating under Article 5 of the Montreal Protocol.

Decision XIV/2: Application by Armenia for developing country status under the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/2* to accept the application of Armenia to be listed as a developing country operating under Article 5 of the Montreal Protocol, taking into account its difficult economic situation, its classification as a developing country by the World Bank and the United Nations Development Programme and its low per capita consumption of ozone-depleting substances, on the understanding that the process for ratification of the London Amendment in Armenia must be completed before any assistance from the Multilateral Fund can be rendered to the Party.

Decision XVI/39: Application of Turkmenistan for developing country status under the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/39* to accept the application of Turkmenistan to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the per capita consumption of Annex A and Annex B substances of the Party is below the limits specified under Article 5 of the Montreal Protocol and the Party is classified as a low income country by the World Bank.

Decision XVI/40: Request by Malta to be removed from the list of developing countries under the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/40:*

1. To note the request by Malta to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To approve Malta's request and note further that Malta shall assume the obligations of a Party not operating under paragraph 1 of Article 5 of the Montreal Protocol.

Decision XVII/2: Request by Cyprus to be removed from the list of developing countries under the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/2:*

1. To note the request by Cyprus to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To approve the request by Cyprus and note further that Cyprus shall assume the obligations of a Party not operating under paragraph 1 of Article 5 of the Montreal Protocol for the year 2005 and thereafter..

Decisions on control measures

Decision V/19: Control measures to be applicable to Parties operating under paragraph 1 of Article 5 of the Protocol with respect to the controlled substances in Group I of Annex C, Group II of Annex C, and Annex E

The *Fifth Meeting of the Parties* decided in *Dec. V/19:*

1. To request the Scientific Assessment Panel and the Technology and Economic Assessment Panel in collaboration with the Secretariat and the Executive Committee to assess the following, in accordance with Article 6 and taking into account the report required by decision V/11 of the Protocol and to submit their combined report, through the Secretariat, by 30 November 1994 at the latest, to the Seventh Meeting of the Parties:

   (a) What base year, initial levels, control schedules and phase-out date for consumption of controlled substances in Group I of Annex C are feasible for application to Parties operating under paragraph 1 of Article 5 of the Protocol;

   (b) What base year, initial levels and control schedules for consumption and production of the controlled substances in Group II of Annex C are feasible for application to Parties operating under paragraph 1 of Article 5 of the Protocol;

   (c) What base year, initial levels and control schedules for consumption and production of the controlled substances in Annex E are feasible for application to Parties operating under paragraph 1 of Article 5 of the Protocol;

2. To request the Open-ended Working Group of the Parties to the Montreal Protocol to consider the combined report of the two Assessment Panels and submit its recommendation to the Seventh Meeting of the Parties, in 1995.

Decision IX/5: Conditions for control measures on Annex E substance in Article 5 Parties

The *Ninth Meeting of the Parties* decided in *Dec. IX/5:*

1. That, in the fulfilment of the control schedule set out in paragraph 8 ter (d) of Article 5 of the Protocol, the following conditions shall be met:

   (a) The Multilateral Fund shall meet, on a grant basis, all agreed incremental costs of Parties operating under paragraph 1 of Article 5 to enable their compliance with the control measures on methyl bromide. All methyl-bromide projects will be eligible for funding irrespective of their relative cost-effectiveness. The Executive Committee of the Multilateral Fund should develop and apply specific criteria for methyl-bromide projects in order to decide which projects to fund first and to ensure that all Parties operating under paragraph 1 of Article 5 are able to meet their obligations regarding methyl bromide;

   (b) While noting that the overall level of resources available to the Multilateral Fund during the 1997–1999 triennium is limited to the amounts agreed at the Eighth Meeting of the Parties, immediate priority shall be given to the use of resources of the Multilateral Fund for the purpose of identifying, evaluating, adapting and demonstrating methyl bromide alternative and substitutes in Parties operating under paragraph 1 of Article 5. In addition to the US$10 million agreed upon at the Eighth Meeting of the Parties, a sum of US$25 million per year should be made available for these activities in both 1998 and 1999 to facilitate the earliest possible action towards enabling compliance with the agreed control measures on methyl bromide;

   (c) Future replenishment of the Multilateral Fund should take into account the requirement to provide new and additional adequate financial and technical assistance to enable Parties operating under paragraph 1 of Article 5 to comply with the agreed control measures on methyl bromide;

   (d) The alternatives, substitutes and related technologies necessary to enable compliance with the agreed control measures on methyl bromide must be expeditiously transferred to Parties operating under paragraph 1 of Article 5 under fair and most favourable conditions in line with Article 10A of the Protocol. The Executive Committee should consider ways to enable and promote information exchange on methyl bromide alternatives among Parties operating under paragraph 1 of Article 5 and from Parties not operating under paragraph 1 of Article 5 to Parties operating under that paragraph;

(e) In light of the assessment by the Technology and Economic Assessment Panel in 2002 and bearing in mind the conditions set out in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties, paragraph 8 of Article 5 of the Protocol, sub-paragraphs (a) to (d) above and the functioning of the Financial Mechanism as it relates to methyl bromide issues, the Meeting of the Parties shall decide in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to Parties operating under paragraph 1 of Article 5;

2. That the Executive Committee should, during 1998 and 1999, consider and, within the limits of available funding, approve sufficient financial resources for methyl-bromide projects submitted by Parties operating under paragraph 1 of Article 5 in order to assist them to fulfil their obligations in advance of the agreed phase-out schedule.

Decisions on basic domestic needs

Decision I/12C: Clarification of terms and definitions: Basic domestic needs

The *First Meeting of the Parties* decided in *Dec. I/12C* to agree to the following clarification of the term "basic domestic needs" in Articles 2 and 5 of the Protocol: "Basic domestic needs" referred to in Articles 2 and 5 of the Protocol should be understood as not to allow production of products containing controlled substances to expand for the purpose of supplying other countries.

Decision IV/29: Meeting the needs of Parties operating under paragraph 1 of Article 5 of the Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/29:*

1. to note with appreciation the report: "Meeting of the needs of Article 5 Parties for controlled substances during the grace and phase-out periods", prepared by the Executive Committee of the Interim Multilateral Fund for the Implementation of the Montreal Protocol;

2. to request the Executive Committee to update its report and submit it to the Seventh Meeting of the Parties to the Montreal Protocol, in 1995, through the Secretariat, before 31 December 1994;

3. to request Parties to take note of the Executive Committee's report and to take the necessary steps, consistent with the provisions of the Protocol, to promote an adequate supply of controlled substances in order to meet the needs of the Parties operating under paragraph 1 of Article 5 of the Protocol.

Decision V/16: Supply of halons to Parties operating under paragraph 1 of Article 5 of the Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/*16 to request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to study and report through the Secretariat by 31 March 1994 at the latest on the problems and options of Parties operating under paragraph 1 of Article 5 of the Protocol in obtaining halon in light of the phase-out in developed countries and subsequent closing of halon production facilities. This report should particularly analyse whether halon is available to Parties operating under paragraph 1 of Article 5 of the Protocol in sufficient quantity and quality and at affordable prices from banks of recycled halon.

Decision V/25: Provision of information on the supply of controlled substances to Parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/25:*

1. To request Parties operating under paragraph 1 of Article 5 of the Protocol which require controlled substances from another Party to furnish, with effect from 1 January 1995, to the Government of the supplying Party a letter specifying the volume of the substances required and stating that the substances are required for the purposes of meeting their basic domestic needs;

2. To request Parties supplying the controlled substances to provide annually to the Secretariat a summary of the requests received from Parties operating under paragraph 1 of Article 5 of the Protocol and to indicate therein whether such Parties receiving the substances have affirmed that the supply is to meet their basic domestic needs.

Decision VI/14A: Provision of information on the supply of controlled substances to Parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/14A* that, in order to facilitate implementation of the Protocol's provision concerning the supply of controlled substances to meet the basis domestic needs of Parties operating under Article 5, paragraph 1, of the Montreal Protocol, a Party may opt to use either decision V/25 or the following:

(a) Each Party operating under paragraph 1 of Article 5 of the Protocol, that requires controlled substances referred to in Articles 2A and 2E from another Party is requested to furnish, with effect from 1 January 1995, to the Government of the supplying Party within 60 days of such imports a letter specifying the quantity of the substances imported and stating that the substances are to be used for the purposes of meeting its basic domestic needs. The Parties concerned will work out an internal mechanism so that enterprises in importing and exporting countries can trade directly in controlled substances;

(b) Each Party supplying the controlled substances is requested to provide annually to the Secretariat a summary of the letters received from Parties operating under paragraph 1 of Article 5 of the Protocol and to indicate therein whether each such Party receiving the substances had affirmed that such imports are to meet its basic domestic needs. It is expected that such supplies will be consistent with the provisions of the Protocol.

Decision VI/14B: "Basic domestic needs"

The *Sixth Meeting of the Parties* decided in *Dec. VI/14B* to request the Open-ended Working Group to make recommendations to the Seventh Meeting of the Parties concerning the following issues:

(a) The need for clarification, amendment and/or further definition and of provisions regarding "basic domestic needs" in Articles 2 and 5 of the Montreal Protocol and under decision 1/12C of the First Meeting of the Parties;

(b) What appropriate measures, such as reports under Article 7, should be taken for implementation of provisions related to "basic domestic needs" in Articles 2 and 5 of the Protocol.

Decision VII/9: Basic domestic needs

The *Seventh Meeting of the Parties* decided in *Dec. VII/9:*

Recognizing that the Montreal Protocol requires each Party operating under Article 5 to freeze its production and consumption of chlorofluorocarbons by 1 July 1999 and of other Annex A and B substances thereafter,

Recognizing the needs of Parties operating under Article 5 for adequate and quality supplies of ozone-depleting substances at fair and equitable prices,

Recognizing the need to take steps to avoid any monopoly of supplies of ozone-depleting substances to Parties operating under Article 5,

Recognizing that the needs above could be met by calculating the production baselines of Parties operating under Article 5 separately from the consumption baseline and that paragraph 3 of Article 5 of the Protocol should be amended to reflect this,

1. That until the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, until 1 July 1999), Parties operating under Article 5 may supply such substance to meet the basic domestic needs of Parties operating under Article 5;

2. That after the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, after 1 July 1999), Parties operating under Article 5 may supply such substance to meet the basic domestic needs of Parties operating under Article 5, within the production limits required by the Protocol;

3. That in order to prevent oversupply and dumping of ozone-depleting substances, all Parties importing and exporting ozone-depleting substances should monitor and regulate this trade by means of import and export licences;

4. That in addition to the reporting required under Article 7 of the Protocol, exporting Parties should report to the Ozone Secretariat by 30 September each year on the types, quantities and destinations of their exports of ozone-depleting substances during the previous year;

5. That the determination of the eligible incremental costs for phase-out projects in the production sector should be consistent with paragraph 2 (a) of the indicative list of incremental costs and based on the conclusions of the Executive Committee's guidelines on phase-out of the production sector;

6. That the Executive Committee should as a priority agree on modalities to calculate and verify production capacity in Parties operating under Article 5;

7. That from 7 December 1995, no Party should install or commission any new capacity for the production of controlled substances listed in Annex A or Annex B of the Montreal Protocol;

8. To incorporate appropriately into the Protocol by the Ninth Meeting of the Parties:

   (a) A licensing system, including a ban on unlicensed imports and exports; and

   (b) The establishment of a production sector baseline for Parties operating under Article 5 calculated:

      (i) For Annex A substances, as the average of the annual calculated level of production during the period of 1995 to 1997 inclusive or the calculated level of consumption of 0.3 kg per capita, whichever is lower; and

      (ii) For Annex B substances, as the average of the annual calculated level of production for 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kg per capita, whichever is lower;

   At the same time, the Parties should consider introducing a mechanism to ensure that imports and exports of controlled substances should only be permitted between Parties to the Montreal Protocol which have reported data and demonstrated their compliance with all relevant provisions of the Protocol. The Parties should also consider whether to extend the terms of the present decision to all other controlled substances covered under the Montreal Protocol.

Decision X/15: Exports of controlled substances in Annex A and Annex B to the Montreal Protocol from non-Article 5 Parties to meet the basic domestic needs of Article 5 Parties

The *Tenth Meeting of the Parties* decided in *Dec. X/15:*

Aware that Parties operating under Article 5 are taking measures under the Protocol to limit their production of ozone-depleting substances in Annex A and Annex B,

Concerned that this reduction should not be offset by any unnecessary increase in exports of controlled substances from non-Article 5 Parties under the provisions of Article 2 of the Protocol,

- To request the Technology and Economic Assessment Panel:

  (a) To make an assessment of the quantities of controlled substances in Annex A and Annex B to the Protocol likely to be required and produced by Parties operating under Article 5 of the Protocol for the period 1999-2010;

  (b) To make an assessment of the quantities of controlled substances in Annex A and Annex B to the Protocol which need to be produced and exported by Parties not operating under Article 5 in order to meet the basic domestic needs of Parties operating under Article 5 during the period 1999-2010;

  (c) To present its report to the Open-ended Working Group in time for the issue to be considered by the Eleventh Meeting of the Parties.

Decision XI/28: Supply of HCFCs to Parties operating under paragraph 1 Article 5 of the Protocol

The *Eleventh Meeting of the Parties* decided in *Dec. XI/28* to request the Technology and Economic Assessment Panel to study and report by 30 April 2003 at the latest on the problems and options of Article 5 Parties in obtaining HCFCs in the light of the freeze on the production of HCFCs in non-Article 5 Parties in the year 2004. This report should analyse whether HCFCs are available to Article 5 Parties in sufficient quantity and quality and at affordable prices, taking into account the 15 per cent allowance to meet the basic domestic needs of the Article 5 Parties and the surplus quantities available from the consumption limit allowed to the non-Article 5 Parties. The Parties, at their Fifteenth Meeting in the year 2003, shall consider this report for the purpose of addressing problems, if any, brought out by the report of the Technology and Economic Assessment Panel.

Decision XV/2: Production for basic domestic needs

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/2:*

Aware that Parties operating under Article 5 have been taking measures gradually to reduce and eventually eliminate their production and consumption of ozone-depleting substances in Annex A, group I (CFCs), and Annex B, group II (carbon tetrachloride),

Aware also that Parties not operating under Article 5 have also been taking steps in advance of the Protocol control measures to reduce their production of those controlled substances that are exported to meet the basic domestic needs of Article 5 Parties,

Recognizing the need to ensure that the supply of Annex A, group I and Annex B, group II (carbon tetrachloride) ozone-depleting substances is sufficient to meet the basic domestic needs of Article 5 Parties, while not being so abundant as to discourage efforts to phase out those substances in compliance with the Montreal Protocol,

Recognizing also that comprehensive information on market trends related to Annex A, group I and Annex B, group II ozone-depleting substances would allow better planning by Article 5 Parties and ensure a more efficient and predictable phase-out of those substances,

To request the Technology and Economic Assessment Panel:

(a) To assess the quantities of controlled substances in Annex A, group I and Annex B, group II to the Montreal Protocol that are likely to be required by Parties operating under Article 5 of the Protocol for the period 2004-2010;

(b) To assess the permitted levels of production from companies in Parties operating under Article 5 to the Protocol, taking into account schedules agreed for reduction in production under the Multilateral Fund;

(c) To assess the quantities of controlled substances in Annex A, group I and Annex B, group II to the Protocol which can be produced and exported by Parties not operating under Article 5 in order to meet the basic domestic needs of Parties operating under Article 5 during the period 2004-2010, taking into account regional production phase-out regulations and agreements;

(d) To also take into account, when preparing the assessments, the actual and potential impact of training programmes for refrigeration technicians, retrofitting, recovery and recycling operations and other measures in reducing the demand for Annex A, group I and Annex B, group II substances;

(e) To report on bulk price ranges of Annex A, group I and Annex B, group II substances in a representative sample of Article 5 Parties, including relative changes in bulk prices from 1 January 2001 to 31 December 2003, in comparison to bulk prices of alternatives;

(f) To present its report to the Open-ended Working Group at its twenty-fourth session or at the Sixteenth Meeting of the Parties.

Decision XVII/12: Minimizing production of chlorofluorocarbons by Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/12:*

Noting that Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol continue to report production of chlorofluorocarbons to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 of the Montreal Protocol, pursuant to Article 2A of the Protocol,

Recalling that the Technology and Economic Assessment Panel reported to the Parties in its 2004 Basic Domestic Needs Task Force Report that there is no evidence of chlorofluorocarbon supply shortage in recent years and that the bulk market price for chlorofluorocarbons in Parties operating under Article 5 of the Protocol is not rising, a situation that may be impeding the market penetration of chlorofluorocarbon alternatives in those countries,

Also noting the phase-out schedule for production of chlorofluorocarbons to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 by 2010 as set out in Article 2A of the Protocol,

Recognizing the successful efforts of several Parties operating under paragraph 1 of Article 5 to phase out their chlorofluorocarbon production with assistance from the Multilateral Fund for the Implementation of the Montreal Protocol,

Recognizing the successful efforts of several Parties not operating under paragraph 1 of Article 5 in phasing out production of chlorofluorocarbons for basic domestic needs,

Mindful of the requirement set out in decision V/25 for Parties supplying the basic domestic needs of Parties operating under paragraph 1 of Article 5 to report such quantities and secure and report affirmations from receiving Parties, and of decision VII/9 on basic domestic needs,

Noting that sufficient supplies of chlorofluorocarbons are available from production facilities in Parties operating under paragraph 1 of Article 5 and from recycled and reclaimed stocks,

Seeking to phase out chlorofluorocarbon production as soon as possible,

1. To urge all Parties not operating under paragraph 1 of Article 5 that produce chlorofluorocarbons to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 to ensure that such production is truly required by:

(a) Requesting a written affirmation from the prospective importing Party that the chlorofluorocarbons are required and that such importation would not result in its non-compliance, prior to exporting any chlorofluorocarbons to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5;

(b) Including copies of these written affirmations when reporting chlorofluorocarbon production to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 to the Ozone Secretariat under Article 7 of the Protocol;

2. To request that the Secretariat report at the next Meeting of the Parties and at each regular Meeting of the Parties thereafter, the level of production of chlorofluorocarbons in Parties not operating under paragraph 1 of Article 5 to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 as compared to their allowed production as set out in Article 2A of the Protocol and when doing so to include copies of the affirmations, together with available data on transfer of production rights;

3. To urge all Parties not operating under paragraph 1 of Article 5 that have an entitlement to produce chlorofluorocarbons for the basic domestic needs of Parties operating under paragraph 1 of Article 5 to ensure an accelerated phase-out of their production, and to report back to the Parties at their Eighteenth Meeting on progress in eliminating production of chlorofluorocarbons for basic domestic needs;

4. To consider at the Eighteenth Meeting of the Parties an adjustment to accelerate the phase-out schedule set out in Article 2A of the Protocol for chlorofluorocarbon production to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5.

Decisions on review under paragraph 8

Decision V/11: Review under paragraph 8 of Article 5 of the Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/11:*

1. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to prepare a report in respect of the review referred to in paragraph 8 of Article 5, taking into account section II, paragraph 4, of decision IV/18 and submit it to the Open-ended Working Group of the Parties through the Secretariat by 31 December 1994 and to prepare, and submit through the Secretariat, an addendum to its report no later than three months before the 1995 Meeting of the Parties with a view to its consideration at that Meeting. Such report shall include consideration of:

(a) The operation of the Fund to date;

(b) The rate at which low- and non-ozone-depleting-substance technologies are being transferred to or developed by Parties operating under Article 5, including the report on the actual implementation of these technologies;

(c) The progress made and problems encountered by Article 5 Parties in implementing their country programmes;

(d) The current plans of Article 5 Parties as articulated in their country programmes;

(e) The financial implications of various phase-out strategies, including a comparison in achieving the targets set in the London and the Copenhagen Amendments;

(f) The feasibility of achieving the greatest possible reduction as soon as possible.

The comments of the Parties will be invited on the draft report in a manner so as to be available to the Open-ended Working Group and the Meeting of the Parties if required;

2. To request the Open-ended Working Group of the Parties to consider the report and make recommendations as appropriate to the Seventh Meeting of the Parties.

Decision VII/4: Provision of financial support and technology transfer

The *Seventh Meeting of the Parties* decided in *Dec. VII/4:*

1. To emphasize the importance of the effective implementation of financial cooperation, including provision of adequate funding under Article 10 and technology transfer under Article 10 A of the Montreal Protocol, in assisting Parties operating under paragraph 1 of Article 5 in complying with the existing control measures under the Protocol;

2. To stress that the adoption of any new control measures by the Seventh Meeting of the Parties for Parties operating under paragraph 1 of Article 5 will require additional funding which will need to be reflected in the replenishment of the Multilateral Fund in 1996 and beyond and in the implementation of technology transfer;

3. To underline that the implementation of control measures by Parties operating under paragraph 1 of Article 5 will, as provided in Article 5, paragraph 5, depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A;

4. To urge Parties when taking decisions on the replenishment of the Multilateral Fund in 1996 and beyond, to allocate the necessary funds in order to ensure that countries operating under paragraph 1 of Article 5 can comply with their agreed control measure commitments.

Decision X/29: Inconsistencies in the timing for the reporting of data under Article 7 and for monitoring compliance with the phase-out schedule under Article 5, paragraph 8 *bis*

The *Tenth Meeting of the Parties* decided in *Dec. X/29:*

Noting that the compliance period for Parties operating under paragraph 1 of Article 5 of the Protocol for the freeze in production and consumption extends from 1 July 1999 to 30 June 2000, from 1 July 2000 to 30 June 2001, and from 1 July 2001 to 31 December 2002 under paragraph 8 *bis* of Article 5,

Noting also that the process of collecting accurate data on anything other than a calendar year basis is very difficult,

Noting further that Parties not operating under paragraph 1 of Article 5 faced similar difficulties, which were overcome when it became clear that their reductions in production and consumption were significantly below those required under the freeze obligations of Article 2A,

1. To urge the Implementation Committee to review and report on the status of the data reported by Parties operating under paragraph 1 of Article 5, relative to the freeze in production and consumption using the best available data submitted;

2. To urge the Implementation Committee to view the data from the July to June time period, or other time periods relevant to paragraph 8 *bis* of Article 5, as especially critical in cases where annual data submitted by Parties operating under paragraph 1 of Article 5 demonstrates that a country is very close to its baseline freeze level.

Decisions on participation of developing countries

Decision III/6: Participation of developing countries

The *Third Meeting of the Parties* decided in *Dec. III/6* to encourage the participation of representatives of developing countries in meetings of assessment panels, the Committee on Destruction Technologies, the Bureau and working groups and in any other meetings convened under the Montreal Protocol and to provide, as far as possible, financial assistance for such participation.

Decision IV/8: Participation of developing countries

The *Fourth Meeting of the Parties* decided in *Dec. IV/8* to encourage further the participation of representatives of developing countries in all meetings organized under the Montreal Protocol and to provide financial assistance for such participation in the 1993 and 1994 budgets.

Article 6: Assessment and review of control measures

Decisions on assessment panels

Decision I/3: Establishment of Assessment Panels

The *First Meeting of the Parties* decided in *Dec. I/3* to endorse the establishment, in accordance with Article 6 of the Montreal Protocol, of the following four review panels:

(a) Panel for Scientific Assessment,

(b) Panel for Environmental Assessment,

(c) Panel for Technical Assessment,

(d) Panel for Economic Assessment,

according to the composition in Annex V and the Terms of Reference in Annex VI of the report of the First Meeting of the Parties *[see Section 3.3 of this Handbook]*.

Decision I/5: Establishment of Open-ended Working Group

The *First Meeting of the Parties* decided in *Dec. I/5* to establish an Open-ended Working Group *inter alia* to:

(a) review the report of the four panels referred in Decision I/3, and integrate them into one synthesis report;

(b) based on (a) above, and taking into account the views expressed at the First Meeting of the Parties to the Montreal Protocol, prepare draft proposals for any amendments to the Protocol which would be needed. Such proposals are to be circulated to the Parties in accordance with Article 9 of the Vienna Convention for the Protection of the Ozone Layer.

Decision I/10: Characteristics of relevant substances

The *First Meeting of the Parties* decided in *Dec. I/10* to request the Panel for Scientific Assessment to give full consideration to ODPs, greenhouse-warming potential and atmospheric life-time of the various atmospheric constituents whether controlled or not, and advise the Parties as to the environmental characteristics, both currently and in the light of projections of future production and emission, of all relevant atmospheric constituents. In this regard, particular attention should be paid to potential substitutes for the presently controlled substances, particularly HCFC–22. Similarly, the importance of methyl chloroform and carbon tetrachloride in controlling the volume of atmospheric ozone should be quantified.

Decision II/13: Assessment panels

The *Second Meeting of the Parties* decided in *Dec. II/13* with regard to assessment panels:

to request the Technology Review Panel to assess, in accordance with Article 6, the earliest technically feasible dates and the costs for reductions and total phase-out of 1,1,1–trichloromethane (methyl chloroform) and to report its findings in time for consideration by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at that Fourth Meeting;

to request the Secretariat to convene members of each of the four assessment panels established by the First Meeting of the Parties to review new information and to consider its inclusion in supplementary reports in time

for consideration by the Fourth Meeting of the Parties, subject to a review of their mandate in the context of Article 2, paragraph 9, at the Third Meeting of the Parties;

to request the Technology Review Panel to include in its work:

(a) an evaluation of the need for transitional substances in specific applications;

(b) an analysis of the quantity of controlled substances required by Parties operating under paragraph 1 of Article 5 for their basic domestic needs, both at present and in the future, and the likely availability of such supplies; and

(c) a comparison of the toxicity, flammability, energy efficiency implications and other environmental and safety considerations of chemical substitutes, along with an analysis of the likely availability of substitutes for medical uses;

to request the Scientific Assessment Panel to include in its work:

(a) an evaluation of the ozone-depletion potential, other possible ozone layer impacts, and global warming potential of chemical substitutes (e.g. HCFCs and HFCs) for controlled substances;

(b) an evaluation of the likely ozone-depletion potential of "other halons" that might be produced in significant quantities; and

(c) an analysis of the anticipated impact on the ozone layer of the revised control measures reflecting the changes adopted at the Second Meeting of the Parties taking into account the current level of global participation in the Protocol;

to instruct the Scientific Assessment Panel to prepare estimated data on the impacts on the ozone layer of engine emissions from high-altitude aircraft, heavy rockets and space shuttles;

to undertake efforts to encourage broad participation in all assessment panels by experts from developing countries.

Decision III/12: Assessment Panels

The *Third Meeting of the Parties* decided in *Dec. III/12*:

(a) to request the Assessment Panels and in particular the Technology and Economic Assessment Panel to evaluate, without prejudice to Article 5 of the Montreal Protocol, the implications, in particular for developing countries, of the possibilities and difficulties of an earlier phase-out of the controlled substances, for example of the implications of a 1997 phase-out.

[the remainder of this decision is located under Article 2]

Decision IV/13: Assessment panels

The *Fourth Meeting of the Parties* decided in *Dec. IV/13:*

1. to note with appreciation the work done by the Panels for Ozone Scientific Assessment, Environmental Effects Assessment, and Technology and Economic Assessment in their reports of November–December 1991;

2. to request the Technology and Economic Assessment Panel and its Technical and Economic Options Committees to report annually to the Open-ended Working Group of the Parties to the Montreal Protocol the technical progress in reducing the use and emissions of controlled substances and assess the use of alternatives, particularly their direct and indirect global-warming effects;

3. to request the three assessment panels to update their reports and submit them to the Secretariat by 30 November 1994 for consideration by the Open-ended Working Group and by the Seventh Meeting of the Parties to the Montreal Protocol. These assessments should cover all major facets discussed in the 1991 assessments with enhanced emphasis on methyl bromide. The scientific assessment should also include an evaluation of the impact of sub-sonic aircraft on ozone;

4. to encourage the panels to meet once a year to enable the co-chairpersons of the panels to bring to the notice of the meetings of the Parties to the Montreal Protocol, through the Secretariat, any significant developments which, in their opinion, deserve such notice.

Decision V/13: Assessment Panel reports

The *Fifth Meeting of the Parties* decided in *Dec. V/13:*

1. To note with appreciation the interim reports of the Co-Chairs of the Scientific and the Environmental Effects Assessment Panels and to request them to continue their work in accordance with the decisions of the Fourth and Fifth Meetings of the Parties to the Protocol;

2. To note with appreciation the reports of the Halons Technical Options Committee and of the Technology and Economic Assessment Panel submitted in July 1993;

3. To note with satisfaction the progress in reducing the consumption of the controlled substances.

Decision VII/34: Assessment Panels

The *Seventh Meeting of the Parties* decided in *Dec. VII/34:*

1. To note with appreciation the work done by the Scientific, Environmental Effects, and Technology and Economic Assessment Panels and the Technical Options Committees and Working Groups in preparing their reports of November 1994, March 1995 and November 1995;

2. To request the three Assessment Panels to update their reports of November 1994 and submit them to the Secretariat by 31 October 1998 for consideration by the Open-ended Working Group and by the Eleventh Meeting of the Parties to the Montreal Protocol in 1999;

3. That the Scientific Assessment Panel should keep the Parties to the Montreal Protocol informed of any important new scientific developments on a year-to-year basis. The major emphasis of the 1998 assessment should be twofold:

   (a) An evaluation of the updated understanding of the impact of halocarbons on the ozone layer, including: observed and expected trends in controlled substances, ozone, and ultraviolet radiation; an improved understanding of the ozone-depleting role of methyl bromide; consequences to the ozone layer of non-compliance with the Montreal Protocol; a continuing evaluation of the ozone-depleting potentials of the substitutes for the phased-out substances; and the prediction of future halogen atmospheric abundances and ozone levels; and

   (b) An assessment of other aspects of ozone changes, such as the impacts of aircraft emissions, and the role of ozone changes in the alteration of the global climate system, with particular attention to the need for adequate information in the southern hemisphere. The Panel is requested to work as appropriate with the International Civil Aviation Organization and the Intergovernmental Panel on Climate Change;

4. That the Environmental Effects Panel should keep the Parties to the Montreal Protocol informed on any important new scientific developments on a year-to-year basis. It should consider:

(a) In consultation with the Scientific Assessment Panel, observed and predicted changes in ultraviolet radiation;

(b) Environmental effects of changing ultraviolet radiation; and

(c) Direct environmental effects of chemicals involved in the problem of depletion of the ozone layer;

5. That the Technology and Economic Assessment Panel should keep the Parties to the Montreal Protocol informed of any important new technical and economic developments on a year-to-year basis. It should furthermore:

(a) Complete by 31 March of each year the evaluation of essential-use nominations submitted for 1997 and beyond;

(b) With regard to metered-dose inhalers:

(i) Recommend an accounting framework for reporting quantities and uses of ozone-depleting substances produced and consumed for metered-dose inhalers under terms of essential-use exemptions;

(ii) Report progress in commercial availability and acceptance of emerging non-ODS alternatives and substitutes;

(iii) Describe educational and training approaches to speed and the successful transition to non-ODS therapy, mindful of the needs of patients and the special circumstances of Parties operating under Article 5 and countries with economies in transition; and

(iv) By 31 March 1996, consider options for a transitional strategy for metered-dose inhalers, taking into consideration the rate of commercialization, manufacturing rationalization, the progress on national approval, the special circumstances of Parties operating under Article 5 and countries with economies in transition, and the importance of drug access by patients, including those who face particularly challenging therapy;

(c) Report progress and developments in the control of substances by 31 March of each year;

(d) Update or supplement its report on the status of implementation of the Protocol in the countries with economies in transition by 31 March 1996;

(e) With regard to its organization and functioning:

(i) Proceed with efforts to increase participation of Article 5 country experts, subject to budgetary constraints, and to improve geographical and expertise balance;

(ii) Present procedures and criteria for the nomination and selection of members of the Technology and Economic Assessment Panel;

(iii) Request the Secretariat to appoint a small informal advisory group from both Article 5 and non-Article 5 Parties to meet with the Technology and Economic Assessment Panel and to report back to the Parties on the progress made; and

(iv) Report to the Parties at the thirteenth meeting of the Open-ended Working Group, in 1996, including:

a. A description of member expertise highlighting relevance, affiliation, country of residence and period of service to the Technology and Economic Assessment Panel;

b. Its methods of operation, including appointment of new members to subsidiary bodies, promotion to chair and other matters; and

c. Options proposed for restructuring the Technology and Economic Assessment Panel and its Technical Options Committees and Working Groups, including the financial and chairing issues in compliance with the terms of reference as set out in various decisions, including decision I/3, and propose adjustments, if deemed necessary, to those terms of reference;

(f) Prepare a document listing the uses and possible applications of ozone-depleting substances listed in Annex C to the Protocol, enabling Parties to collect information on their consumption levels for the purpose of compliance with reporting requirements;

(g) Collaborate with the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to prepare, in accordance with the provisions of decision VII/22, the report on inventory and assessment of technologies and know-how to phase out ozone-depleting substances, including an elaboration of the terms under which transfers of such technology and know-how take place;

6. That the enhanced participation of the Parties operating under Article 5 and countries with economies in transition should be funded by the Secretariat with an adequate budget allocation or could be also provided by additional voluntary contributions which all Parties are encouraged to offer;

7. To offer the assistance of the Scientific, Environmental Effects, and Technology and Economic Assessment Panels to the subsidiary body on science and technology under the United Nations Framework Convention on Climate Change, as necessary;

8. To request the Technology and Economic Assessment Panel to present the annual schedules of its meetings and workshops to the Secretariat.

Decision VIII/19: Organization and functioning of the Technology and Economic Assessment Panel

The *Eighth Meeting of the Parties* decided in *Dec. VIII/19*:

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees and Working Groups in preparing their reports;

2. To note with appreciation the report of the Informal Advisory Group on the organization and functioning of the Technology and Economic Assessment Panel;

3. To confirm the current membership of the Technology and Economic Assessment Panel as set out in Appendix I to its June 1996 report, and also to confirm Mr. R. Agarwal as Co-Chair of the Refrigeration Technical Options Committee;

4. To confirm the current list of Technical Options Committees, as set out in Appendix II to that report, whilst noting that this list may be added to or amended according to mandates set by any Meeting of the Parties;

5. To approve terms of reference and the Code of Conduct for the Technology and Economic Assessment Panel, the technical options committees, and any temporary subsidiary bodies set up by those bodies, as contained in annex V to the report of the Eighth Meeting of the Parties;

6. That the nomination and appointment process for the Technology and Economic Assessment Panel, as set out in the new Terms of Reference, should apply to all appointments commencing with those made at the Ninth Meeting of the Parties.

Decision XI/17: Terms of reference for Assessment Panels

The *Eleventh Meeting of the Parties* decided in *Dec. XI/17:*

1. To note with appreciation the excellent and highly useful work done by the Scientific, Environmental Effects, and Technology and Economic Assessment Panels and their colleagues worldwide in preparing their reports of 1998 including the Synthesis Report of 1999 and its decadal perspective of the information provided by the Panels over the period 1989-1999;

2. To note also with appreciation, and encourage as appropriate, the ongoing fruitful collaboration of the Panels with the Subsidiary Body on Science and Technology under the United Nations Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change, and the International Civil Aviation Organization;

3. To request the three Assessment Panels to update their 1998 reports in 2002 and submit them to the Secretariat by 1 January 2003 for consideration by the Open-ended Working Group and by the Fifteenth Meeting of the Parties to the Montreal Protocol in 2003;

4. To request the Assessment Panels to keep the Parties to the Montreal Protocol informed of any important new developments on a year-to-year basis;

5. To request the Scientific Assessment Panel to include the following in the 2002 scientific assessment:

   (a) An evaluation of the observed trends in controlled substances and their consistency with reported production of ODS;

   (b) A quantification of the ozone-depleting impacts of new (e.g., short-lived) halogen-containing substances;

   (c) A characterization of methyl bromide sources and sinks and the likely quantitative implications of the results for the ozone layer;

   (d) A characterization of the known interrelations between ozone depletion and climate change including feedbacks between the two;

   (e) A description and interpretation of the observed changes in global and polar ozone and in ultraviolet radiation, as well as set future projections and scenarios for these variables, taking into account also the expected impacts of climate change;

6. To request the Environmental Effects Panel to continue the identification of the impacts of ozone depletion noting its association with aspects of climate change, including:

   (a) An evaluation of how the combined influence of ultraviolet radiation changes due to ozone depletion and climate change factors can impact on the biosphere and on human health;

   (b) A characterization of those impacts caused by ultraviolet radiation changes that may have effects on climate;

Decision XV/53: Terms of reference for the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/53:*

1. To note with appreciation the excellent and highly useful work conducted by the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel and their colleagues worldwide in preparing their 2002 reports, including the 2003 synthesis report;

2. To request the three assessment panels to update their 2002 reports in 2006 and submit them to the Secretariat by 31 December 2006 for consideration by the Open-ended Working Group and by the Nineteenth Meeting of the Parties to the Montreal Protocol, in 2007;

3. To request the assessment panels to keep the Parties to the Montreal Protocol informed of any important new developments on a year-to-year basis;

4. That, for the 2006 report, the Scientific Assessment Panel should consider issues including:

   (a) Assessment of the state of the ozone layer and its expected recovery;

   (b) Evaluation of specific aspects of recent annual Antarctic ozone holes, in particular the hole that occurred in 2002;

   (c) Evaluation of the trends in the concentration of ozone-depleting substances in the atmosphere and their consistency with reported production and consumption of ozone-depleting substances;

   (d) Assessment of the impacts of climate change on ozone-layer recovery;

   (e) Analysis of atmospheric concentrations of bromine and the likely quantitative implications of the results on the state of the ozone layer;

   (f) Description and interpretation of the observed changes in global and polar ozone and in ultraviolet radiation, as well as set future projections and scenarios for those variables, taking also into account the expected impacts of climate change;

5. That, for the 2006 report, the Environmental Effects Panel should continue identifying the environmental impacts of ozone depletion and the environmental impacts of the interaction of ozone depletion and climate change;

6. That the Technology and Economic Assessment Panel should, among other matters, consider the following topics:

   (a) Significance of the phase-out of ozone-depleting substances for sustainable development, particularly in Article 5 countries and countries with economies in transition;

   (b) Technical progress in all sectors;

   (c) Technically and economically feasible choices for the elimination of ozone-depleting substances by the use of alternatives that have superior environmental performance with regard to climate change, human health and sustainability;

   (d) Technical progress on the recovery, reuse and destruction of ozone-depleting substances;

   (e) Accounting of the production and use of ozone-depleting substances and of ozone-depleting substances in inventory or contained in products.

Decision Ex.I/5: Review of the working procedures and terms of reference of the Methyl Bromide Technical Options Committee

The *First Extraordinary Meeting of the Parties* decided in *Dec. Ex.I/5:*

Acknowledging with appreciation the important and valuable work undertaken so far by the Methyl Bromide Technical Options Committee,

Reaffirming the need for the Methyl Bromide Technical Options Committee to sustain an optimum level of expertise to be able to address diverse types of alternatives to methyl bromide and the desirability of having a reasonable term of membership of the Methyl Bromide Technical Options Committee to ensure continuity;

Noting decision XIII/11, which requests the Technology and Economic Assessment Panel to engage suitably qualified agricultural economists to assist in reviewing nominations,

Recognizing the desirability of ensuring that some members of the Methyl Bromide Technical Options Committee have knowledge of alternatives that are used in commercial practice, and practical experience in technology transfer and deployment,

Recognizing the need to strengthen the Methyl Bromide Technical Options Committee and to enhance the transparency and efficiency of the Committee's process relating to the evaluation of nominations for critical-use exemptions,

Noting the terms of reference for the Technology and Economic Assessment Panel and its technical options committees adopted at the Eighth Meeting of the Parties,

Mindful that those terms of reference state that the overall goal is to achieve a representation of about 50 per cent for Article 5 Parties and noting that current Article 5 representation within the Methyl Bromide Technical Options Committee is only about 30 per cent,

Recalling decision XV/54 on categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide,

1. To establish a process to review the working procedures and terms of reference of the Methyl Bromide Technical Options Committee as they relate to the evaluation of nominations for critical use exemptions;

2. That such a review shall consider, in particular:

   (a) The need to enhance the transparency and efficiency of the analysis and reporting by the Methyl Bromide Technical Options Committee on critical-use nominations, including the communication between the nominating Party and the Methyl Bromide Technical Options Committee;

   (b) The timing and structure of the Methyl Bromide Technical Options Committee reports on critical-use nominations;

   (c) The duration and rotation of membership, taking into account the need to provide for a reasonable turnover of members while also ensuring continuity;

   (d) The conflict-of-interest documents which must be completed by members of the Methyl Bromide Technical Options Committee;

   (e) The expertise required in the Methyl Bromide Technical Options Committee, taking into account among other things that the composition of the Methyl Bromide Technical Options Committee should ensure that some members have practical and first-hand experience which should relate, in particular, to replacing methyl bromide with alternatives, and that within that composition reflected the appropriate skills and expertise required to perform the work of Methyl Bromide Technical Options Committee, including expertise in the field of agricultural economy, technology transfer and regulatory processes of registration;

   (f) The criteria and procedure for selecting the experts, including ensuring a balance between experts from Article 5 and non-Article 5 Parties, pursuant to the qualification requirements as set forth in subparagraph (e) above;

   (g) Further guidance on the application of the criteria set forth in decision IX/6;

(h) The modalities for the Methyl Bromide Technical Options Committee to submit annual work plans to the Meeting of the Parties;

(i) The instances where the Methyl Bromide Technical Options Committee should seek the guidance of the Meeting of the Parties in conducting its work;

(j) Modalities for the Methyl Bromide Technical Options Committee to provide the Meeting of the Parties with budget proposals for the conduct of the Committee's work through the Secretariat;

3. To establish to that end an ad hoc working group which shall meet for three days immediately prior to the twenty-fourth meeting of the Open-ended Working Group and shall comprise 12 representatives of Article 5 Parties and 12 representatives of non-Article 5 Parties;

4. To invite the co-chairs of the Methyl Bromide Technical Options Committee to participate in the meeting of the ad hoc working group;

5. That the ad hoc working group should base its discussions on the Methyl Bromide Technical Options Committee-related elements and issues set forth in paragraph 2 above and shall report its findings and recommendations to the Open-ended Working Group at its twenty-fourth session;

6. To request the Open-ended Working Group at its twenty-fourth session to formulate recommendations for the consideration and approval of the Sixteenth Meeting of the Parties and to identify which elements, if any, could be used on an interim basis pending approval by the Sixteenth Meeting of the Parties;

7. That the Methyl Bromide Technical Options Committee should continue to assess the nominations as "recommended", "not recommended" or "unable to assess".

8. That the reports of the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee, to be published following those bodies' initial assessment of nominations submitted in 2004 and following the subsequent assessment of any additional information submitted by nominating Parties, should include:

(a) If the Panel and Committee do not recommend any part of a nomination, a clear description of the nominating Party's request for an exemption and of the reasons why the Panel and Committee did not accept it, including references to the relevant studies, wherever available, used as the basis for such a decision;

(b) If the Panel and Committee require additional information, a clear description of the information required.

Decision XVI/4: Review of the working procedures and terms of reference of the Methyl Bromide Technical Options Committee

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/4:*

Reaffirming that each Party should aim significantly and progressively to decrease its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available for critical uses in the circumstances of the nominations according to decision IX/6,

To adopt the elements related to procedures and terms of reference of the Methyl Bromide Technical Options Committee related to the evaluation of nominations for critical uses of methyl bromide as set out in annex I to the report of the Sixteenth Meeting of the Parties *[see Section 3.4 in this Handbook]*.

Decision XVI/5: Provision of financial assistance to the Methyl Bromide Technical Options Committee

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/5:*

Noting the heavy workload faced by the Methyl Bromide Technical Options Committee in its role under its renewed working procedures for the assessment of nominations for critical-use exemptions,

Acknowledging that a significant proportion of the Committee's administrative burden in conducting this work falls to the co-chairs of the Committee,

Acknowledging the greater levels of detail and transparency that are requested by the Parties to be applied to the Methyl Bromide Technical Options Committee's reports on its assessment of those nominations,

Noting that the current workload of the Methyl Bromide Technical Options Committee in conducting its assessment of the present high numbers of critical-use nominations to the standards directed by the Parties represents an exceptional circumstance that will not continue indefinitely, and for which the associated administrative burden for the Committee could reasonably be expected to reduce in the near term,

1. To provide financial support to the positions of one co-chair from a Party operating under paragraph 1 of Article 5 and one co-chair from a Party not so operating of the Methyl Bromide Technical Options Committee to cover the costs of their travel and accommodation for attendance at those meetings related to the Committee's assessment of critical-use nominations;

2. Also to provide financial support to the Methyl Bromide Technical Options Committee's co-chairs, to facilitate expert assistance in the initial summarization of critical-use nominations to facilitate the Methyl Bromide Technical Options Committee's timely and more detailed assessment of the nominations' claims against the criteria of decision IX/6, and expert assistance with the preparation of the Methyl Bromide Technical Options Committee's reports on its assessment of the critical-use nominations, so as to ensure that such reports provide sufficient levels of transparency and detail to meet the requirements of the Parties;

3. That the financial support referred to in paragraph 2 of the present decision would not exceed the equivalent of 12 months full time salary for one P-3 level position, and would be allocated between the components identified in paragraph 2 at the discretion of the Technology and Economic Assessment Panel;

4. To authorize as a transitional measure to enable the Methyl Bromide Technical Options Committee to adapt to a new pattern of its meetings arising out of its renewed working procedures, the Secretariat to meet upon request the expenses, i.e., daily subsistence allowance and travel, for the attendance of members of the Methyl Bromide Technical Options Committee in its meetings on the assessment of the critical-use exemption nominations, which they are unable to defray during 2005, while taking into account the practice on the standards of accommodation for the travels of independent experts attending official meetings of the Protocol;

5. To provide the necessary technical and financial assistance to the co-chairs of the Methyl Bromide Technical Options Committee, funds permitting, with respect to:

   (a) Their site visits where necessary for the verification of the basis for nominations of critical-use exemptions, and

   (b) Strengthening the liaison function of the Secretariat with the members of the Methyl Bromide Technical Options Committee;

6. That the financial support referred to in paragraphs 1–5 of the present decision would be provided within the existing level of budgetary provisions drawn from the Trust Fund of the Montreal Protocol for the 2005 budget to meet the expenses required above;

7. That the temporary financial support referred to in paragraphs 1–5 of the present decision would initially be provided only for 2005, with any proposal for similar support to be provided in subsequent years requiring the separate consideration and agreement of the Parties;

8. To encourage Parties not operating under paragraph 1 of Article 5 of the Protocol to continue offering assistance to their members in the three Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol.

Decision XVII/45: Endorsement of new co-chairs of the technical options committees of the Technology and Economic Assessment Panel

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/45:*

1. To endorse the following new Co-Chairs of the Technical Options Committees:

   (a) Halon Technical Options Committee: David Catchpole and Dan Verdonik;

   (b) Methyl Bromide Technical Options Committee: Michelle Marcotte, Ian Porter, Mohamed Besri and Marta Pizano;

   (c) Chemicals Technical Options Committee: Ian Rae and Masaaki Yamabe;

2. To thank the following Co-Chairs who are stepping down from their positions, for their outstanding efforts on behalf of the Montreal Protocol:

   (a) Jonathan Banks (Methyl Bromide Technical Options Committee);

   (b) Nahum Marban-Mendoza (Methyl Bromide Technical Options Committee).

Decisions on special reports

Decision IX/25: Special Report on Aviation and the Global Atmosphere

The *Ninth Meeting of the Parties* decided in *Dec. IX/25:*

1. To note the statement of the Co-Chairs of the Scientific Assessment Panel that, while the Scientific Assessment of Ozone Depletion will be ready by October 1998, as requested by the Seventh Meeting of the Parties in its decision VII/34, the Special Report on Aviation and the Global Atmosphere being prepared pursuant to the same decision, will not be ready until March 1999;

2. To approve the date of 31 March 1999 for the submission of the Special Report on Aviation and the Global Atmosphere.

Decision XI/18: Special Report on Aviation and the Global Atmosphere

The *Eleventh Meeting of the Parties* decided in *Dec. XI/18:*

1. To note with appreciation the work done by the Scientific Assessment Panel and the Intergovernmental Panel on Climate Change in preparing the Special Report on Aviation and the Global Atmosphere;

2. To express its appreciation to the Scientific Assessment Panel for its collaboration with the Intergovernmental Panel on Climate Change in preparing the above-mentioned report;

3. To note with appreciation the message of the President of the Council of the International Civil Aviation Organization on the willingness of ICAO to continue the process of working together on the issues with the Montreal Protocol;

4. To recommend that the Scientific Assessment Panel should continue its collaboration with the Intergovernmental Panel on Climate Change and keep the Parties to the Montreal Protocol informed on the potential impacts of the aircraft emissions on stratospheric ozone depletion and climate change.

Decision XIV/10: Relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system: issues relating to hydrofluorocarbons and perfluorocarbons

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/10:*

Welcoming decision X/CP.8 taken by the eighth Conference of the Parties to the United Nations Framework Convention on Climate Change on the relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system,

Noting that the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel are invited by the Convention on Climate Change to develop a balanced scientific, technical and policy-relevant special report as outlined in their responses to a request by the Subsidiary Body for Scientific and Technological Advice of the Convention on Climate Change (UNFCCC/SBSTA/2002/MISC.23),

To request the Technology and Economic Assessment Panel to work with the Intergovernmental Panel on Climate Change in preparing the report mentioned above and to address all areas in one single integrated report to be finalized by early 2005. The report should be completed in time to be submitted to the Open-ended Working Group for consideration in so far as it relates to actions to address ozone depletion and the Subsidiary Body for Scientific and Technological Advice of the Convention on Climate Change simultaneously.

Decision XVII/19: Consideration of the Technology and Economic Assessment Panel and Intergovernmental Panel on Climate Change assessment report as it relates to actions to address ozone depletion

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/19:*

Noting with appreciation the special report of the Technology and Economic Assessment Panel and the Intergovernmental Panel on Climate Change, "Safeguarding the Ozone Layer and the Global Climate System: Issues Related to Hydrofluorocarbons and Perfluorocarbons", and the Technology and Economic Assessment Panel's supplementary report that sets out clearly the ozone depletion implications of the issues raised in the special report,

Noting the supplementary report's conclusion that mitigation strategies relating to banks of ozone-depleting substances will have limited impact on ozone-layer recovery,

Acknowledging the need for Parties to have a full understanding of the policy implications for ozone layer protection of forecast emissions from banks of ozone-depleting substances in both global and regional terms,

Recalling the report of the sixth meeting of Ozone Research Managers of the Parties to the Vienna Convention, which reported that activities under the "mitigation scenario" presented in the special report provided an opportunity to protect the ozone layer further and to reduce greenhouse gases significantly,

Acknowledging that the upcoming 2006 Scientific Assessment Report will cover in more detail some issues raised in the special report of the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel, such as the discrepancy between atmospheric concentrations of ozone-depleting substances and emissions reported,

1. To request the Ozone Secretariat to organize an experts workshop in the margins of the twenty-sixth meeting of the Open-ended Working Group in 2006, to consider issues as described in paragraph 3 of the present decision, arising from the special report of the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel and the Technology and Economic Assessment Panel's supplementary report;

2. To request Parties to provide nominations for experts to participate in the workshop to the Ozone Secretariat by 30 March 2006, aiming for a balanced representation from regional groups;

3. To request the Technology and Economic Assessment Panel to present a summary of the reports at the workshop and that experts then produce a list of practical measures relating to ozone depletion that arise from the reports, indicating their associated ozone-depleting substances cost effectiveness and taking into account the full costs of such measures. The list should also contain information on other environmental benefits, including those relating to climate change, that would result from these measures;

4. To request the Ozone Secretariat to produce a report of the workshop to the Parties by 1 September 2006 and report to the Eighteenth Meeting of the Parties;

5. To request the Ozone Secretariat to inform the Secretariat of the United Nations Framework Convention on Climate Change of the workshop and invite its representatives to attend as observers and report back to the United Nations Framework Convention on Climate Change;

6. To request the Technology and Economic Assessment Panel to coordinate with the World Meteorological Organization and the Scientific Assessment Panel to clarify the source of the discrepancy between emissions determined from bottom-up methods and from atmospheric measurement, with a view to:

   (a) Identifying the use patterns for the total production forecast for the period 2002–2015 in both Parties operating under paragraph 1 of Article 5 of the Montreal Protocol and Parties not so operating;

   (b) Making improved estimates of future emissions from banks, including those in the refrigeration, foams and other sectors, given the accuracy of calculations of the size of banks and the emissions derived from them, as well as servicing practices, and issues relating to recovery and recycling and end-of-life;

7. To request the Technology and Economic Assessment Panel to report to the Parties at their Eighteenth Meeting on the activities referred to in paragraph 6.

Article 7: Reporting of data

Decisions on data-reporting formats and methodologies

Decision I/11: Report and confidentiality of data

The *First Meeting of the Parties* decided in *Dec. I/11* with regard to report and confidentiality of data:

(a) that each Party is required to report its annual production, imports and exports of each individual controlled substance;

(b) that Parties submitting data on controlled substances deemed to be confidential by that Party shall, in submitting the data to the Secretariat, require a guarantee that the data will be treated with professional secrecy and maintained confidential;

(c) that the Secretariat in preparing reports on data of controlled substances shall aggregate the data from several Parties in such a way as to ensure that data from Parties deemed to be confidential is not disclosed. The Secretariat shall also publish total data aggregated over all Parties for each individual controlled substance;

(d) that Parties wishing to exercise their rights under Article 12, paragraph b of the Protocol may have access from the Secretariat to confidential data from other Parties, provided that they send an application in writing guaranteeing that such data will be treated with professional secrecy and not disclosed or published in any way;

(e) that data submitted under Article 7 shall when necessary be made available on a confidential basis to resolve disputes under Article 11 of the Convention.

Decision II/9: Data reporting

The *Second Meeting of the Parties* decided in *Dec. II/9*:

to establish an *ad hoc* group of experts to consider the reasons leading to the difficulties faced by some countries in reporting data as required by Article 7 of the Protocol and to recommend possible solutions to the Parties concerned and to report on its progress to the Third Meeting of the Parties; and

to confirm that any data on consumption of the controlled substances that are submitted to the Secretariat as required by Article 7 of the Protocol are not to be confidential.

Decision III/3: Implementation Committee

The *Third Meeting of the Parties* decided in *Dec. III/3:*

(a) to note the progress made by the Implementation Committee and to urge strongly that the Parties that have not yet done so should submit without delay the data required by the Montreal Protocol;

(b) that those States, not forming part of a regional economic integration organization, which had reported data jointly in the past should submit separate data in the future, and do so, if appropriate, in the context of Decision III/7(a);

(c) that the period for data reporting is 1 January to 31 December (Article 7, paragraph 2) and that the control period is 1 July to 30 June (Article 2, paragraph 1) and to request the Parties to report the data for both periods;

[the remainder of this decision is located under Article 8]

Decision III/7: Data reporting

The *Third Meeting of the Parties* decided in *Dec. III/7*:

(a) to note the report of the *Ad Hoc* Group of Experts on the Reporting of Data and the suggestions that it contains, especially the recommendation that developing countries should inform the Secretariat of any difficulties they face in reporting data, and invited any Party experiencing such difficulties to inform the Secretariat, so that suitable measures can be taken to rectify the situation;

(b) developing countries with a per capita consumption figure which the Secretariat estimates at below 0.3 kilograms should be able to meet their obligation to report 1986 data by informing the Secretariat that they accept its estimate (UNEP/OzL.Pro/WG.2/1/4, paragraph 14(e)).

Decision III/9: Formats for reporting data under the amended Protocol

The *Third Meeting of the Parties* decided in *Dec. III/9* to adopt the revised formats for reporting data under the amended Montreal Protocol, as contained in Annex XI of the report of the Third Meeting of the Parties.

Decision IV/9: Data and information reporting

The *Fourth Meeting of the Parties* decided in *Dec. IV/9:*

1. to note with satisfaction that all the Parties that reported data met or exceeded their obligations for control measures under Article 2 of the Protocol;

2. to urge all Parties that have not reported their data to the Secretariat to do so as soon as possible;

3. to encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, *inter alia*, that data shall be provided not later than nine months after the end of the year to which the data relate;

4. to urge all Parties to insert further subdivisions to the recommended Harmonized System subheadings so that imports and exports of each of the substances listed in the annexes of the Protocol as well as each of the mixtures containing these substances can be accurately monitored in order to facilitate reporting of data under Article 7 of the Protocol.

Decision V/5: Revised format for reporting of data under Article 7

The *Fifth Meeting of the Parties* decided in *Dec. V/5* to approve the revised format for reporting of data under Article 7 of the Protocol, as set out in Annex I to the report of the Fifth Meeting of the Parties to the Montreal Protocol.

Decision VII/20: Discrepancy between the data reported by a Party to the Ozone Secretariat and the data presented by that Party to the Executive Committee of the Multilateral Fund

The *Seventh Meeting of the Parties* decided in *Dec. VII/*20 to accept the recommendations of the Implementation Committee:

(a) That the Secretariat should be entitled to seek clarification on data reported under Article 7 if there is a discrepancy with the data in the country programme of the country concerned;

(b) That it should be established through these clarifications, which are the best available and most accurate data. Should the clarification not result in an agreement, the data provided by the Party to the Secretariat should be used.

Decision VIII/21: Revised formats for reporting data under Article 7 of the Protocol

The *Eighth Meeting of the Parties* decided in *Dec. VIII/21:*

1. To request the Secretariat to prepare a report which delineates all of the reporting mandates required by the Protocol and all of the reporting requests made in the decisions of the Parties. In preparing this report, the Secretariat should seek the views of Parties on which reporting provisions are essential for assessing compliance and which may no longer be necessary;

2. To request the Implementation Committee to review the report referred to above, consider which reporting provisions are essential for assessing compliance and which may no longer be necessary, and make recommendations to the Ninth Meeting of the Parties on potential ways to streamline the reporting requirements of the Montreal Protocol. In carrying out its work, the Implementation Committee should also consider proposals for streamlining that may be submitted by the Parties.

Decision IX/28: Revised formats for reporting data under Article 7 of the Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/28:*

1. To note with appreciation the work done by the Implementation Committee and the Secretariat on the review and redesign of the formats for reporting data under Article 7 of the Montreal Protocol;

2. To note that the issue of reporting data is an important one and that it is an area to which the Parties may consider giving greater consideration;

3. To approve the revised forms for reporting data prepared according to the reporting mandates of the Protocol. The data forms are set out in annex VII to the report of the Ninth Meeting of the Parties;

4. To recall decision IV/10 and decision IX/17, paragraph 3 (b), and request TEAP, in cooperation with the UNEP Industry and Environment Centre, to prepare a list of mixtures known to contain controlled substances and the percentage proportions of those substances. In particular, the list should provide information on refrigerant mixtures and solvents. It should report this information to the Parties at the seventeenth meeting of the Open-ended Working Group, and annually thereafter;

5. To request UNEP Industry and Environment Centre to draw on its existing reports and its OzonAction Information Clearing-house (OAIC) diskette database, and, in collaboration with the other Implementing Agencies and the Secretariat of the Multilateral Fund, prepare a handbook on data-reporting which will provide information to the Parties to assist all Parties with data-reporting. This information should include techniques for data collection, trade names, as identified by TEAP, customs codes (where these exist), and advice on what sectors of industry may be using these products;

6. To stipulate that, for the purpose of the data-collection only, when reporting data on the consumption of methyl bromide for quarantine and pre-shipment applications, the Parties shall report the amount consumed (i.e., import plus production minus export) and not actual “use”;

7. To note that the revised data forms in annex VII to the report of the Ninth Meeting of the Parties, when completed, largely fulfil the reporting requirements under the Montreal Protocol, excluding those for essential-use exemptions.

Decision X/29: Inconsistencies in the timing for the reporting of data under Article 7 and for monitoring compliance with the phase-out schedule under Article 5, paragraph 8 *bis*

The *Tenth Meeting of the Parties* decided in *Dec. X/29:*

Noting that the compliance period for Parties operating under paragraph 1 of Article 5 of the Protocol for the freeze in production and consumption extends from 1 July 1999 to 30 June 2000, from 1 July 2000 to 30 June 2001, and from 1 July 2001 to 31 December 2002 under paragraph 8 *bis* of Article 5,

Noting also that the process of collecting accurate data on anything other than a calendar year basis is very difficult,

Noting further that Parties not operating under paragraph 1 of Article 5 faced similar difficulties, which were overcome when it became clear that their reductions in production and consumption were significantly below those required under the freeze obligations of Article 2A,

1. To urge the Implementation Committee to review and report on the status of the data reported by Parties operating under paragraph 1 of Article 5, relative to the freeze in production and consumption using the best available data submitted;

2. To urge the Implementation Committee to view the data from the July to June time period, or other time periods relevant to paragraph 8 *bis* of Article 5, as especially critical in cases where annual data submitted by Parties operating under paragraph 1 of Article 5 demonstrates that a country is very close to its baseline freeze level.

Decision XV/15: Earlier reporting of consumption and production data

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/15:*

Recalling that, in decision XIV/13, the Fourteenth Meeting of the Parties strongly urged Parties to report consumption and production data as soon as data are available,

Noting that, in order to review the compliance of a Party to the Protocol and to make useful and timely recommendations to the Meeting of the Parties, the Implementation Committee must have access to accurate and up-to-date information,

Noting in that regard the importance of timely data reporting pursuant to Article 7,

Recognizing that, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties, it is desirable for data to be forwarded to the Secretariat by 30 June each year, rather than 30 September each year as currently required by paragraph 3 of Article 7 of the Protocol,

1. To encourage the Parties to forward data on consumption and production to the Secretariat as soon as the figures are available, and preferably by 30 June each year, rather than 30 September each year as currently required by paragraph 3 of Article 7 of the Protocol;

2. To request the Secretariat to report to the Parties on the response to the above encouragement as well as its beneficial effect on the work of the Implementation Committee, with a view to helping the Parties to decide on the usefulness of an amendment to the Protocol to give legal effect to paragraph 1 of the present decision at the earliest opportunity.

Decisions on trans-shipment of controlled substances

Decision III/13: Further adjustments to and amendments of the Montreal Protocol

The *Third Meeting of the Parties* decided in *Dec. III/13* regarding further adjustments to and amendments of the Montreal Protocol to request the Open-ended Working Group of the Parties, to consider the following proposal which is aimed at possibly amending the Montreal Protocol and to submit a report on this proposal to the Fourth Meeting of the Parties:

(a) Article 7, paragraph 5 (of the amended Protocol): "In cases of trans-shipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import."

[the remainder of this decision is located under Article 5]

Decision IV/14: Transshipment of controlled substances

The *Fourth Meeting of the Parties* decided in *Dec. IV/14* to clarify Article 7 of the amended Protocol so that it is understood to mean that, in cases of transshipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import.

Decision IX/34: Compliance with the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/34* to remind all Parties that the Parties decided in their decision IV/14, adopted at the Fourth Meeting of the Parties, to clarify as follows, for purposes of Article 7, the distinction to be made between cases of transshipment of controlled substances through a third country and cases of imports and subsequent re-exports:

(a) For cases of transshipment of controlled substances through a third country, it was clarified that the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer; and

(b) For cases of import and re-export, it was clarified that import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import.

Decisions on customs codes

Decision II/12: Customs Co-operation Council

The *Second Meeting of the Parties* decided in *Dec. II/12* to agree with the recommendations adopted by the Customs Co-operation Council that all member administrations take actions to reflect the adopted subheadings in their national statistical nomenclatures as soon as possible, and to ask the Secretariat to inform the Council that the Parties, having determined that additional subheadings for individual chemicals controlled by the Montreal Protocol would be useful in their efforts to protect the ozone layer, request the assistance of the Council in this regard.

Decision IX/22: Customs codes

The *Ninth Meeting of the Parties* decided in *Dec. IX/22:*

1. To express appreciation to the Multilateral Fund, UNEP and the Stockholm Environmental Institute for the useful information on the problems and possibilities of using customs codes for tracking imports of ozone-depleting substances (ODS) contained in the book *Monitoring Imports of Ozone-Depleting Substances: A Guidebook;*

2. To recommend this book as a guide to Parties seeking more information on this issue;

3. In order to facilitate cooperation between customs authorities and the authorities in charge of ODS control and ensure compliance with licensing requirements, to request the Executive Director of UNEP:

   (a) To request the World Customs Organization (WCO) to revise its decision of 20 June 1995, recommending one joint national code on all HCFCs under subheading 2903.49, by instead recommending separate national codes under subheading 2903.48 for the most commonly used HCFCs (e.g., HCFC-21; HCFC-22; HCFC-31; HCFC-123; HCFC-124; HCFC-133; HCFC-141b; HCFC-142b; HCFC-225; HCFC-225ca; HCFC-225cb);

   (b) To further ask the World Customs Organization to work with major ODS suppliers to develop and provide the Parties to the Montreal Protocol, through UNEP, with a check-list of relevant customs codes for ODS that are commonly marketed as mixtures, for use by national customs authorities and authorities in charge of control of ODS to ensure compliance with import licensing requirements;

4. To request all Parties with ODS production facilities to urge their producing companies to cooperate fully with WCO in the preparation of this check-list.

Decision X/18: Customs codes

The *Tenth Meeting of the Parties* decided in *Dec. X/18:*

Recalling decision IX/22 on customs codes and decision IX/28, paragraph 4, on data reporting,

Noting that the existing customs codes set out in the Harmonized System do not allow Parties to easily monitor the import and export of mixtures of substances and that this will be of particular concern for monitoring consumption of HCFCs as a number of the HCFCs will only be consumed as part of refrigerant mixtures being marketed to replace CFCs for some applications,

Noting that many Parties rely on the Harmonized System codes to cross-check and monitor their consumption of ozone-depleting substances and to ensure compliance with their obligations under the Montreal Protocol,

1. To request the Ozone Secretariat to continue discussions with the World Customs Organization on:

(a) The possibility of revising the Harmonized System to allow the inclusion of appropriate codes for mixtures containing HCFCs, especially those used for refrigeration;

(b) The confirmation of the proper classification of methyl bromide that contains 2 per cent chloropicrin as a pure substance and not as a mixture, as suggested in the illustrative list of methyl-bromide mixtures provided earlier to the Parties by the Ozone Secretariat;

2. To convene a group of five interested experts to provide advice to the Ozone Secretariat out of session on possible amendments to the Harmonized System;

3. To request the Ozone Secretariat to report to the nineteenth meeting of the Open-ended Working Group on progress towards this end.

Decision XI/26: Recommendations and clarifications of the World Customs Organization concerning customs codes for ozone-depleting substances and products containing ozone-depleting substances

The *Eleventh Meeting of the Parties* decided in *Dec. XI/26:*

Recalling decisions IX/22 and X/18 of the Parties to the Montreal Protocol dealing with customs codes for ozone-depleting substances and products containing ozone-depleting substances,

Noting that the issue of customs codes is of great importance for the prevention of the illegal traffic of ozone-depleting substances and for the purpose of data reporting in accordance with Article 7 of the Montreal Protocol,

1. To note, with appreciation, the actions undertaken so far by the World Customs Organization on the further extension of the Harmonized System customs nomenclature of ozone-depleting substances and products containing ozone-depleting substances;

2. To note the summary of the draft recommendation of the World Customs Organization concerning the insertion in national statistical nomenclatures of Harmonized System subheadings for ozone-depleting substances and products containing ozone-depleting substances and the clarification of the classification under the Harmonized System Convention of methyl bromide containing small amounts of chloropicrin provided in annex II to the report of the nineteenth meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/19/7);

3. To note that the group of experts convened in accordance with decision X/18 will conduct further work on recommendations relating to the Harmonized System codes for mixtures and products containing ozone-depleting substances in collaboration with the World Customs Organization.

Decisions on changes in baseline data

Decision XIV/27: Requests for changes in baseline data

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/27:*

1. To note that in accordance with Decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to present their requests before the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;

2. To note that the following Parties have presented sufficient information to justify their requests for a change in their baseline consumption of the relevant substances:

(a) Bulgaria to change baseline consumption data for Annex E substances in 1991 from zero to 51.78 ODP-tonnes,

(b) Sri Lanka to change its baseline consumption data for Annex A, Group I substances from 400.4 to 445.6 ODP-tonnes,

(c) Belize to change its baseline consumption data for Annex A, Group I substances from 16 to 24.4 ODP-tonnes;

(d) Paraguay to change its baseline consumption data for Annex A, Group I substances from 157.4 to 210.6 ODP-tonnes;

3. To accept these requests for changes in the respective baseline data.

Decision XV/19: Methodology for submission of requests for revision of baseline data

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/19:*

1. To recall decisions XIII/15 (paragraph 5) and XIV/27, on Parties' requests for changes in reported baseline data;

2. To recognize that Parties adopt different approaches to the collection and verification of data and that there may be some special circumstances where original documentation may no longer be available, and therefore to accept the following methodology:

(a) Parties submitting requests to change baseline data are requested to provide the following information:

(i) Identification of which of the baseline year's or years' data are considered incorrect and provision of the proposed new figure for that year or those years;

(ii) Explanation as to why the existing baseline data is incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;

(iii) Explanation as to why the requested changes should be considered correct, including information on the methodology used to collect and verify the accuracy of the proposed changes;

(iv) Documentation substantiating collection and verification procedures and their findings, which could include:

a. Copies of invoices (including ODS production invoices), shipping and customs documentation from either the requesting Party or its trading partners (or aggregation of those with copies available upon request);

b. Copies of surveys and survey reports;

c. Information on country's gross domestic product, ODS consumption and production trends, business activity in the ODS sectors concerned;

(b) Where relevant, the Implementation Committee may also request the Secretariat to consult with the Multilateral Fund secretariat and the implementing agencies involved in both the original data collection exercises and any exercises that resulted in the baseline revision request to comment, and where considered appropriate, to endorse the explanation provided. (The Parties may themselves request the implementing agencies to provide their comments so that they can be submitted along with their requests to the Implementation Committee);

(c) Following review of an initial request submission, if the Implementation Committee requires further information from a Party, the Party will be invited to take advantage of clause 7 (e) of the non-compliance procedure to invite an Implementation Committee representative, or other authorized representative, to their country to identify and/or review the outstanding information.

Decision XVI/31: Requests for changes in baseline data

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/31:*

1. To note that, in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to submit their requests to the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;

2. To note further that decision XV/19 of the Fifteenth Meeting of the Parties set out the methodology for the submission of these requests;

3. To note that the following Parties have presented sufficient information, in accordance with decisions XIII/15 and XV/19, to justify their requests for a change in their baseline consumption of the relevant substances:

   (a) Lebanon, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 152.4 to 236.4 ODP tonnes;

   (b) Philippines, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 8.0 to 10.3 ODP tonnes;

   (c) Thailand, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 164.9 to 183.0 ODP tonnes;

   (d) Yemen, to change its baseline consumption data for Annex A, group I, substances (CFCs) from 349.1 to 1,796.1 ODP tonnes; for Annex A, group II, substances (halons) from 2.8 to 140.0 ODP tonnes; and for the controlled substance in Annex E (methyl bromide) from 1.1 to 54.5 ODP tonnes;

5. To accept these requests for changes in the respective baseline data;

6. To note that these changes in baseline data place the Parties in compliance with their respective control measures for 2003.

Decisions on compliance with data-reporting requirements: general

Decision V/6: Data and information reporting

The *Fifth Meeting of the Parties* decided in *Dec. V/6:*

1. To note with satisfaction that all the Parties that reported data have met or exceeded their obligations for control measures under Article 2 of the Protocol;

2. To urge all Parties that have not yet done so to report their data to the Secretariat as soon as possible;

3. To encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, *inter alia*, that data shall be provided not later than nine months after the end of the year to which the data relate;

4. To take note of the information provided by some Parties on the implementation of Article 4 of the Protocol and to encourage further those Parties that have not yet done so to provide the information to the Secretariat as soon as possible.

Decision VI/2: Implementation of Article 7 and 9 of the Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/2:*

1. To note with satisfaction the implementation of the provisions of the Protocol by the Parties which have so far reported data and information under Articles 7 and 9 of the Protocol;

2. To note that the timely reporting of data and any other required information is a legal obligation for each Party and to request all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision VII/14: Implementation of the Protocol by the Parties

The *Seventh Meeting of the Parties* decided in *Dec. VII/14:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with regret that only 82 Parties out of 126 that should have reported data for 1993 have reported and that only 60 Parties have reported data for 1994;

3. To note that the timely reporting of data and any other required information is a legal obligation for each Party and to request all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision VIII/2: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *Dec. VIII/2:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with regret that only 104 Parties out of 141 that should have reported data for 1994 have reported to date and that only 61 Parties have to date reported data for 1995;

3. To remind all Parties of the requirement to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision IX/11: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/11:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with regret that only 113 Parties out of 152 that should have reported data for 1995 have reported to date and that only 43 Parties have to date reported data for 1996;

3. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision X/2: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Tenth Meeting of the Parties* decided in *Dec. X/2:*

1. To note with regret that, as of 31 October 1998, only 88 of the 164 Parties that should have reported data for 1997 had done so;

2. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision XI/23: Data reporting

The *Eleventh Meeting of the Parties* decided in *Dec. XI/23:*

1. To note the improvement in the timely submission of data in accordance with Article 7 of the Protocol;

2. To note that Parties are to submit data by 30 September of the following year in accordance with their obligations under Article 7;

3. To urge all Parties to introduce licensing systems in accordance with the provisions of decision IX/8 and Article 4B of the Protocol to facilitate accuracy in data submission under Article 7;

4. To note that data collection on ozone-depleting substances sectors is important in assisting a Party to meet its obligations under the Protocol and that the Parties might wish to consider the burden of collecting sector data and other data required in the context of the Montreal Protocol at a future meeting;

5. To note that, because of the significant improvement in the timely submission of data, the Implementation Committee had been able in 1999 to review the control status of Parties for the previous year, 1998. In earlier years, the Implementation Committee had reviewed only the control status for two years prior. Accordingly, decide to request that the Implementation Committee begin a full review of data for the year immediately prior to the Meeting of the Parties beginning in 2000;

6. To note that many Parties with economies in transition have established a phase-out plan with specific interim benchmarks in cooperation with the Global Environment Facility;

7. To urge those Parties with economies in transition mentioned in paragraph 6 above to submit to the Secretariat the phase-out plans with specific interim benchmarks developed with the Global Environment Facility in accordance with requests made at the Tenth Meeting of the Parties.

Decision XII/6: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *Dec. XII/6:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with regret that 21 Parties out of the 175 that should have reported data for 1998 have not reported to date;

3. To note further with regret that 59 Parties out of the 175 that should have reported data for 1999 by 30 September 2000 have not reported to date;

4. To remind all Parties to comply with the provisions of Article 7 and 9 of the Protocol as well as relevant decisions of the Parties on data and information reporting.

Decision XIII/15: Data and information provided by the Parties to the 13th Meeting of the Parties in accordance with Article 7 of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/15:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with regret that 16 Parties out of the 170 that should have reported data for 1999 have not reported to date;

3. To strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September;

4. To urge Parties that have not already done so to report baseline data for 1986,1989 and 1991 or the best possible estimates of such data where actual data are not available;

5. To advise Parties that request changes in reported baseline data for the base years to present their requests before the Implementation Committee which will in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval.

Decision XIV/13: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/13:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with regret that 49 Parties out of the 180 that should have reported data for 2001 have not reported to date;

3. To note further that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;

4. To strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year;

5. To remind Parties operating under Article 5(1) that for the purposes of reporting data, under the provisions of Article 2A paragraph 2 and Article 5 paragraph 8 bis (a) the current control period extends from 1 July 2001 to 31 December 2002.

Decision XV/14: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/14:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with appreciation that 160 Parties out of the 183 that should have reported data for 2002 have now done so, but that 23 have still not reported to date;

3. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;

4. To urge Parties strongly to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year.

Decision XVI/17: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol l

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/17:*

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;

2. To note with appreciation that 175 Parties out of the 184 that should have reported data for 2003 have now done so, but that the following Parties have still not reported to date: Botswana, Lesotho, Liberia, Micronesia (Federated States of), Nauru, Russian Federation, Solomon Islands, Turkmenistan and Tuvalu;

3. To note further that the Federated States of Micronesia has also still not reported data for 2001 and 2002;

4. To note that this places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol and to urge them, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;

5. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;

6. To recall decision XV/15, which encouraged the Parties to forward data on consumption and production to the Secretariat as soon as the figures were available, and preferably by 30 June each year, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties;

7. To note further with appreciation that 92 Parties out of the 184 that could have reported data by 30 June 2004 succeeded in meeting that deadline;

8. To note also that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund in assisting Parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;

9. To encourage Parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

Decision XVII/20: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/20:*

1. To note with appreciation that 185 Parties out of the 188 that should have reported data for 2004 have done so, and that 114 of those Parties reported their data by 30 June 2005 in conformance with decision XV/15;

2. To note, however, that the following Parties have still not reported 2004 data: Cook Islands, Mozambique, Nauru;

3. To note that this places the Parties listed in paragraph 2 in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;

4. To urge the Parties listed in paragraph 2, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;

5. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;

6. To note further that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting Parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;

7. To encourage Parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

Decisions on compliance with data-reporting requirements: base-year and baseline data

Decision XIV/15: Non-compliance with data reporting requirement under Article 7 paragraphs 1 and 2 of the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/15:*

1. To note that several Parties operating under Article 5 have not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7 paragraphs 1 and 2 of the Montreal Protocol;

2. To note that Article 7 paragraphs (1) and (2) of the Protocol provides for Parties to submit best possible estimates of the data referred to in those provisions where actual data is not available;

3. To request that the Secretariat should communicate with the Parties referred to in paragraph 1 above and offer assistance in reporting such estimates in accordance with Article 7 paragraphs (1) and (2).

Decision XIV/16: Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5 paragraphs 3 and 8 ter (d)

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/16:*

1. To note that the following Parties have not reported data for one or more of the years which are required for the establishment of baselines for Annex A and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):

   (a) For Annex A: Angola, Cambodia, Cape Verde, Djibouti, Haiti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;

   (b) For Annex E: Cape Verde, Democratic Republic of Congo, Djibouti, Micronesia (Federated States of), Haiti, Democratic People's Republic of Korea, Liberia, Maldives, Nigeria, Palau, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone, Somalia, Vanuatu;

2. To note that this places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;

3. To stress that compliance by these Parties with the Montreal Protocol cannot be determined without knowledge of this data;

4. To note that 18 out of 20 of these Parties are receiving assistance with data collection from the Multilateral Fund through the Implementing Agencies;

5. To urge these Parties to work closely with the Agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

Decision XV/16: Non-compliance with data reporting requirements under Article 7, paragraphs 1 and 2 of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/16:*

1. To recall decision XIV/15 of the Fourteenth Meeting of the Parties, on non-compliance with data reporting requirements for the purpose of reporting data for base years;

2. To note with appreciation that several Parties have submitted data for their base years following the adoption of decision XIV/15;

3. To note, however, that the following Parties operating under Article 5, paragraph 1, have still not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7, paragraphs 1 and 2 of the Montreal Protocol: Cape Verde, China, Guinea-Bissau, Haiti, Honduras, Liberia, Libyan Arab Jamahiriya, Mali, Marshall Islands, Micronesia (Federated States of), Nauru, Nigeria, São Tomé and Príncipe, Somalia and Suriname;

4. To note further that Article 7, paragraphs 1 and 2 of the Protocol provide for Parties to submit best possible estimates of the data referred to in those provisions where actual data are not available;

5. To request the relevant implementing agencies of the Multilateral Fund to make available to the Secretariat any data they have obtained which may be relevant;

6. To request the Secretariat to communicate with the Parties referred to in paragraph 3 above and to offer assistance in reporting such estimates in accordance with Article 7, paragraphs 1 and 2.

Decision XV/18: Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d)

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/18:*

1. To note with appreciation the fact that, as requested under decision XIV/16 of the Fourteenth Meeting of the Parties, the following Parties have reported baseline data, thus bringing themselves into compliance with the provisions of Article 5, paragraphs 3 and 8 *ter* (d): Angola, Cambodia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Haiti, Maldives, Micronesia (Federated States of), Nauru, Nigeria, Palau, Rwanda, Saint Kitts and Nevis, Sierra Leone, Suriname and Vanuatu;

2. To note nevertheless that the following Parties have still not reported data for one or more of the years which are required for the establishment of baselines for Annexes A, B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):

   (a) For Annex A: Cape Verde, Djibouti, Guinea-Bissau, São Tomé and Príncipe, and Somalia;

   (b) For Annex B: Cape Verde, Djibouti, Grenada, Guinea-Bissau, Liberia, São Tomé and Príncipe, and Somalia;

   (c) For Annex E: Cape Verde, Djibouti, Guinea-Bissau, India, Liberia, Mali, São Tomé and Príncipe, and Somalia;

3. To note that that places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;

4. To stress that compliance by those Parties with the Montreal Protocol cannot be determined without knowledge of those data;

5. To note that all those Parties are receiving assistance with data collection from the Multilateral Fund through the implementing agencies;

6. To note also that some of those Parties have only recently ratified various amendments to the Montreal Protocol and consequently may be in the process of collecting the required baseline data;

7. To urge those Parties to work closely with the implementing agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting.

Decision XVII/22: Non-compliance with data-reporting requirements for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d)

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/22:*

1. To note that Serbia and Montenegro has not reported data for one or more of the years which are required for the establishment of baselines for Annexes B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d);

2. To note that that places Serbia and Montenegro in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;

3. To stress that compliance by Serbia and Montenegro with the Montreal Protocol cannot be determined without knowledge of those data;

4. To acknowledge that Serbia and Montenegro has only recently ratified the amendments to the Protocol to which the data-reporting obligation relates, but also to note that its has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;

5. To urge Serbia and Montenegro to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as a matter of urgency to the Secretariat and to request the Implementation Committee to review the situation of Serbia and Montenegro with respect to data reporting at its next meeting.

Decisions on compliance with data-reporting requirements: Parties temporarily classified as Article 5 Parties

Decision XIV/14: Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/14:*

1. To note that the following Parties, temporarily classified as operating under Article 5, have not reported any consumption or production data to the Secretariat: Cambodia, Cape Verde, Djibouti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;

2. To note that this situation places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;

3. To acknowledge that many of these Parties have only recently ratified the Montreal Protocol but also to note that twelve of them have received assistance with data collection from the Multilateral Fund through the Implementing Agencies;

4. To urge these Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other Implementing Agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

Decision XV/17: Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/17:*

1. To note with appreciation the fact that, as requested under decision XIV/14 of the Fourteenth Meeting of the Parties, the following Parties have reported data, thus bringing themselves into compliance with the provisions of Article 7 and enabling their temporary classification as Article 5 Parties to be removed: Cambodia, Nauru, Rwanda, Sierra Leone and Suriname;

2. To note nevertheless that the following Parties, temporarily classified as operating under Article 5, have still not reported any consumption or production data to the Secretariat: Cape Verde, Guinea-Bissau, São Tomé and Príncipe and Somalia;

3. To note that that situation places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;

4. To acknowledge that many of those Parties have only recently ratified the Montreal Protocol but also to note that all of them have received assistance with data collection from the Multilateral Fund through the implementing agencies;

5. To urge those Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting.

Decision XVI/18: Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by Parties recently ratifying the Montreal Protocol l

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/18:*

1. To note that the following Parties, temporarily classified as operating under paragraph 1 of Article 5, have not reported any consumption or production data to the Secretariat: Afghanistan and Cook Islands;

2. To note that that situation places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol;

3. To acknowledge that all those Parties have only recently ratified the Montreal Protocol and also to note that Cook Islands has not yet received assistance with data collection from the Multilateral Fund through the implementing agencies;

4. To urge those Parties to work together with the United Nations Environment Programme under the compliance assistance programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting.

Decision XVII/21: Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by Parties recently ratifying the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/21:*

1. To note that Eritrea, temporarily classified as operating under paragraph 1 of Article 5 of the Montreal Protocol, has not reported any consumption or production data to the Secretariat;

2. To note that that situation places that Party in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;

3. To acknowledge that Eritrea has only recently ratified the Montreal Protocol and has received approval for data collection assistance from the Multilateral Fund for the Implementation of the Montreal Protocol through the latter's implementing agencies;

4. To note with appreciation Eritrea's commitment to submit its outstanding data no later than the first quarter of 2006;

5. To urge Eritrea to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat and to request the Implementation Committee to review the situation of that Party with respect to data-reporting at its next meeting.

Article 8: Non-compliance

[For decisions on non-compliance with data-reporting requirements, see Article 7.]

Decisions on non-compliance procedure

Decision I/8: Non-compliance

The *First Meeting of the Parties* decided in *Dec. I/8*:

(a) to establish an open-ended *ad hoc* Working Group of Legal Experts to develop and submit to the Secretariat by 1 November 1989 appropriate proposals for consideration and approval by the Parties at their Second Meeting on procedures and institutional mechanisms for determining non-compliance with the provisions of the Montreal Protocol and for the treatment of Parties that fail to comply with its terms;

(b) to invite Parties and signatories to submit to the Secretariat by no later than 22 May 1989 any comments or proposals they wish to see reflected in the working documents of the *ad hoc* working group;

(c) to urge the Parties to provide within the next three months on a voluntary basis, the necessary funds for the *ad hoc* working group's meeting.

Decision II/5: Non-compliance

The *Second Meeting of the Parties* decided in *Dec. II/5:*

To adopt, on an interim basis, the procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for treatment of Parties found to be in non-compliance, as set out in Annex III to the report on the work of the Second Meeting of the Parties;

To extend the mandate of the open-ended *Ad hoc* Working Group of Legal Experts to elaborate further procedures on non-compliance and terms of reference for the Implementation Committee and to present the results for review by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at the Fourth Meeting.

Decision III/2: Non-compliance procedure

The *Third Meeting of the Parties* decided in *Dec. III/2* to

(a) request the *Ad hoc* Working Group of Legal Experts on the Non-compliance Procedure with the Montreal Protocol, when elaborating further the procedures on non-compliance, to:

  (i) identify possible situations of non-compliance with the Protocol;

  (ii) develop an indicative list of advisory and conciliatory measures to encourage full compliance;

  (iii) reflect the role of the Implementation Committee as an advisory and conciliatory body bearing in mind that the recommendation of the Implementation Committee on Non-compliance Procedure must always be referred to the meeting of the Parties for final decision;

  (iv) reflect the possible need for legal interpretation of the provisions of the Protocol;

  (v) draw up an indicative list of measures that might be taken by a meeting of the Parties in respect of Parties that are not in compliance with the Protocol, bearing in mind the need to provide all

assistance possible to countries, particularly developing countries, to enable them to comply with the Protocol;

(vi) endorse the conclusion of the *Ad Hoc* Working Group of Legal Experts that the judicial and arbitral settlement of disputes provided for in Article 11 of the Vienna Convention and the Non-compliance Procedure pursuant to Article 8 of the Montreal Protocol were two distinct and separate procedures (UNEP/OzL.Pro/WG.3/2/3);

(b) adopt the following timetable for finalization of the draft non-compliance procedures for consideration by the Fourth Meeting of the Parties to the Protocol:

October 1991: Meeting of the *Ad hoc* Working Group of Legal Experts to complete the draft procedures for endorsement by the Parties;

November 1991: Submission of draft non-compliance procedures to the Ozone Secretariat;

December 1991: Circulation of draft non-compliance procedures to the Parties.

Decision III/17: Amendment of the Vienna Convention

The *Third Meeting of the Parties* decided in *Dec. III/17* with respect to the amendment procedure of the Vienna Convention, to request the *Ad Hoc* Working Group of Legal Experts on Non-compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention.

Decision IV/5: Non-compliance procedure

The *Fourth Meeting of the Parties* decided in *Dec. IV/5:*

1. to note with appreciation the work of the *Ad Hoc* Working Group of Legal Experts on Non-Compliance with the Montreal Protocol;

2. to adopt the non-compliance procedure, as set out in Annex IV to the report of the Fourth Meeting of the Parties;

3. to adopt the indicative list of measures that might be taken in respect of non-compliance, as set out in Annex V to the report of the Fourth Meeting of the Parties *[see Section 3.5 in this Handbook];*

4. to accept the recommendation that there is no need to expedite the amendment procedure under Article 9 of the Vienna Convention for the Protection of the Ozone Layer;

5. to adopt the view that the responsibility for legal interpretation of the Protocol rests ultimately with the Parties themselves.

Decision IX/35: Review of the non-compliance procedure

The *Ninth Meeting of the Parties* decided in *Dec. IX/35:*

Recalling the non-compliance procedure adopted by the Fourth Meeting of the Parties in its decision IV/5,

Noting that these procedures have not been reviewed since their adoption in 1992,

Aware that the effective operation of the Protocol requires that these procedures should be reviewed on a regular basis,

Also aware of the fundamental importance of ensuring compliance with the provisions of the Montreal Protocol and of assisting Parties to that end,

1. To establish an Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance composed of fourteen members: seven representatives from Parties operating under paragraph 1 of Article 5 and seven representatives from Parties not operating under Article 5, to review the non-compliance procedure of the Montreal Protocol and to develop appropriate conclusions and recommendations, for consideration by the Parties, on the need and modalities for the further elaboration and the strengthening of this procedure;

2. To select the following seven Parties: Australia, Canada, European Community, Russian Federation, Slovakia, Switzerland and United Kingdom of Great Britain and Northern Ireland from those Parties not operating under paragraph 1 of Article 5, and to select the following seven Parties: Argentina, Botswana, China, Georgia, Morocco, Sri Lanka and St. Lucia, from those Parties operating under paragraph 1 of Article 5, as members of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance;

3. To note that the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance shall select two Co-Chairs, one from those Parties operating under paragraph 1 of Article 5 and one from Parties not so operating;

4. To adopt the following timetable for the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance:

   (a) 1 November 1997: each of the selected Parties is invited to indicate to the Secretariat the name of its representative to the Ad Hoc Working Group;

   (b) 1 January 1998: all Parties are also invited to submit to the Secretariat any comments or proposals they wish to see considered in the work of the Ad Hoc Working Group;

   (c) The Ad Hoc Working Group will meet during the three days immediately prior to the seventeenth meeting of the Open-ended Working Group of the Parties. It should provide a short report at the seventeenth meeting of the Open-ended Working Group of the Parties on the status of its work;

   (d) The Ad Hoc Working Group will meet during the three days immediately prior to the Tenth Meeting of the Parties. It should provide a status report on the outcome of its work, including any conclusions and recommendations;

   (e) The Group may also consider carrying out additional work through correspondence or any other means it considers appropriate;

5. To request the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, when reviewing the non-compliance procedure to:

   (a) Consider any proposals presented by Parties for strengthening the non-compliance procedure, including, *inter alia*, how repeated instances of major significance of non-compliance with the Protocol could trigger the adoption of measures under the indicative list of measures with a view to ensuring prompt compliance with the Protocol;

   (b) Consider any proposals presented by Parties for improving the effectiveness of the functioning of the Implementation Committee, including with respect to data-reporting and the conduct of its work;

6. To consider and adopt any appropriate decision at the Tenth Meeting of the Parties upon the review of the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, including its conclusions and/or recommendations;

7. To note that the review of the "Indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance with the Protocol" is not included in the mandate of the Ad Hoc Working Group.

Decision X/10: Review of the non-compliance procedure

The *Tenth Meeting of the Parties* decided in *Dec. X/10:*

Recalling decision IV/5 on a non-compliance procedure of the Montreal Protocol adopted by the Fourth Meeting of the Parties,

Recalling also decision IX/35 on review of the non-compliance procedure adopted by the Ninth Meeting of the Parties,

Noting the report of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance established by decision IX/35 (UNEP/OzL.Pro/WG.4/1/3) and, in particular, its conclusion that in general the non-compliance procedure has functioned satisfactorily but that further clarification was desirable and that some additional practices should be developed to streamline the procedure,

1. To express appreciation to the Ad Hoc Working Group for its report reviewing the non-compliance procedure;

2. To agree on the following changes in the text with a view to clarifying particular paragraphs of the non-compliance procedure:

   (a) In *paragraph 2*, the following should be substituted for the last sentence:

   "If the Secretariat has not received a reply from the Party three months after sending it the original submission, the Secretariat shall send a reminder to the Party that it has yet to provide its reply. The Secretariat shall, as soon as the reply and information from the Party are available, but not later than six months after receiving the submission, transmit the submission, the reply and the information, if any, provided by the Parties to the Implementation Committee referred to in paragraph 5, which shall consider the matter as soon as practicable."

   (b) In *paragraph 3*, the following should be substituted for the word "accordingly" at the end of the paragraph:

   ", which shall consider the matter as soon as practicable"

   (c) In *paragraph 5*:

      (i) The following should be inserted after the second sentence:

      "Each Party so elected to the Committee shall be requested to notify the Secretariat, within two months of its election, of who is to represent it and shall endeavour to ensure that such representation remains throughout the entire term of office."

      (ii) The following should be inserted after the third sentence:

      "A Party that has completed a second consecutive two-year term as a Committee member shall be eligible for election again only after an absence of one year from the Committee."

   (d) In *paragraph 7*, the following subparagraph should be inserted after subparagraph (c):

   "(d) To identify the facts and possible causes relating to individual cases of non-compliance referred to the Committee, as best it can, and make appropriate recommendations to the Meeting of the Parties;"

and the subsequent subparagraphs should be renumbered accordingly;

3. To agree, consistent with the Implementation Committee's practice of reviewing all instances of non-compliance, that in situations where there has been a persistent pattern of non-compliance by a Party, the Implementation Committee should report and make appropriate recommendations to the Meeting of the Parties with the view to ensuring the integrity of the Montreal Protocol, taking into account the circumstances surrounding the Party's persistent pattern of non-compliance. In this connection, consideration should be given to progress made by a Party towards achieving compliance and measures taken to help the non-compliant Party return to compliance;

4. To draw the attention of Parties to the amended non-compliance procedure as set out in annex II to the report of the Tenth Meeting of the Parties *[see Section 3.5 in this Handbook]*;

5. To consider, unless the Parties decide otherwise, the operation of the non-compliance procedure again no later than the end of 2003.

Decisions on the Implementation Committee

Decision III/3: Implementation Committee

The *Third Meeting of the Parties* decided in *Dec. III/3:*

(a) to note the progress made by the Implementation Committee and to urge strongly that the Parties that have not yet done so should submit without delay the data required by the Montreal Protocol;

(b) that those States, not forming part of a regional economic integration organization, which had reported data jointly in the past should submit separate data in the future, and do so, if appropriate, in the context of Decision III/7(a);

(c) that the period for data reporting is 1 January to 31 December (Article 7, paragraph 2) and that the control period is 1 July to 30 June (Article 2, paragraph 1) and to request the Parties to report the data for both periods;

(d) To endorse the recommendation on the categorization of the developing countries under paragraph 1 of Article 5:

"In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1), the recommendation contained in paragraph 14 (e) of the report of the *Ad hoc* Group of Experts on the Reporting of Data (UNEP/OzL.Pro/WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under Article 5, paragraph 1: Bahrain, Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under Article 5, paragraph 1.";

(e) to confirm the positions of Hungary, Japan, Norway, Trinidad and Tobago, and Uganda as members of the Implementation Committee for one further year and to select Cameroon, Chile, Thailand, U.S.A. and U.S.S.R. for a two year period.

Decision III/20: Composition of the Implementation Committee

The *Third Meeting of the Parties* decided in *Dec. III/20* to change paragraph 3 of Non-compliance Procedure as in Annex III to the report of the Second Meeting of the Parties to the Montreal Protocol*:*

"3. An Implementation Committee is hereby established. It shall consist of ten Parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. Outgoing Parties may also be re-elected for one immediate consecutive term.".

Decision IV/6: Implementation Committee

The *Fourth Meeting of the Parties* decided in *Dec. IV/6* to confirm the positions of Cameroon, Chile, Russian Federation, Thailand and the United States as members of the Implementation Committee for one further year, and to select Argentina, Austria, Bulgaria, Republic of Korea and Uganda for a two-year period.

Decision V/2: Implementation Committee

The *Fifth Meeting of the Parties* decided in *Dec. V/2* to confirm the positions of Argentina, Austria, Bulgaria, the Republic of Korea and Uganda as members of the Implementation Committee for one further year, and to select Burkina Faso, Chile, Jordan, the Netherlands and the Russian Federation as members of the Committee for a two-year period.

Decision VI/3: Implementation Committee

The *Sixth Meeting of the Parties* decided in *Dec. VI/3* to confirm the positions of Burkina Faso, Chile, Jordan, the Netherlands and the Russian Federation as members of the Implementation Committee for one further year, and to select Austria, Bulgaria, Peru, Philippines and the United Republic of Tanzania as members of the Committee for a two-year period.

Decision VII/21: Membership of the Implementation Committee

The *Seventh Meeting of the Parties* decided in *Dec. VII/21:*

1. To note with appreciation the work done by the Implementation Committee;

2. To confirm the positions of Austria, Bulgaria, Peru, Philippines and the United Republic of Tanzania as members of the Committee for one further year, and to select Canada, Sri Lanka, Ukraine, Uruguay and Zambia as members of the Committee for a two-year period.

Decision VIII/3: Membership of the Implementation Committee

The *Eighth Meeting of the Parties* decided in *Dec. VIII/3:*

1. To note with appreciation the work done by the Implementation Committee;

2. To confirm the positions of Canada, Sri Lanka, Ukraine, Uruguay and Zambia for one further year, and to select Dominican Republic, Germany, Ghana, Indonesia, and Lithuania as members of the Committee for a two-year period.

Decision IX/12: Membership of the Implementation Committee

The *Ninth Meeting of the Parties* decided in *Dec. IX/12:*

1. To note with appreciation the work done by the Implementation Committee;

2. To confirm the positions of the Dominican Republic, Germany, Ghana, Indonesia and Lithuania for one further year, and to select Bolivia, Kenya, Latvia, Pakistan and the United States of America as members of the Committee for a two-year period.

Decision X/3: Membership of the Implementation Committee

The *Tenth Meeting of the Parties* decided in *Dec. X/3:*

1. To note with appreciation the work done by the Implementation Committee;

2. To confirm the positions of Bolivia, Kenya, Latvia, Pakistan and the United States of America for one further year and to select Antigua and Barbuda, Mali, Poland, Saudi Arabia, and the United Kingdom as members of the Committee for a two-year period.

Decision XI/8: Membership of the Implementation Committee

The *Eleventh Meeting of the Parties* decided in *Dec. XI/8:*

1. To note with appreciation the work done by the Implementation Committee for 1999;

2. To confirm the positions of Mali, Poland, Saudi Arabia and the United Kingdom for one further year and to select Argentina, Bangladesh, Czech Republic, Ecuador, Egypt and United States of America as members of the Committee for a two-year period.

Decision XII/3: Membership of the Implementation Committee

The *Twelfth Meeting of the Parties* decided in *Dec. XII/3:*

1. To note with appreciation the work done by the Implementation Committee in the year 2000;

2. To confirm the positions of Argentina, Bangladesh, the Czech Republic, Ecuador, Egypt and the United States of America for one further year and to select Senegal, Slovakia, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland as members of the Committee for a two-year period from 1 January 2001;

3. To note the selection of the United Kingdom of Great Britain and Northern Ireland to serve as President and of Bangladesh to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2001.

Decision XII/13: Term of office of the Implementation Committee and its officers

The *Twelfth Meeting of the Parties* decided in *Dec. XII/13:*

1. To fix the term of office of the Committee and its officers as 1 January to 31 December each year;

2. To request the Committee elected each year by the Meeting of the Parties to elect its President and Vice-President during the Meeting itself in order to ensure continuity of these two offices.

Decision XIII/26: Membership of the Implementation Committee

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/26:*

1. To note with appreciation the work done by the Implementation Committee in the year 2001;

2. To confirm the positions of Senegal, Slovakia, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland for one further year and to select Australia, Bangladesh, Bolivia, Bulgaria, Ghana and Jamaica as members of the Committee for a two-year period from 1 January 2002;

3. To note the selection of Bangladesh to serve as President and of Australia to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2002.

Decision XIV/12: Membership of the Implementation Committee

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/12:*

1. To note with appreciation the work done by the Implementation Committee in the year 2002;

2. To confirm the positions of Australia, Bangladesh, Bulgaria, Ghana, and Jamaica for one further year and select Honduras, Italy, Lithuania, Maldives and Tunisia as members of the Committee for a two-year period from 1 January 2003;

3. To note the selection of Australia to serve as President and of Jamaica to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2003.

Decision XIV/37: Interaction between the Executive Committee and the Implementation Committee

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/37:*

Noting that the Multilateral Fund has an important responsibility for enabling compliance, but that without national action, there can be no compliance,

Acknowledging that the Executive Committee, pursuant to the Multilateral Fund's mandate "to enable compliance" has a responsibility to consider both the current and forecasted compliance status of a country when it reviews submissions connected with funding proposals and that, therefore, the Committee should work with the Party to eliminate the duration of any possible non-compliance,

Mindful of the fact that the Executive Committee's decisions to approve funding cannot be construed to condone a Party's non-compliance and that each Party continues to bear the responsibility to meet its obligations,

1. To request the Executive Committee to therefore make it clear that its funding decisions are always without prejudice to a Party's duty to meet its obligations under the Protocol, and are also without prejudice to the operation of the mechanisms in the Protocol that exist for the treatment of Parties in non-compliance. Accordingly, the Executive Committee should include language to this effect in its funding decisions where non-compliance is potentially at issue;

2. To note that while the Implementation Committee may take into account information from the Executive Committee consistent with paragraph 7(f) of the non-compliance procedure, the Executive Committee has no formal role in the crafting of Implementation Committee recommendations;

3. To further note that in no case should any Implementation Committee action be construed as directly requiring the Executive Committee to take any specific action regarding the funding of any specific project;

4. To note that the Executive Committee and Implementation Committee are independent of each other. However, pursuant to Article 10, the Multilateral Fund operates under the authority of the Parties and, pursuant to the non-compliance procedure of the Montreal Protocol, the Implementation Committee reports its recommendations to the Parties for possible decision.

Decision XV/13: Membership of the Implementation Committee

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/13:*

1. To note with appreciation the work done by the Implementation Committee in 2003;

2. To confirm the positions of Honduras, Italy, Lithuania, the Maldives and Tunisia for a further one year and select Australia, Belize, Ethiopia, Jordan and the Russian Federation as members of the Committee for a two-year period from 1 January 2004;

3. To note the selection of Tunisia to serve as President and of Italy to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2004.

Decision XVI/42: Membership of the Implementation Committee

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/42:*

1. To note with appreciation the work done by the Implementation Committee in the year 2004;

2. To confirm the positions of Australia, Belize, Ethiopia, Jordan and the Russian Federation for one further year and to select Cameroon, Georgia, Guatemala, Nepal and the Netherlands as members of the Committee for a two-year period from 1 January 2005;

3. To note the selection of the Netherlands to serve as President and of Jordan to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2005.

Decision XVII/43: Membership of the Implementation Committee

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/43:*

1. To note with appreciation the work done by the Implementation Committee in 2005;

2. To confirm the positions of Cameroon, Georgia, Guatemala, Nepal and the Netherlands for one further year and to select Argentina, Lebanon, New Zealand, Nigeria and Poland as members of the Committee for a two-year period from 1 January 2006;

3. To note the selection of Georgia to serve as President and of New Zealand to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2006.

Decisions on potential non-compliance

Decision XIII/16: Potential non-compliance with the freeze on CFC consumption in Article 5 Parties in the control period 1999-2000

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/16:*

1. To note that, in accordance with decision X/29 of the 10th Meeting of the Parties, the Implementation Committee requested the Secretariat to write to the following Article 5 Parties, Bangladesh, Chad, Comoros, Dominican Republic, Honduras, Kenya, Mongolia, Morocco, Niger, Nigeria, Oman, Papua New Guinea, Paraguay, Samoa and Solomon Islands, that had reported data on CFC consumption for either the year 1999 and/or 2000 that was above their individual baselines;

2. That since none of the above Parties has responded to the request from the Secretariat for data for the control period from 1 July 1999 to 30 June 2000, all are presumed to be in non-compliance with the control measures under the Protocol in the absence of further clarification;

3. To closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that in the event that any country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/17: Potential non-compliance with the freeze on CFC consumption by Parties operating under Article 5 for the control period July 2000 to June 2001

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/17:*

1. To note that, pursuant to decision X/29 of the Tenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to those Parties operating under Article 5 that had reported data on CFC consumption for either the year 2000 and/or 2001 that was above their individual baselines;

2. To note that Guatemala, Malta, Pakistan and Papua New Guinea have failed to report data for the control period from 1 July 2000 to 30 June 2001, and have reported annual data for either 2000 or 2001 which is above their baseline. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;

3. To urge these Parties to report data for the control period from 1 July 2000 to 30 June 2001 as a matter of urgency;

4. To closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/28: Non-compliance with consumption phase-out by Parties not operating under Article 5 in 2000

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/28:*

1. To note that Belarus and Latvia have reported data on consumption of substances in Annex A or B to the Montreal Protocol in 2000 that places them in non-compliance with the national plans negotiated with the Parties and stated in Decisions X/21 and X/24 respectively;

2. To strongly request these Parties to provide the Implementation Committee, through the Secretariat, with explanations for their non-compliance, based on the data reported under Article 7 of the Protocol, as a matter of urgency;

3. To request the Implementation Committee to review the situation with regard to the phase-out of ozone-depleting substances in these Parties at its next meeting, and report to the Fifteenth Meeting of the Parties.

Decision XV/21: Potential non-compliance with consumption of Annex A, group I, ozone-depleting substances (CFCs) by Article 5 Parties for the control period 1 July 2001-31 December 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/21:*

1. To note that the following Article 5 Parties have failed to report data for consumption of Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002, and have reported annual data for 2001 and/or 2002 which are above their requirement for a freeze in consumption: Dominica, Haiti, Saint Kitts and Nevis, and Sierra Leone. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;

2. To urge those Parties to report data for Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency and, in addition, for consideration at the next meeting of the Implementation Committee, explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To note also, however, the special situation of Haiti, which has only recently ratified the Montreal Protocol and begun to implement its refrigerant management plan;

4. To monitor closely the progress of those Parties with regard to the phase-out of CFCs. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/22: Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Article 5 Parties in 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/22:*

1. To note that the following Article 5 Parties have reported annual data for Annex A, group II substances for 2002 which are above their requirement for a freeze in consumption: Malaysia, Mexico, Nigeria and Pakistan. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;

2. To request those Parties to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule; policy and regulatory instruments that will ensure progress in achieving the phase-out; and work with implementing agencies to identify alternatives to Annex A, group II, substances;

3. To monitor closely the progress of those Parties with regard to the phase-out of halons. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/23: Potential non-compliance with consumption of the Annex C, group II, ozone-depleting substance (hydrobromofluorocarbons) by Morocco in 2002, and request for a plan of action

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/23:*

1. To note that Morocco has reported annual data for Annex C, group II, for 2002 which are above its requirement for a 100 per cent phase-out. In the absence of further clarification, Morocco is presumed to be in non-compliance with the control measures under the Protocol;

2. To request Morocco to submit to the Implementation Committee, for consideration at its next meeting, an explanation for its excess consumption, and a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To monitor closely the progress of Morocco with regard to the phase-out of hydrobromofluorocarbons. To the degree that Morocco is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Morocco should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Morocco, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures.

Decision XV/24: Potential non-compliance with consumption of the controlled substance in Annex E (methyl bromide) by non-Article 5 Parties in 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/24:*

1. To note that Latvia has reported annual data for 2001 which are above its requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E, therefore placing Latvia in non-compliance with its obligations under Article 2H of the Montreal Protocol for 2001;

2. To note also, however, that Latvia had provided an explanation for its non-compliance and has subsequently reported Annex E data for 2002 that indicate its return to compliance;

3. To note that Israel has reported annual data for 2002 which are above its requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E. In the absence of further clarification, Israel is presumed to be in non-compliance with the control measures under the Protocol;

4. To request Israel to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Israel may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

5. To monitor closely the progress of Israel with regard to the phase-out of methyl bromide. To the degree that Israel is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. Through the present decision, however, the Parties caution Israel, in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/25: Potential non-compliance with consumption of the ozone-depleting substance in Annex E (methyl bromide) by Article 5 Parties in 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/25:*

1. To note that the following Article 5 Parties have reported annual data for the controlled substance in Annex E for 2002 which are above their requirement for a freeze in consumption: Barbados, Egypt, Paraguay, Philippines, Saint Kitts and Nevis, and Thailand. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;

2. To request those Parties to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of those Parties with regard to the phase-out of methyl bromide. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVI/19: Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Somalia in 2002 and 2003, and request for a plan of action

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/19:*

1. To note that Somalia has reported annual data for Annex A, group II, ozone-depleting substances (halons) for both 2002 and 2003 which are above its requirement for a freeze in consumption;

2. To note further that, in the absence of further clarification, Somalia is presumed to be in non-compliance with the control measures under the Protocol;

3. To request Somalia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Somalia may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ozone-depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Somalia with regard to the phase-out of halons. To the degree that Somalia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Somalia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Somalia, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVI/20: Potential non-compliance in 2003 with consumption of the controlled substance in Annex B, group III (methyl chloroform) by Parties operating under paragraph 1 of Article 5, and requests for plans of action

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/20:*

1. To note that the following Parties operating under paragraph 1 of Article 5 of the Montreal Protocol have reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which is above their requirement for a freeze in consumption: Bangladesh, Bosnia and Herzegovina, Ecuador and the Islamic Republic of Iran. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol. To note, however, that the Islamic Republic of Iran has submitted a request for a change in its baseline data for methyl chloroform that will be considered by the Implementation Committee at its next meeting;

2. To request those Parties, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of those Parties with regard to the phase-out of methyl chloroform. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions those Parties, in accordance with item B of the indicative list of measures, that, in the event that any Party fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Albania

Decision XIV/18: Non-compliance with the Montreal Protocol by Albania

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/18:*

1. To note that Albania ratified the Montreal Protocol on 8 October 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol but has not had its country programme approved by

the Executive Committee. However, the Executive Committee has approved $215,060 from the Multilateral Fund to facilitate compliance in accordance with Article 10 of the Protocol;

2. Albania's baseline for Annex A, Group I substances is 41 ODP-tonnes. It reported consumption of 62 and 69 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 58 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Albania was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Albania submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Albania may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Albania with regard to the phase-out of ozone-depleting substances. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Albania should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/26: Non-compliance with the Montreal Protocol by Albania

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/26:*

1. To note that, in accordance with decision XIV/18 of the Fourteenth Meeting of the Parties, Albania was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Albania's submission of its plan of action, and to note further that, under the plan, Albania specifically commits itself:

   (a) To reducing CFC consumption from 69 ODP-tonnes in 2001 as follows:

      (i) To 68.0 ODP-tonnes in 2003;

      (ii) To 61.2 ODP-tonnes in 2004;

      (iii) To 36.2 ODP-tonnes in 2005;

      (iv) To 15.2 ODP-tonnes in 2006;

      (v) To 6.2 ODP-tonnes in 2007;

      (vi) To 2.2 ODP-tonnes in 2008;

      (vii) To phasing out CFC consumption by 1 January 2009, as provided in the plan for reduction and phase out of CFC consumption, save for essential uses that may be authorized by the Parties;

   (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above should enable Albania to return to compliance by 2006, and to urge Albania to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Albania with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Albania should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Argentina

Decision XIII/21: Compliance with the Montreal Protocol by Argentina

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/21:*

1. To note that Argentina ratified the Montreal Protocol on 18 September 1990, the London Amendment on 4 December 1992, the Copenhagen Amendment on 20 April 1995, and the Montreal Amendment on 15 February 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and its country programme was approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved $43,287,750 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Argentina's production baseline for Annex A, Group I substances is 2,745.3 ODP tonnes. Argentina reported production of 3,101 and 3,027 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Argentina responded to the Ozone Secretariat's request for data regarding the control period 1 July 1999 to 30 June 2000. Argentina reported production of 3,065 ODP tonnes of Annex A, Group I controlled substances for the production freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Argentina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Argentina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Argentina may wish to consider including in its plan actions to establish production quotas that will freeze production at baseline levels and support the phase-out;

4. To closely monitor the progress of Argentina with regard to the phase-out of ozone-depleting substances. To the degree that Argentina is working towards and meeting the specific Protocol control measures, Argentina should continue to be treated in the same manner as a Party in good standing. In this regard, Argentina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Argentina, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Armenia

Decision XIII/18: Compliance with the Montreal Protocol by Armenia

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/18:*

1. To note that Armenia is in non-compliance with data reporting requirement under Article 7 of the Protocol, based on which compliance with the phase-out schedule is determined;

2. To note that ratification of the London Amendment is required to qualify for financial assistance from international funding agencies;

3. To recommend that, should Armenia ratify the London Amendment to the Montreal Protocol, international funding agencies should consider favourably the provision of financial assistance to Armenia for projects to phase out ozone-depleting substances in that country.

Decision XIV/31: Non-compliance with the Montreal Protocol by Armenia

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/31:*

1. To note that Armenia has reported data on consumption of substances in Annex A to the Montreal Protocol in 2000 above control levels as provided in Article 2 of the Protocol, and therefore that Armenia is in non-compliance with the control measures under Article 2 of the Montreal Protocol in 2000;

2. To note that, in accordance with Decision XIII/18 of the Thirteenth Meeting of the Parties, Armenia was requested to ratify the London Amendment as a precondition for Global Environment Facility (GEF) funding, and that this has not occurred;

3. To further note that since Armenia has applied for reclassification as a developing country operating under Article 5 of the Montreal Protocol, the Implementation Committee should review the situation of Armenia after this matter is resolved.

Decision XV/27: Non-compliance with the Montreal Protocol by Armenia

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/27:*

1. To note that Armenia has now been reclassified as a developing country under decision XIV/2 of the Fourteenth Meeting of the Parties;

2. To note that ratification of the London Amendment is a precondition for Multilateral Fund funding, and therefore to call upon Armenia expeditiously to complete its process of ratification of the London Amendment;

3. To note further, however, that despite the absence of financial assistance, Armenia has reported data showing it to be in compliance with the freeze on CFC consumption, and to congratulate Armenia on its achievements.

Decision XVII/25: Non-compliance with the Montreal Protocol by Armenia and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/25:*

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol, and that the Council of the Global Environment Facility has approved $2,090,000 to enable Armenia's compliance;

2. To note further that Armenia has reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;

3. To request Armenia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Armenia may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Armenia with regard to the phase-out of the controlled substance in Annex E (methyl bromide). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Armenia, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substance in Annex E (methyl bromide) that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Azerbaijan

Decision X/20: Compliance with the Montreal Protocol by Azerbaijan

The *Tenth Meeting of the Parties* decided in *Dec. X/20:*

1. To note that Azerbaijan ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 June 1996. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 962 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Azerbaijan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Azerbaijan also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Azerbaijan comes into compliance;

2. To express great concern about Azerbaijan's non-compliance and to note that Azerbaijan only very recently assumed the obligations of the Montreal Protocol, having ratified it in 1996. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Azerbaijan (which was prepared with UNEP assistance), that Azerbaijan specifically commits:

   – To a phase-out of CFCs by 1 January 2001 (save for essential uses authorized by the Parties);

   – To establish, by 1 January 1999, a system for licensing imports and exports of ODS;

   – To establish a system for licensing operators in the refrigeration-servicing sector;

   – To tax the imports of ozone-depleting substances, to enable it to ensure that it meets the year 2001 phase-out;

– To a ban, by 1 January 2001, on all imports of halons; and

– To consider by 1999, a ban on the import of ODS-based equipment;

3. That the measures listed in paragraph 2 above should enable Azerbaijan to achieve the virtual phase out of CFCs, and a complete phase-out of halons by 1 January 2001. In this regard, the Parties urge Azerbaijan to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing banked halon for any continuing critical uses. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources;

4. To closely monitor the progress of Azerbaijan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Azerbaijan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Azerbaijan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Azerbaijan should continue to be treated in the same manner as a Party in good standing. In this regard, Azerbaijan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Azerbaijan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/28: Non-compliance with the Montreal Protocol by Azerbaijan

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/28:*

1. To note that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I substances, and to a ban on imports of Annex A, group II substances, by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;

2. To note that data submitted for both 2001 and 2002 showed consumption of CFCs putting Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol, and also that it has failed to report on the implementation of its ban on imports of halons;

3. To note further that Azerbaijan has undertaken to ban consumption of CFCs from January 2003;

4. To urge Azerbaijan to report its 2003 consumption data to the Secretariat as soon as they become available, along with a report on the status of its commitment to ban imports of halons, and to request the Implementation Committee to review the situation of Azerbaijan at its next meeting.

Decision XVI/21: Non-compliance with the Montreal Protocol by Azerbaijan

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/21:*

1. To recall that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I, substances (CFCs), and to a ban on imports of Annex A, group II, substances (halons), by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;

2. To note with appreciation that Azerbaijan prohibited the import of halons in 1999, in accordance with decision X/20;

3. To note with great concern, however, that data submitted for 2001, 2002 and 2003 show consumption of CFCs that places Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol;

4. To note also that Azerbaijan has not fulfilled its undertaking, contained in decision XV/28, to ban the consumption of CFCs from January 2003;

5. To note Azerbaijan's undertaking that complete phase-out of CFCs would be achieved by 1 January 2005 and to urge Azerbaijan to confirm its introduction of a ban on the import of CFCs, to support that undertaking;

6. To urge Azerbaijan to report its 2004 consumption data to the Secretariat as soon as they become available, and to request the Implementation Committee to review the situation of Azerbaijan at its thirty-fourth meeting.

Decision XVII/26: Non-compliance with the Montreal Protocol by Azerbaijan

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/26:*

1. To note that Azerbaijan ratified the Montreal Protocol, London and Copenhagen Amendments on 21 June 1996, and the Montreal Amendment on 28 September 2000, and is classified as a Party not operating under Article 5 of the Protocol. The Council of the Global Environment Facility has approved $6.867 million to enable Azerbaijan's compliance;

2. To note with appreciation that Azerbaijan has confirmed the introduction of a ban on the import of controlled substances in Annex A group I (CFCs), in accordance with decision XVI/21, but also note with concern that the Party did not achieve total phase out of these controlled substances by 1 January 2005 in accordance with that decision;

3. To further note that Azerbaijan had expressed reservations as to its ability to enforce its import ban given its lack of expertise in the tracking of ozone-depleting substances, and recall that Azerbaijan was not able to fulfil its commitments contained in decision X/20 and decision XV/28 to achieve total phase-out of Annex A, group I, controlled substances (CFCs) by 1 January 2001 and 1 January 2003, respectively;

4. To note with appreciation, however, the Party's action in cooperation with UNEP to seek further assistance from the Global Environment Facility to address this situation and to request Azerbaijan to report to the Secretariat on the status of this initiative, in time for the Committee's consideration at its next meeting;

5. To agree, in the light of Azerbaijan's recurrent inability to return to compliance with the Protocol in accordance with the decisions of the Meetings of the Parties and the Party's reservations as to its capacity to enforce its newly introduced ban on the import of controlled substances in Annex A group I (CFCs), to request exporting Parties to assist Azerbaijan implement its commitment by ceasing export of those controlled substances to that Party, and to further caution Azerbaijan in accordance with item B of the indicative list of measures that, in the event that the Party does not achieve total phase out of Annex A, group I, controlled substances (CFC) by 1 January 2006, the Eighteenth Meeting of the Parties shall consider implementation of item C of the indicative measures, which could include action available under Article 4 to cease supply of Annex A, group I, controlled substances (CFCs) to Azerbaijan.

Decisions on non-compliance: Bahamas

Decision XIV/19: Non-compliance with the Montreal Protocol by Bahamas

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/19:*

1. To note that Bahamas ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 4 May 1993. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $658,487 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bahamas' baseline for Annex A, Group I substances is 65 ODP-tonnes. It reported consumption of 66 ODP-tonnes of Annex A, Group I substances in 2000 and consumption of 87 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bahamas was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Bahamas submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bahamas may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Bahamas with regard to the phase-out of ozone-depleting substances. To the degree that Bahamas is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Bahamas should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bahamas, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bangladesh

Decision XIV/29: Non-compliance with the Montreal Protocol by Bangladesh

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/29:*

1. To note that, in accordance with Decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Bangladesh since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;

2. To further note that Bangladesh's baseline for Annex A, Group I substances is 580 ODP-tonnes. It reported consumption of 805 ODP-tonnes of Annex A, Group I substances in 2000, and consumption of 740 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bangladesh was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note, however, that the information provided to the Implementation Committee by both Bangladesh and UNDP shows that Bangladesh is expected to return to compliance in the control period 1 July 2001-31 December 2002;

4. To closely monitor the progress of Bangladesh with regard to the phase-out of ozone-depleting substances. To the degree that Bangladesh is working towards and meeting the specific Protocol control measures, Bangladesh should continue to be treated in the same manner as a Party in good standing. In this regard, Bangladesh should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bangladesh, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/27: Non-compliance with the Montreal Protocol by Bangladesh

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/27:*

1. To note that Bangladesh ratified the Montreal Protocol on 2 August 1990, the London Amendment on 18 March 1994, the Copenhagen Amendment on 27 November 2000 and the Montreal Amendment on 27 July 2001 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in September 1994. The Executive Committee has approved $1,852,164 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Bangladesh's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 0.8667 ODP-tonnes. As the Party reported consumption of 0.892 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Bangladesh's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:

   (a) To maintain methyl chloroform consumption at no more than the 2004 level of 0.550 ODP-tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:

      (i) To 0.2600 ODP-tonnes in 2010;

      (ii) To zero ODP-tonnes in 2015, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties after that date;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above have already enabled Bangladesh to return to compliance in 2004, to congratulate the country on that progress and to urge it to work with the relevant implementing agencies to implement the remainder of the plan of action and to phase out consumption of the controlled substance in Annex B, group III;

5. To monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good

standing. In that regard, Bangladesh should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bangladesh, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Belarus

Decision VII/17: Compliance with the Montreal Protocol by Belarus

The *Seventh Meeting of the Parties* decided in *Dec. VII/17:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group;

2. To note the consultations of the Implementation Committee with the representatives of Belarus regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;

3. To note that Belarus was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year;

4. To note that Belarus agreed to submit its country programme for the phase-out of ozone-depleting substances in Belarus to the Secretariat by 31 December 1995;

5. To note that Belarus promised to provide information on the political commitment on the phase-out programme for ozone-depleting substances by Belarus and that the Implementation Committee after evaluation of the information might wish to request additional information on certain elements, such as:

   (a) The political commitment on the phase-out plan for ozone-depleting substances by Belarus;

   (b) The necessary linkages between the sectoral approach outlined by Belarus in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;

   (c) The gradual achievement of the proposed phase-out plan;

   (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;

6. To note that Belarus has agreed not to export any virgin, recycled or recovered substance controlled under the Montreal Protocol to any Party operating under Article 2 of the Protocol not member of the Commonwealth of Independent States and that such Parties shall not import such controlled substances from Belarus;

7. To recommend international assistance to enable compliance of Belarus with the Montreal Protocol in line with the following provisions:

(a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the Parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee;

(b) Belarus shall submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Belarus;

(c) The reports shall be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;

(d) In case of any questions related to the reporting requirements and the actions of Belarus, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee;

8. To note that despite the economic difficulties of the period of transition, Belarus will endeavour to settle its financial contributions to the Multilateral Fund of the Montreal Protocol in the near future.

Decision X/21: Compliance with the Montreal Protocol by Belarus

The *Tenth Meeting of the Parties* decided in *Dec. X/21:*

1. To note that Belarus ratified the London Amendment on 10 July 1996. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 599.7 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Belarus was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Belarus also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Belarus comes into compliance;

2. To note that although Belarus submitted a list of specific projects with international financing that will reduce national consumption, it has not responded to the request of the Implementation Committee from its twentieth meeting for a phase-out plan with specific benchmarks demonstrating a schedule for coming into compliance with control obligations under Articles 2A through 2E of the Montreal Protocol. The Parties also note that in a verbal presentation to the Implementation Committee on 16 November 1998, Belarus announced the recent adoption, on 13 November 1998, of a resolution by its Cabinet of Ministers committing Belarus, through regulation:

   – To a phase-out in the consumption of Annex A and B substances by 1 January 2000.

   However, Belarus noted that there may be difficulty in phasing out consumption for refrigeration associated with agriculture;

3. To closely monitor the progress of Belarus with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Belarus submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Belarus is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Belarus should continue to be treated in the same manner as a Party in good standing. In this regard, Belarus should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision the Parties caution Belarus, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that

is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Belize

Decision XIII/22: Compliance with the Montreal Protocol by Belize

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/22:*

1. To note that Belize ratified the Montreal Protocol, London Amendment, and Copenhagen Amendment on 9 January 1998. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $327,841 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Belize's consumption baseline for Annex A, Group I substances is 16 ODP tonnes. Belize reported consumption of 25 and 9 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Belize responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Belize reported consumption of 20 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Belize was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Belize submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Belize may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific Protocol control measures, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/33: Non-compliance with the Montreal Protocol by Belize

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/33:*

1. To note that, in accordance with Decision XIII/22 of the Thirteenth Meeting of the Parties, Belize was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. Belize's baseline for Annex A, Group I substances is 24.4 ODP-tonnes, having been modified in accordance with Decision XIV/27. It reported consumption of 16 ODP-tonnes in 2000 and 28 ODP-tonnes in 2001, and consumption of 40 ODP-tonnes for the control period 1 July 2000 to 30 June 2001, placing Belize clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To express concern about Belize's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Belize, that Belize specifically commits itself:

   (a) To reduce CFC consumption from the current level of 28 ODP tonnes in 2001 as follows:

      (i) To 24.4 ODP tonnes in 2003;

      (ii) To 20 ODP tonnes in 2004;

      (iii) To 12.2 ODP tonnes in 2005;

      (iv) To 10 ODP tonnes in 2006;

      (v) To 3.66 ODP tonnes in 2007; and

      (vi) To phase out CFC consumption by 1 January 2008 as provided under the Montreal Protocol save for essential uses that might be authorized by the Parties;

   (b) To establish, by 1 January 2003, a system for licensing imports and exports of ODS;

   (c) To ban, by 1 January 2004, imports of ODS-using equipment;

4. To note that the measures listed in paragraph 3 above should enable Belize to return to compliance by 2003. In this regard, the Parties urge Belize to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A Group I;

5. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific commitments noted above in paragraph 3, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bolivia

Decision XIV/20: Non-compliance with the Montreal Protocol by Bolivia

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/20:*

1. To note that Bolivia ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 3 October 1994, and the Montreal Amendment on 12 April 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved $1,428,767 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bolivia's baseline for Annex A, Group I substances is 76 ODP-tonnes. It reported consumption of 79 and 77 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 78 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to

30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bolivia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Bolivia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bolivia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Bolivia with regard to the phase-out of ozone-depleting substances. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, Bolivia should continue to be treated in the same manner as a Party in good standing. In this regard, Bolivia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/29: Non-compliance with the Montreal Protocol by Bolivia

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/29:*

1. To note that, in accordance with decision XIV/20 of the Fourteenth Meeting of the Parties, Bolivia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Bolivia's submission of its plan of action, and to note further that under the plan, Bolivia specifically commits itself:

   (a) To reducing CFC consumption from 65.5 ODP-tonnes in 2002 as follows:

      (i) To 63.6 ODP-tonnes in 2003;

      (ii) To 47.6 ODP-tonnes in 2004;

      (iii) To 37.84 ODP-tonnes in 2005;

      (iv) To 11.35 ODP-tonnes in 2007;

      (v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

   (b) To monitoring its system for licensing imports and exports of ODS, including quotas, introduced in 2003;

   (c) To monitoring its ban on imports of ODS-using equipment, introduced in 1997 for CFC-12 and extended to other ODS in 2003;

3. To note that the measures listed in paragraph 2 above have already enabled Bolivia to return to compliance, to congratulate Bolivia on that progress, and to urge Bolivia to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Bolivia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bolivia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bosnia and Herzegovina

Decision XIV/21: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/21:*

1. To note that Bosnia and Herzegovina ratified the Montreal Protocol on 6 March 1992. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $1,308,472 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bosnia and Herzegovina's baseline for Annex A, Group I substances is 24 ODP-tonnes. It reported consumption of 176 and 200 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively. As a consequence, Bosnia and Herzegovina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Bosnia and Herzegovina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bosnia and Herzegovina may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Bosnia and Herzegovina with regard to the phase-out of ozone-depleting substances. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, Bosnia and Herzegovina should continue to be treated in the same manner as a Party in good standing. In this regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/30: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/30:*

1. To note that, in accordance with decision XIV/21 of the Fourteenth Meeting of the Parties, Bosnia and Herzegovina was requested to submit to the Implementation Committee a plan of action, with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Bosnia and Herzegovina's submission of its plan of action, and to note further that, under the plan, Bosnia and Herzegovina specifically commits itself:

   (a) To reducing CFC consumption from 243.6 ODP-tonnes in 2002 as follows:

      (i) To 235.3 ODP-tonnes in 2003;

      (ii) To 167 ODP-tonnes in 2004;

      (iii) To 102.1 ODP-tonnes in 2005;

      (iv) To 33 ODP-tonnes in 2006;

      (v) To 3 ODP-tonnes in 2007;

      (vi) To phasing out CFC consumption by 1 January 2008, as provided in the plan for reduction and phase-out of CFC consumption, save for essential uses that may be authorized by the Parties;

   (b) To reducing methyl bromide consumption from 11.8 ODP-tonnes in 2002, as follows:

      (i) To 5.61 ODP-tonnes in 2005 and in 2006;

      (ii) To phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;

   (c) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

   (d) To banning, by 2006, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above should enable Bosnia and Herzegovina to return to compliance by 2008, and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;

4. To monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/28: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/28:*

1. To note that Bosnia and Herzegovina ratified the Montreal Protocol on 1 September 1993 and the London, Copenhagen and Montreal amendments on 11 August 2003, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in March 1999. The Executive Committee of the Multilateral Fund for the Implementation of

the Montreal Protocol has approved $2,900,771 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Bosnia and Herzegovina's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.548 ODP-tonnes. As the Party reported consumption of 3.600 ODP-tonnes of methyl chloroform in 2003 and consumption of 2.44 ODP-tonnes of methyl chloroform in 2004, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Bosnia and Herzegovina's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bosnia and Herzegovina specifically commits itself:

   (a) To reduce methyl chloroform consumption from 2.44 ODP-tonnes in 2004 as follows:

      (i) To 1.3 ODP-tonnes in 2005;

      (ii) To zero ODP-tonnes in 2006, save for essential uses that may be authorized by the Parties after 1 January 2015;

   (b) To establish a system for licensing imports and exports of ozone-depleting substances, which includes import quotas, by the end of January 2006;

4. To note that the measures listed in paragraph 3 above should enable Bosnia and Herzegovina to return to compliance in 2006 and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action and phase out consumption of the controlled substance in Annex B, group III;

5. To monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Botswana

Decision XV/31: Non-compliance with the Montreal Protocol by Botswana

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/31:*

1. To note that Botswana ratified the Montreal Protocol on 4 December 1991, and the London and Copenhagen Amendments on 13 May 1997. Botswana is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved $438,340 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Botswana's baseline for the controlled substance in Annex E is 0.1 ODP-tonnes. It reported consumption of 0.6 ODP-tonnes of the controlled substance in Annex E in 2002. As a

consequence, for 2002 Botswana was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To note with appreciation Botswana's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Botswana specifically commits itself:

   (a) To reducing methyl bromide consumption from 0.6 ODP-tonnes in 2002 as follows:

      (i) To 0.4 ODP-tonnes in 2003;

      (ii) To 0.2 ODP-tonnes in 2004;

      (iii) To phasing out methyl bromide consumption by 1 January 2005, as provided by the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;

   (b) To establishing a system for licensing imports and exports of methyl bromide, including quotas;

4. To note that the measures listed in paragraph 3 above should enable Botswana to return to compliance by 2005, and to urge Botswana to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;

5. To monitor closely the progress of Botswana with regard to the phase-out of methyl bromide. To the degree that Botswana is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Botswana should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Botswana, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bulgaria

Decision VII/16: Compliance with the Montreal Protocol by Bulgaria

The *Seventh Meeting of the Parties* decided in *Dec. VII/16:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine at the eleventh meeting of the Open-ended Working Group of the Parties to the Montreal Protocol regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol;

2. To note the consultations of the Implementation Committee with the representative of Bulgaria regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;

3. To note that Bulgaria was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year.

Decision XI/24: Compliance with the Montreal Protocol by Bulgaria

The *Eleventh Meeting of the Parties* decided in *Dec. XI/24:*

1. To note that Bulgaria acceded to the Vienna Convention and the Montreal Protocol on 20 November 1990 and acceded to the London and Copenhagen Amendments on 28 April 1999. The country is classified as a non-Article 5 Party under the Protocol and, for 1997, reported positive consumption of 1.6 ODP tonnes of Annex A Group II substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1997 Bulgaria was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;

2. To note with appreciation the work done by Bulgaria in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan that brought Bulgaria into compliance with the Montreal Protocol by 1 January 1998;

3. To monitor closely the progress of Bulgaria with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and in this regard, to request that Bulgaria submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Bulgaria is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Bulgaria should continue to be treated in the same manner as a Party in good standing. In this regard, Bulgaria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Bulgaria, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Cameroon

Decision XIII/23: Compliance with the Montreal Protocol by Cameroon

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/23:*

1. To note that Cameroon ratified the Montreal Protocol on 30 August 1989, the London Amendment on 8 June 1992, and the Copenhagen Amendment on 25 June 1996. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $5,640,174 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Cameroon's baseline for Annex A, Group I substances is 256.9 ODP tonnes. Cameroon reported consumption of 362 ODP tonnes of Annex A, Group I substances in 1999. Cameroon responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Cameroon reported consumption of 368.7 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Cameroon was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Cameroon submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Cameroon may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out

schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/32: Non-compliance with the Montreal Protocol by Cameroon

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/32:*

1. To note that, in accordance with Decision XIII/23 of the Thirteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To further note that Cameroon's baseline for Annex A, Group I substances is 257 ODP-tonnes. It reported consumption of 369 ODP-tonnes in 2000 and 364 ODP-tonnes in 2001, placing Cameroon clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with regret that Cameroon has not fulfilled the requirements of Decision XIII/23 and to request that it should provide a plan of action to the Secretariat as soon as possible, and in time for it to be considered by the Implementation Committee at its next meeting in July 2003, in order for the Committee to monitor its progress towards compliance;

4. To further request the United Nations Environment Programme to submit to the Implementation Committee a progress report on implementation of its policy and technical assistance project currently under way in Cameroon, and for the United Nations Industrial Development Organization to submit to the Implementation Committee confirmation of the completion of its two foam projects, which might have significantly reduced consumption of ozone-depleting substances in Annex A Group I;

5. To stress to the Government of Cameroon its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;

6. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/32: Non-compliance with the Montreal Protocol by Cameroon

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/32:*

1. To note that, in accordance with decision XIV/32 of the Fourteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with regard to its consumption of Annex A, group I substances;

2. To note also that Cameroon has reported data for 2002 suggesting that it may now be in compliance with the freeze on CFC consumption, but that it has still not submitted data for the control period 1 July 2001-31 December 2002;

3. To urge Cameroon, accordingly, to report data for the control period 1 July 2001–31 December 2002 as a matter of urgency;

4. To note further that Cameroon's baseline for Annex A, group II substances is 2.38 ODP-tonnes. It reported consumption of 9 ODP-tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

5. To note with appreciation Cameroon's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group II substances, and to note also that, under the plan, Cameroon specifically commits itself:

   (a) To reducing halon consumption from 9 ODP-tonnes in 2002 as follows:

      (i) To 3 ODP-tonnes in 2003;

      (ii) To 2.38 ODP-tonnes in 2004;

      (iii) To phasing out halon consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

   (b) To monitoring its existing system for licensing imports and exports of ODS, including quotas introduced in 2003;

   (c) To monitoring its existing ban on imports of ODS-using equipment, introduced in 1996;

6. To note that the measures listed in paragraph 5 above should enable Cameroon to return to compliance, with respect to consumption of halons, by 2005, and to urge Cameroon to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II;

7. To note also that Cameroon's baseline for the controlled substance in Annex E is 18.09 ODP-tonnes. It reported consumption of 25.38 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

8. To request Cameroon to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with respect to consumption of the controlled substance in Annex E;

9. To monitor closely the progress of Cameroon with regard to the implementation of its plan of action and the phase-out of halons and methyl bromide. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Cameroon should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that

in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Chile

Decision XVI/22: Non-compliance with the Montreal Protocol by Chile

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/22:*

1. To note that Chile has reported annual data for the controlled substances in Annex B, group I (other fully halogenated CFCs), Annex B, group III (methyl chloroform), and Annex E (methyl bromide) for 2003 which are above its requirements for those substances. As a consequence, for 2003, Chile was in non-compliance with its obligations under Articles 2C, 2E and 2H of the Montreal Protocol;

2. To request Chile, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Chile may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of Chile with regard to the phase-out of other CFCs, methyl chloroform and methyl bromide. To the degree that Chile is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as Parties in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of other CFCs, methyl chloroform and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/29: Non-compliance with the Montreal Protocol by Chile

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/29:*

1. To note that Chile ratified the Montreal Protocol on 26 March 1990, the London Amendment on 9 April 1992, the Copenhagen Amendment on 14 January 1994, the Montreal Amendment on 17 June 1998 and the Beijing Amendment on 3 May 2000, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1992. The Executive Committee has approved $10,388,451 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Chile's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 6.445 ODP-tonnes and its baseline for the controlled substance in Annex E (methyl bromide) is 212.510 ODP-tonnes. As the Party reported consumption of 6.967 ODP-tonnes of methyl chloroform and 274.302 ODP-tonnes of methyl bromide in 2003 and consumption of 3.605 ODP-tonnes of methyl chloroform and consumption of 262.776 ODP-tonnes of methyl bromide in 2004, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol in 2003 and under Article 2H of the Montreal Protocol in 2003 and 2004;

3. To note with appreciation Chile's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform and methyl bromide control measures, and to note that under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Chile specifically commits itself:

   (a) To maintain methyl chloroform consumption at no more than 4.512 ODP-tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:

      (i) To 1.934 ODP-tonnes in 2010;

      (ii) To zero ODP-tonnes by 1 January 2015, save for essential uses that may be authorized by the Parties after that date;

   (b) To reduce methyl bromide consumption from 262.776 ODP-tonnes in 2004 as follows:

      (i) To 170 ODP-tonnes in 2005;

      (ii) To zero ODP-tonnes by 1 January 2015, save for critical uses that may be authorized by the Parties after that date;

   (c) To introduce an enhanced ozone-depleting substances licensing and import quota system from the moment the bill is approved in Parliament and to ensure compliance in the interim period by adopting regulatory measures that the Government is entitled to apply;

4. To note that Chile has reported data for 2004 that indicate that it has already returned to compliance with the Protocol's methyl chloroform control measures, to congratulate Chile on that progress, and to urge the Party to work with the relevant implementing agencies to implement the remainder of the plan of action to achieve total phase-out of methyl chloroform;

5. To note also that the measures listed in paragraph 3 above should enable Chile to return to compliance with the Protocol's methyl bromide control measures by 2005, and to urge Chile to work with the relevant implementing agencies to implement the plan of action to achieve total phase-out of methyl bromide;

6. To monitor closely the progress of Chile with regard to the implementation of its plan of action and the phase-out of methyl chloroform and methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform and methyl bromide that is the substances that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: China

Decision XVII/30: Potential non-compliance in 2004 with consumption of the controlled substances in Annex B group I (other fully halogenated chlorofluorocarbons) by China, and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/30:*

1. To note that China ratified the Montreal Protocol and the London Amendment on 14 June 1991 and the Copenhagen Amendment on 22 April 2003, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for Implementation of the Montreal Protocol in March 1993. The Executive Committee has approved $623,438,283 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note further that China has reported annual consumption for the controlled substances in Annex B, group I (other CFCs), for 2004 of 20.539 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 20.5336 ODP-tonnes for those controlled substances for that year, and that, in the absence of further clarification, China is presumed to be in non-compliance with the control measures of the Protocol;

3. To request China, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. China may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule;

4. To monitor closely the progress of China with regard to the phase-out of the controlled substances in Annex B, group I (other CFCs). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, China should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions China, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex B, group I (other CFCs), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Czech Republic

Decision VIII/24: Non-compliance by the Czech Republic with the halon phase-out by 1994

The *Eighth Meeting of the Parties* decided in *Dec. VIII/24:*

1. To note the Czech Republic's non-compliance in the year 1994 with the halon phase-out, due to the indispensable operation of special industrial cooling equipment for the chemical industry;

2. To note further that, if continued halon use was indispensable, the Czech Republic should have applied to the Parties through the essential-use nomination process for allocation of a specific quantity of halon for that year;

3. To note, however, that the Czech Republic was in compliance in 1995 with the halon phase-out;

4. That no further action is necessary in view of the Czech Republic's complete phase-out of halon consumption according to the data submitted to the Secretariat pursuant to Article 7 of the Montreal Protocol for 1995.

Decision IX/32: Non-compliance by the Czech Republic with the freeze in consumption of methyl bromide in 1995

The *Ninth Meeting of the Parties* decided in *Dec. IX/32:*

1. To note the Czech Republic's non-compliance in 1995 with the freeze in the consumption of methyl bromide. According to the information provided by the Czech Republic, in 1995 a total of 11.16 ODP tonnes of methyl bromide was imported, of which 7.9 ODP tonnes was consumed in 1996, and no methyl bromide was imported in 1996;

2. To note that, consequently, although the 1995 imports of methyl bromide exceeded the freeze level of 6.0 ODP tonnes for the Czech Republic, the average annual consumption for the two years 1995 and 1996 was below that level;

3. That no action is required on this incident of non-compliance but the Czech Republic should ensure that a similar case does not occur again.

Decision X/22: Compliance with the Montreal Protocol by the Czech Republic

The *Tenth Meeting of the Parties* decided in *Dec. X/22:*

1. To note that the Czech Republic ratified the London and Copenhagen Amendments on 18 December 1996. The country is classified as a non-Article 5 Party under the Protocol. For 1996, the Czech Republic reported positive consumption of 49.6 ODP tonnes of Annex A, Group I, substances that are partially accounted for under the essential-use exemption by the Parties for laboratory and analytical applications. However, the Czech Republic claims the remainder of the 1996 CFC consumption was for essential uses for metered-dose inhalers. But, as the Czech Republic imported ozone-depleting substances in 1996 without obtaining an essential-use authorization from the Parties to the Protocol, the Czech Republic was in state of technical non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol for 1996. The Czech Republic reported to the Implementation Committee that it has the utmost interest in reliably meeting its obligations under the Montreal Protocol;

2. To take note of the Czech Republic's status regarding obligations under Articles 2A through 2E of the Montreal Protocol for 1996 and ask the Implementation Committee to continue to review annually the Czech Republic's status.

Decisions on non-compliance: Democratic Republic of the Congo

Decision XV/33: Non-compliance with the Montreal Protocol by the Democratic Republic of the Congo

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/33:*

1. To note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994. The Democratic Republic of the Congo is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $1,037,518 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that the baseline of the Democratic Republic of the Congo for Annex A, group II substances is 218.67 ODP-tonnes. It reported consumption of 492 ODP-tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 the Democratic Republic of the Congo was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To request the Democratic Republic of the Congo to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Democratic Republic of the Congo may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and

support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of the Democratic Republic of the Congo with regard to the implementation of its plan of action and the phase-out of halons. To the degree that the Democratic Republic of the Congo is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Democratic Republic of the Congo should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Ecuador

Decision XVII/31: Non-compliance with the Montreal Protocol by Ecuador

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/31:*

1. To note that Ecuador ratified the Montreal Protocol on 10 April 1990 and the London Amendment on 30 April 1990, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved $5,493,045 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Ecuador's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.997 ODP-tonnes. As the Party reported consumption of 3.484 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Ecuador's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Ecuador specifically commits itself:

   (a) To reduce methyl chloroform consumption from 2.50 ODP-tonnes in 2004 to 1.3979 ODP-tonnes in 2005;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above should enable Ecuador to return to compliance in 2005 and to urge Ecuador to work with the relevant implementing agencies to implement the plan of action to phase out consumption of the controlled substance in Annex B, group III (methyl chloroform);

5. To monitor closely the progress of Ecuador with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Ecuador should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties

caution Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is, the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Estonia

Decision X/23: Compliance with the Montreal Protocol by Estonia

The *Tenth Meeting of the Parties* decided in *Dec. X/23:*

1. To note that Estonia acceded to the Montreal Protocol on 17 October 1996. Estonia is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 36.5 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Estonia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Estonia also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Estonia comes into compliance;

2. To note with appreciation Estonia's significant strides in coming into compliance with the Montreal Protocol. Estonia decreased its consumption steadily from an estimated 131 ODP tonnes in 1995 to 36.5 tonnes in 1996. This significant reduction is a clear demonstration of Estonia's determination to achieve a complete phase-out according to its schedule. In response to a request from the Ozone Secretariat, Estonia submitted interim reductions targets for the phase-out. In this phase-out plan with interim benchmarks, Estonia commits:

   – To reduce consumption by 1 January 1999 to no more than 23 ODP tonnes for Annex A and B substances;

   – To completely phase out consumption of Annex B substances by 1 January 2000;

   – To reduce consumption by 1 January 2000 to no more than 14 ODP tonnes of Annex A substances;

   – To reduce consumption of CFC-12 to all but 1 tonne in 2001;

   – To a complete phase out of Annex A substances by 1 January 2002; and

   – To establish, for 1999, a harmonized system for monitoring and controlling imports of ozone-depleting substances;

3. To urge Estonia, in order to assist it in meeting its commitments, to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing recovered refrigerants and halon for any continuing critical uses. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources.

4. To closely monitor the progress of Estonia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Estonia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. The Parties urge Estonia to ratify the London and Copenhagen Amendments. To the degree that Estonia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Estonia should continue to be treated in the same manner as a Party in good standing. In this regard, Estonia should, to the degree consistent with relevant assistance requirements, receive international assistance to

enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision the Parties caution Estonia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Ethiopia

Decision XIII/24: Compliance with the Montreal Protocol by Ethiopia

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/24:*

1. To note that Ethiopia ratified the Montreal Protocol on 11 October 1994 and has not ratified the London and Copenhagen Amendments. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $330,844 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Ethiopia's baseline for Annex A, Group I substances is 33.8 ODP tonnes. Ethiopia reported consumption of 39 and 39 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Ethiopia responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Ethiopia reported consumption of 39.2 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Ethiopia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Ethiopia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ethiopia may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific Protocol control measures, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/34: Non-compliance with the Montreal Protocol by Ethiopia

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/34:*

1. To note that, in accordance with Decision XIII/24 of the 13th Meeting of the Parties, Ethiopia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. Ethiopia's baseline for Annex A, Group I substances is 34 ODP-tonnes. It reported consumption of 39 ODP-tonnes in 2000 and 35 ODP-tonnes for the control period 1 July 2000 to 30 June 2001, placing Ethiopia clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To express concern about Ethiopia's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Ethiopia, that Ethiopia specifically commits itself to reduce CFC consumption from the current level of 35 ODP tonnes in 2001 as follows:

   (a) To 34 ODP tonnes in 2003;

   (b) To 17 ODP tonnes in 2005;

   (c) To 5 ODP tonnes in 2007; and

   (d) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;

4. To note that the measures listed in paragraph 3 above should enable Ethiopia to return to compliance by 2003. In this regard, the Parties urge Ethiopia to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A Group I;

5. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific commitments noted above in paragraph 3, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Federated States of Micronesia

Decision XVII/32: Non-compliance with the Montreal Protocol by Federated States of Micronesia

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/32:*

1. To note that Federated States of Micronesia ratified the Montreal Protocol on 6 September 1995 and the London, Copenhagen, Montreal and Beijing amendments on 27 November 2001, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in March 2002. The Executive Committee has approved $74,680 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note further that the Federated States of Micronesia has reported annual consumption of the controlled substances in Annex A, group I (CFCs), for 2002, 2003 and 2004 of 1.876, 1.691 and 1.451 ODP-tonnes respectively, which exceed the Party's maximum allowable consumption level of 1.219 ODP-tonnes for those controlled substances in each of those years, and that Federated States of Micronesia is therefore in non-compliance with the control measures under the Protocol;

3. To note with appreciation Federated States of Micronesia's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan,

without prejudice to the operation of the financial mechanism of the Protocol, Federated States of Micronesia specifically commits itself:

(a) To reduce consumption of the controlled substances in Annex A, group I (CFCs), from 1.451 ODP-tonnes in 2004 as follows:

(i) To 1.351 ODP-tonnes in 2005;

(ii) To phase out consumption of the controlled substances in Annex A, group I (CFCs), by 1 January 2006, save for essential uses that may be authorized by the Parties;

(b) To introduce a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006;

4. To note that the measures listed in paragraph 3 above should enable Federated States of Micronesia to return to compliance in 2006, and to urge Federated States of Micronesia to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group I (CFCs);

5. To monitor closely the progress of Federated States of Micronesia with regard to the implementation of its plan of action and the phase-out of the controlled substances in Annex A, group I (CFCs). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Federated States of Micronesia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Federated States of Micronesia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex A, group I (CFCs), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Fiji

Decision XVI/23: Non-compliance with the Montreal Protocol by Fiji

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/23:*

1. To note that Fiji has reported annual data for the controlled substances in Annex E (methyl bromide) for 2003 that is above its requirement for that substance. As a consequence, for 2003, Fiji was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

2. To request Fiji, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Fiji may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of Fiji with regard to the phase-out of methyl bromide. To the degree that Fiji is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures.

Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non–compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/33: Non-compliance with the Montreal Protocol by Fiji

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/33:*

1. To note that Fiji ratified the Montreal Protocol on 23 October 1989, the London Amendment on 9 December 1994 and the Copenhagen Amendment on 17 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved $542,908 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Fiji's baseline for the controlled substance in Annex E (methyl bromide) is 0.6710 ODP-tonnes. As the Party reported consumption of methyl bromide of 1.506 ODP-tonnes in 2003 and 1.609 ODP-tonnes in 2004, it was in non-compliance with its obligations under Article 2H of the Montreal Protocol in those years;

3. To note with appreciation Fiji's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Fiji specifically commits itself:

   (a) To reduce methyl bromide consumption from 1.609 ODP-tonnes in 2004 as follows:

      (i) To 1.5 ODP-tonnes in 2005;

      (ii) To 1.3 ODP-tonnes in 2006;

      (iii) To 1.0 ODP-tonnes in 2007;

      (iv) To 0.5 ODP-tonnes in 2008;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances;

   (c) To commence implementation of a methyl bromide import quota system in 2006;

4. To note that the measures listed in paragraph 3 above should enable Fiji to return to compliance in 2008, and to urge Fiji to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;

5. To monitor closely the progress of Fiji with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Guatemala

Decision XV/34: Non-compliance with the Montreal Protocol by Guatemala

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/34:*

1. To note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $6,302,694 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Guatemala's baseline for Annex A, group I substances is 224.6 ODP-tonnes. It reported consumption of 239.6 ODP-tonnes of Annex A, group I substances in 2002. Guatemala's baseline for the controlled substance in Annex E is 400.7 ODP-tonnes. It reported consumption of 709.4 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Guatemala was in non-compliance with its obligations under Articles 2A and 2H of the Montreal Protocol;

3. To note with appreciation Guatemala's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I and Annex E substances, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guatemala specifically commits itself:

   (a) To reducing CFC consumption from 239.6 ODP-tonnes in 2002 as follows:

      (i) To 180.5 ODP-tonnes in 2003;

      (ii) To 120 ODP-tonnes in 2004;

      (iii) To 85 ODP-tonnes in 2005;

      (iv) To 50 ODP-tonnes in 2006;

      (v) To 20 ODP-tonnes in 2007;

      (vi) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

   (b) To reducing methyl bromide consumption from 709.4 ODP-tonnes in 2002, as follows:

      (i) To 528 ODP-tonnes in 2003;

      (ii) To 492 ODP-tonnes in 2004;

      (iii) To 360 ODP-tonnes in 2005;

      (iv) To 335 ODP-tonnes in 2006;

      (v) To 310 ODP-tonnes in 2007;

      (vi) To 286 ODP-tonnes in 2008;

      (vii) To phasing out methyl bromide consumption by 1 January 2015, as required under the Montreal Protocol, save for critical uses that may be authorized by the Parties;

   (c) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(d) To banning, by 2005, imports of ODS-using equipment;

4. To note that the measures listed in paragraph 3 above should enable Guatemala to return to compliance by 2005 (CFCs) and 2007 (methyl bromide), and to urge Guatemala to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;

5. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Guatemala is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Guinea-Bissau

Decision XVI/24: Non-compliance with the Montreal Protocol by Guinea-Bissau

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/24:*

1. To note that Guinea-Bissau ratified the Montreal Protocol and the London, Copenhagen and Beijing amendments on 12 November 2002. Guinea-Bissau is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 2004. The Executive Committee has approved $669,593 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Guinea-Bissau's baseline for the controlled substances in Annex A, group I (CFCs), is 26.275 ODP tonnes. It reported consumption of 29.446 ODP tonnes of CFCs in 2003. As a consequence, for 2003, Guinea-Bissau was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with appreciation Guinea-Bissau's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group I (CFCs), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guinea-Bissau specifically commits itself:

   (a) To reducing CFC consumption from 29.446 ODP tonnes in 2003 as follows:

      (i) To 26.275 ODP tonnes in 2004;

      (ii) To 13.137 ODP tonnes in 2005;

      (iii) To 13.137 ODP tonnes in 2006;

      (iv) To 3.941 ODP tonnes in 2007;

      (v) To 3.941 ODP tonnes in 2008;

      (vi) To 3.941 ODP tonnes in 2009;

(vii) To phasing out CFC consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To introduce a system for licensing imports and exports of ozone-depleting substances, including quotas by the end of 2004;

4. To note that the measures listed in paragraph 3 above should enable Guinea-Bissau to return to compliance by 2004, and to urge Guinea-Bissau to work with the relevant implementing agencies to implement the plan of action and phase out consumption of CFCs;

5. To monitor closely the progress of Guinea-Bissau with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Guinea-Bissau is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guinea-Bissau should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Guinea-Bissau, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Honduras

Decision XV/35: Non-compliance with the Montreal Protocol by Honduras

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/35:*

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002. Honduras is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $2,912,410 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Honduras's baseline for the controlled substance in Annex E is 259.43 ODP-tonnes. It reported consumption of 412.52 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Honduras was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To recognize the devastation and disruption to agriculture caused by Hurricane Mitch in October 1998, which contributed to the increase in use of methyl bromide, and to applaud Honduras's efforts to recover from the situation;

4. To note with appreciation Honduras's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Honduras specifically commits itself:

(a) To reducing methyl bromide consumption from 412.52 ODP-tonnes in 2002 as follows:

(i) To 370.0 ODP-tonnes in 2003;

(ii) To 306.1 ODP-tonnes in 2004;

(iii) To 207.5 ODP-tonnes in 2005;

(b) To monitoring its system for licensing imports and exports of ODS, including quotas, in force since May 2003;

(c) To monitoring its ban on imports of ODS-using equipment, in force since May 2003;

5. To note that the measures listed in paragraph 4 above should enable Honduras to return to compliance by 2005, and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the ozone-depleting substance in Annex E;

6. To monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Honduras should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Honduras, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/34: Revised plan of action to return Honduras to compliance with the control measures in Article 2H of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/34:*

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. Since approval of the country programme, the Executive Committee has approved $3,342,025 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall decision XV/35, which noted that Honduras was in non-compliance in 2002 with its obligations under Article 2H of the Montreal Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 259.43 ODP-tonnes, but also noted with appreciation the plan of action submitted by Honduras to ensure its prompt return to compliance in 2005;

3. To note with concern, however, that while Honduras has reported consumption of methyl bromide for 2004 of 340.80 ODP-tonnes that is less than its reported consumption for 2003, it is still inconsistent with the Party's commitment contained in decision XV/35 to reduce its methyl bromide consumption to 306.1 ODP-tonnes in 2004;

4. Further to note the advice of Honduras that its stakeholders remain committed to methyl bromide phase out and that an additional two years would be required to overcome the technical difficulties that were the cause of the Party's deviation from its commitments contained in decision XV/35;

5. To note with appreciation that Honduras has submitted a revised plan of action for methyl bromide phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Honduras specifically commits itself:

(a) To reduce methyl bromide consumption from 340.80 ODP-tonnes in 2004 as follows:

(i) To 327.6000 ODP-tonnes in 2005;

(ii) To 295.8000 ODP-tonnes in 2006;

(iii) To 255.0000 ODP-tonnes in 2007;

(iv) To 207.5424 ODP-tonnes in 2008;

(b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas, in force since May 2003;

(c) To monitor its ban on imports of equipment using ozone-depleting substances, in force since May 2003;

6. To note that the measures listed in paragraph 5 above should enable Honduras to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);

7. To monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of the controlled substance in Annex E (methyl bromide). To the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Honduras should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Honduras, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Kazakhstan

Decision XIII/19: Compliance with the Montreal Protocol by Kazakhstan

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/19:*

1. To note that Kazakhstan ratified the Montreal Protocol on 26 August 1998 and the London Amendment on 26 July 2001. The country is classified as a non-Article 5 Party under the Protocol. The data for 1998 through 2000 in Kazakhstan's country programme that was submitted to the Implementation Committee indicate positive consumption of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1998 through 2000, Kazakhstan is in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Kazakhstan expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the Parties until such time as Kazakhstan comes into compliance;

2. To express great concern about Kazakhstan's non-compliance and to note that Kazakhstan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol in 1998 and the London Amendment in 2001. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Kazakhstan, that Kazakhstan specifically commits itself:

(a) To reduce CFC consumption to 162 ODP tonnes for calendar year 2002, to 54 ODP tonnes for 2003; and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the Parties);

(b) To establish, by 1 January 2003, a system for licensing imports and exports of ODS;

(c) To establish, by 1 January 2003, a ban on imports of ODS-using equipment;

(d) To reduce halon consumption to 5.08 ODP tonnes for the calendar year 2002 and to phase out halon consumption by 1 January 2003;

(e) To phase out carbon tetrachloride and methyl chloroform consumption by 1 January 2002;

(f) To reduce methyl bromide consumption to 2.7 ODP tonnes for calendar year 2002, to 0.44 ODP tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2004;

3. That the measures listed in paragraph 2 above should enable Kazakhstan to achieve the near total phase-out of all Annexes A, B and E controlled substances by 1 January 2004. In this regard, the Parties urge Kazakhstan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;

4. To closely monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Kazakhstan should submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Kazakhstan should continue to be treated in the same manner as a Party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Kazakhstan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/35: Potential non-compliance in 2004 with the controlled substances in Annex A, group I (CFCs) by Kazakhstan, and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/35:*

1. To recall decision XIII/19, which noted that Kazakhstan was in non-compliance from 1998 to 2000 with its obligations under Article 2A of the Montreal Protocol to maintain total phase-out of its consumption of the controlled substances in Annex A, group I (CFCs), but also noted with appreciation the plan of action submitted by Kazakhstan to ensure its prompt return to compliance;

2. To note with concern, however, that Kazakhstan reported annual consumption for the controlled substances in Annex A, group I (CFCs), in 2004 of 11.2 ODP-tonnes, which is inconsistent with the Party's commitment contained in decision XIII/19 to reduce its consumption of the controlled substances in Annex A, group I (CFCs), to zero in 2004;

3. To note further with concern that Kazakhstan has not submitted to the Implementation Committee the requested explanation for this deviation and strongly to urge the Party to submit this information, along with its ozone-depleting substance data report for 2005, and to report on its commitment, also contained in decision XIII/19, to implement a ban on the import of equipment using ozone-depleting-substances, as a matter of urgency, in time for consideration by the Committee at its next meeting;

4. To remind the Party of paragraph 4 of decision XIII/19, which records the agreement of the Thirteenth Meeting of the Parties to monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments contained in decision XIII/19. In this regard, the Parties requested that Kazakhstan should submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments contained in decision XIII/19 and continues to report data annually demonstrating a decrease in imports and consumption, it

should continue to be treated in the same manner as a Party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through decision XIII/19, however, the Parties cautioned Kazakhstan, in accordance with item B of the indicative list of measures, that, in the event that the country fails to meet the commitments noted above in the times specified, the Parties should consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4 designed to ensure that the supply of controlled substances in Annex A and Annex B that are the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Kyrgyzstan

Decision XVII/36: Non-compliance with the Montreal Protocol by Kyrgyzstan

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/36:*

1. To note that Kyrgyzstan ratified the Montreal Protocol on 31 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 2002. The Executive Committee has approved $1,206,732 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note further that Kyrgyzstan has reported annual consumption for the controlled substances in Annex A, group II (halons), for 2004 of 2.40 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for those controlled substances for that year, and that Kyrgyzstan is therefore in non-compliance with the control measures under the Protocol;

3. To note with appreciation Kyrgyzstan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Kyrgyzstan specifically commits itself:

   (a) To maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 2.40 ODP-tonnes in 2005, and then to reduce halon consumption as follows:

      (i) To 1.20 ODP-tonnes in 2006;

      (ii) To 0.60 ODP-tonnes in 2007;

      (iii) To phase out consumption of these controlled substances by 1 January 2008, save for essential uses that may be authorized by the Parties;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances;

   (c) To introduce a ban on the import of equipment containing halons and equipment that uses halons by 1 January 2006;

   (d) To introduce an import quota system to limit annual consumption of the controlled substances in Annex A, group II (halons), by the beginning of 2006;

4. To note that the measures listed in paragraph 3 above should enable Kyrgyzstan to return to compliance in 2008 and to urge Kyrgyzstan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group II (halons);

5. To monitor closely the progress of Kyrgyzstan with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Kyrgyzstan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Kyrgyzstan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of Annex A, group II, controlled substances (halons) that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Latvia

Decision VIII/22: Compliance with the Montreal Protocol by Latvia

The *Eighth Meeting of the Parties* decided in *Dec. VIII/22:*

1. To note that, according to the information provided by Latvia and the statement made by its representative at the fourteenth meeting of the Implementation Committee, Latvia would be in a situation of non-compliance with the Montreal Protocol in 1996;

2. To note also that there is a possibility of non-compliance by Latvia in 1997 so that the Implementation Committee might have to revert to that question that year;

3. To note also that major efforts are being made by Latvia to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;

4. To urge Latvia to ratify the London Amendment to the Montreal Protocol and provide immediately a timetable for the ratification process;

5. To recommend that international funding agencies should consider favourably the provision of financial assistance to Latvia for projects to phase out ozone-depleting substances in the country;

6. To keep under review the situation with regard to ODS phase-out in Latvia.

Decision IX/29: Compliance with the Montreal Protocol by Latvia

The *Ninth Meeting of the Parties* decided in *Dec. IX/29:*

1. To note the timetable for the ratification of the London Amendment of the Montreal Protocol provided by Latvia and urge Latvia to ratify the London Amendment by October 1997 as indicated in their timetable;

2. To note that, according to the information contained in Latvia's country programme for the phase-out of ozone-depleting substances, Latvia is a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance with the Montreal Protocol in 1998, so that the Implementation Committee might have to revert to that question that year;

3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Latvia to the Parties in line with decision VIII/22, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Latvia for projects to implement the country programme for phasing out ozone-depleting substances in the country;

4. To keep under review the situation with regard to ODS phase-out in Latvia.

Decision X/24: Compliance with the Montreal Protocol by Latvia

The *Tenth Meeting of the Parties* decided in *Dec. X/24:*

1. To note that Latvia acceded to the Montreal Protocol on 28 April 1995 and ratified the London and Copenhagen Amendments on 2 November 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported to positive consumption of 342 tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Latvia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Latvia also expresses a belief that this situation may continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Latvia comes into compliance.

2. To note with appreciation the fact that Latvia has made tremendous strides in coming into compliance with the Montreal Protocol. Although Latvia ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was 6,558 tonnes, to 1993, when its consumption was 1,205 tonnes, to 1995, when its consumption was 711.5 tonnes to the present level of 342.8 tonnes. This significant reduction is a clear demonstration of Latvia's commitment to become a Party in full compliance with the Protocol. The Parties note with appreciation that Latvia has made efforts to achieve compliance through agreements with its industry, and through the application of a tax on imports of ozone-depleting substances. Latvia has also undertaken efforts to understand the disposition of halons that are currently deployed, and to stockpile halon from decommissioned uses in order to ensure availability to meet future critical uses. The Parties note these important undertakings, and point out that similar undertakings could be considered by other countries who are striving to comply with the provisions of the Protocol. The Parties also note that Latvia's submission and statements to the Implementation Committee indicate a commitment:

   – To observe the ban on the production and import of Annex A, Group II, substances imposed on 12 December 1997;

   – To limit consumption of Annex A, Group I, substances to no more than 100 metric tonnes in 1999; and

   – To ban the production and import of Annex A, Group I, and all Annex B substances by 1 January 2000;

3. To note Latvia's report that a majority of its remaining use of ozone-depleting substances is in the aerosol sector, a sector with alternatives that are available at a cost savings to users. The Parties further note the late time at which phase-out projects are being initiated. Accordingly, and considering the plan produced by Latvia, the Parties are hopeful that Latvia will be able to achieve a total phase-out of Annex A and B substances by 1 July 2001. Achievement of these commitments and goals will necessitate the strict application of import quota restrictions on an annual basis to ensure phased reductions in consumption;

4. To closely monitor the progress of Latvia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, to request that Latvia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Latvia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Latvia should continue to be treated in the same manner as a Party in good standing. In this regard, Latvia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Latvia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in times specified, the Parties shall consider measures, consistent with item C of the indicative list of measure. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Lesotho

Decision XVI/25: Non-compliance with the Montreal Protocol by Lesotho

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/25:*

1. To note that Lesotho ratified the Montreal Protocol on 25 March 1994. Lesotho is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1996. The Executive Committee has approved $311,332 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Lesotho's baseline for the controlled substances in Annex A, group II (halons), is 0.2 ODP tonnes. It reported consumption of 1.8 ODP tonnes of halons in 2002. As a consequence, for 2002, Lesotho was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To note with appreciation Lesotho's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group II (halons), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Lesotho specifically commits itself:

   (a) To reducing halon consumption from 1.8 ODP tonnes in 2002 as follows:

      (i) To 0.8 ODP tonnes in 2004;

      (ii) To 0.2 ODP tonnes in 2005;

      (iii) To 0.1 ODP tonnes in 2006;

      (iv) To 0.1 ODP tonnes in 2007;

      (v) To zero ODP tonnes in 2008, save for essential uses that may be authorized by the Parties after 1 January 2010;

   (b) To introduce a quota system for the import of halons;

   (c) To introduce a ban on the import of halon-based equipment and systems in 2005;

4. To note that the measures listed in paragraph 3 above should enable Lesotho to return to compliance by 2006, and to urge Lesotho to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halons;

5. To monitor closely the progress of Lesotho with regard to the implementation of its plan of action and the phase-out of halons. To the degree that Lesotho is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Lesotho should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Lesotho, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Libyan Arab Jamahirya

Decision XIV/25: Non-compliance with the Montreal Protocol by Libyan Arab Jamahiriya

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/25:*

1. To note that Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990 and the London Amendment on 12 July 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 2000. Since approval of the country programme, the Executive Committee has approved $2,794,053 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Libyan Arab Jamahiriya's baseline for Annex A, Group I substances is 717 ODP-tonnes. It reported consumption of 985 ODP-tonnes in 2000 and 985 ODP-tonnes in 2001, placing Libyan Arab Jamahiriya clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Libyan Arab Jamahiriya submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Libyan Arab Jamahiriya may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Libyan Arab Jamahiriya with regard to the phase-out of ozone-depleting substances. To the degree that Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, Libyan Arab Jamahiriya should continue to be treated in the same manner as a Party in good standing. In this regard, Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/36: Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/36:*

1. To note that, in accordance with decision XIV/25 of the Fourteenth Meeting of the Parties, the Libyan Arab Jamahiriya was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation the Libyan Arab Jamahiriya's submission of its plan of action, and to note also that, under the plan, the Libyan Arab Jamahiriya specifically commits itself:

   (a) To reducing CFC consumption from 985 ODP-tonnes in 2001 as follows:

      (i) To 710.0 ODP-tonnes in 2003;

      (ii) To 610.0 ODP-tonnes in 2004;

      (iii) To 303.0 ODP-tonnes in 2005;

      (iv) To 107 ODP-tonnes in 2007;

(v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(c) To monitoring its ban on imports of ODS-using equipment, introduced in 2003;

3. To note that the measures listed in paragraph 2 above should enable the Libyan Arab Jamahiriya to return to compliance by 2003, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVI/26: Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/26:*

1. To note that the Libyan Arab Jamahiriya has reported annual data for the controlled substances in Annex A, group II (halons), for 2003 which is above its requirements for those substances. As a consequence, for 2003, the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

2. To request the Libyan Arab Jamahiriya, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Libyan Arab Jamahiriya may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on the import of ozone-depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the phase-out of halons. To the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/37: Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/37:*

1. To note that the Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990, the London Amendment on 12 July 2001 and the Copenhagen Amendment on 24 September 2004, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2000. The Executive Committee has approved $5,198,886 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note further that the Libyan Arab Jamahiriya's baseline for Annex A, group II, controlled substances (halons) is 633.067 ODP-tonnes. It reported consumption in 2003 and 2004 of 714.500 ODP-tonnes of those substances. The Libyan Arab Jamahiriya's baseline for the controlled substance in Annex E (methyl bromide) is 94.050 ODP-tonnes. It reported consumption in 2004 of 96.000 ODP-tonnes of that substance. As a consequence, in 2003 the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2A of the Montreal Protocol, while in 2004 it was in non-compliance with its obligations under Articles 2A and 2H of the Protocol;

3. To note with appreciation the Libyan Arab Jamahiriya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon and methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the Libyan Arab Jamahiriya specifically commits itself:

   (a) To maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 714.500 ODP-tonnes in 2005 and then to reduce halon consumption as follows:

      (i) To 653.910 ODP-tonnes in 2006;

      (ii) To 316.533 ODP-tonnes in 2007;

      (iii) To phase out halon consumption by 1 January 2008, save for essential uses that may be authorized by the Parties;

   (b) To maintain consumption of the controlled substance in Annex E (methyl bromide) at no more than the 2004 level of 96.000 ODP-tonnes in 2005 and 2006 and then to reduce methyl bromide consumption as follows:

      (i) To 75.000 ODP-tonnes in 2007;

      (ii) To phase out methyl bromide consumption by 1 January 2010, save for critical uses that may be authorized by the Parties;

4. To recall the commitment of the Libyan Arab Jamahiriya, contained in decision XV/36, to establish a system for licensing imports and exports of ozone-depleting substances, including quotas, and to monitor its ban on imports of equipment using ozone-depleting substances, introduced in 2003;

5. To note that the measures listed in paragraph 3 above should enable the Libyan Arab Jamahiriya to return to compliance with the Protocol's halon and methyl bromide control measures in 2007, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halon and methyl bromide;

6. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance, the Parties will consider measures

consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide) that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Lithuania

Decision VIII/23: Compliance with the Montreal Protocol by Lithuania

The *Eighth Meeting of the Parties* decided in *Dec. VIII/23:*

1. To note that, according to the information provided by Lithuania and the statement made by its representative at the fourteenth meeting of the Implementation Committee, Lithuania would be in a situation of non-compliance with the Montreal Protocol in 1996;

2. To note also that there is a possibility of non-compliance by Lithuania in 1997 so that the Implementation Committee might have to revert to that question that year;

3. To note also that major efforts are being made by Lithuania to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;

4. To urge Lithuania to ratify the London Amendment to the Montreal Protocol and provide immediately a timetable for the ratification process;

5. To recommend that international funding agencies should consider favourably the provision of financial assistance to Lithuania for projects to phase out ozone-depleting substances in the country;

6. To keep under review the situation with regard to ODS phase-out in Lithuania.

Decision IX/30: Compliance with the Montreal Protocol by Lithuania

The *Ninth Meeting of the Parties* decided in *Dec. IX/30:*

1. To note the timetable for the ratification of the London Amendment to the Montreal Protocol provided by Lithuania and urge Lithuania to ratify the London Amendment in September 1997 as indicated in their timetable;

2. To note that, according to the information contained in Lithuania's country programme for the phase-out of ozone-depleting substances, Lithuania is in a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance in 1998, so that the Implementation Committee might have to revert to that question that year;

3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Lithuania to the Parties in line with decision VIII/23, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Lithuania for projects to implement the country programme for phasing out ozone-depleting substances in the country;

4. To keep under review the situation with regard to ODS phase-out in Lithuania.

Decision X/25: Compliance with the Montreal Protocol by Lithuania

The *Tenth Meeting of the Parties* decided in *Dec. X/25:*

1. To note that Lithuania acceded to the Montreal Protocol on 18 January 1995, and acceded to the London and Copenhagen Amendments on 3 February 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 295 ODP tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Lithuania was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Lithuania also expresses a belief that this situation may continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Lithuania comes into compliance;

2. To note with appreciation the fact that Lithuania has made tremendous strides in coming into compliance with the Montreal Protocol. Although Lithuania ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was estimated at 6,089 tonnes, to 1993, when its consumption was estimated at 935 ODP tonnes, to 1995, when its consumption was 428 tonnes, to 1996 when its consumption of Annex A and B substances is reported at 295 tonnes. Lithuania is very clear in admitting that a substantial reason for the significant reduction in consumption is due to the economic turmoil that has been taking place in its country. After review of the submissions and presentation to the Implementation Committee, it is noted that Lithuania commits:

   – To ban the import of CFC-113, carbon tetrachloride and methyl chloroform by 1 January 2000; and

   – To reduce the consumption of Annex A and B substances by 86 per cent from 1996 levels by 1 January 2000;

3. To note that achievement of these goals will necessitate a strict application of Lithuania's existing import licensing system to ensure that phased reductions and reduced reliance on ozone-depleting substances continue to take place, and indeed, the Lithuania country programme includes a commitment to make arrangements with its customs department to ensure that imports are ceased. Ensuring that requirement to cease imports is particularly important given the pending closure of CFC producers in Russian Federation, supply on which Lithuania has traditionally depended. Noting Lithuania's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2001. In so stating, the Parties noted but specifically rejected a request by Lithuania to allow for continuous imports until 2005 for servicing existing refrigeration equipment. The Parties, in so doing, note that achieving a phase-out by 1 January 2001 may necessitate that Lithuania increase the recovery of existing ODS or the import of recycled material, and urge Lithuania to plan carefully for its future refrigerant-servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour. The Parties will closely monitor the progress of Lithuania towards meeting the above-noted commitments to reduce CFC-113, carbon-tetrachloride and methyl-chloroform use prior to the next Meeting of the Parties, and to put in place by June 1999 a requirement to cease imports of these substances by 1 January 2000 (save for essential uses authorized by the Parties);

4. To closely monitor the progress of Lithuania with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Lithuania submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Lithuania is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Lithuania should continue to be treated in the same manner as a Party in good standing. In this regard, Lithuania should receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Lithuania, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Maldives

Decision XIV/26: Non-compliance with the Montreal Protocol by Maldives

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/26:*

1. To note that Maldives ratified the Montreal Protocol on 16 May 1989, the London Amendment on 31 July 1991 and the Copenhagen Amendment and the Montreal Amendment on 27 September 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $370,516 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Maldives' baseline for Annex A, Group I substances is 5 ODP-tonnes. It reported consumption of 5 ODP-tonnes in 2000 and 14 ODP-tonnes in 2001, placing Maldives clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Maldives submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Maldives may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Maldives with regard to the phase-out of ozone-depleting substances. To the degree that Maldives is working towards and meeting the specific Protocol control measures, Maldives should continue to be treated in the same manner as a Party in good standing. In this regard, Maldives should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/37: Non-compliance with the Montreal Protocol by Maldives

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/37:*

1. To note that, in accordance with decision XIV/26 of the Fourteenth Meeting of the Parties, Maldives was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Maldives' submission of its plan of action, and to note also that, under the plan, Maldives specifically commits itself:

   (a) To reducing CFC consumption from 2.8 ODP-tonnes in 2002 as follows:

      (i) To 0 ODP-tonnes in 2003, 2004 and 2005;

      (ii) To 2.3 ODP-tonnes in 2006;

      (iii) To 0.69 ODP-tonnes in 2007;

      (iv) To 0 ODP-tonnes in 2008 and 2009;

(v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To monitoring its existing system for licensing imports of ODS, including quotas, introduced in 2002;

(c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above have already enabled Maldives to return to compliance, to congratulate Maldives on that progress and to urge Maldives to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Maldives with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Maldives is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Maldives should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Namibia

Decision XIV/22: Non-compliance with the Montreal Protocol by Namibia

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/22:*

1. To note that Namibia ratified the Montreal Protocol on 20 September 1993 and the London Amendment on 6 November 1997. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved $406,147 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Namibia's baseline for Annex A, Group I substances is 22 ODP-tonnes. It reported consumption of 22 and 24 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 23 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Namibia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Namibia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Namibia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Namibia with regard to the phase-out of ozone-depleting substances. To the degree that Namibia is working towards and meeting the specific Protocol control measures, Namibia should continue to be treated in the same manner as a Party in good standing. In this regard, Namibia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Namibia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a

timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/38: Non-compliance with the Montreal Protocol by Namibia

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/38:*

1. To note that, in accordance with decision XIV/22 of the Fourteenth Meeting of the Parties, Namibia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Namibia's submission of its plan of action, and to note also that, under the plan, Namibia specifically commits itself:

   (a) To reducing CFC consumption from 20 ODP-tonnes in 2002 as follows:

      (i) To 19.0 ODP-tonnes in 2003;

      (ii) To 14.0 ODP-tonnes in 2004;

      (iii) To 10.0 ODP-tonnes in 2005;

      (iv) To 9.0 ODP-tonnes in 2006;

      (v) To 3.2 ODP-tonnes in 2007;

      (vi) To 2.0 ODP-tonnes in 2008;

      (vii) To 1.0 ODP-tonnes in 2009;

      (viii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

   (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

   (c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above have already enabled Namibia to return to compliance, to congratulate Namibia on that progress and to urge Namibia to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Namibia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Namibia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Namibia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Namibia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Nepal

Decision XIV/23: Non-compliance with the Montreal Protocol by Nepal

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/23:*

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved $432,137 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Nepal's baseline for Annex A, Group I substances is 27 ODP-tonnes. It reported consumption of 94 ODP-tonnes of Annex A, Group I substances in 2000, and consumption of 94 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Nepal submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Nepal may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Nepal with regard to the phase-out of ozone-depleting substances. To the degree that Nepal is working towards and meeting the specific Protocol control measures, Nepal should continue to be treated in the same manner as a Party in good standing. In this regard, Nepal should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Nepal, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/39: Non-compliance with the Montreal Protocol by Nepal

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/39:*

1. To recall that in its decision XIV/23 the Fourteenth Meeting of the Parties noted that Nepal's baseline for Annex A, group I substances is 27 ODP-tonnes. Nepal reported consumption of 94 ODP-tonnes of Annex A, group I substances in 2000 and consumption of 94 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000-June 2001 control period Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

2. To note that Nepal has subsequently reported that 74 ODP-tonnes of imports of CFCs have been detained by its customs authorities as the shipment lacked an import license, and that Nepal therefore wished to report the quantity as illegal trade under the terms of decision XIV/7;

3. To congratulate Nepal on its actions in seizing the shipment and in reporting the fact to the Secretariat;

4. To note also, however, that paragraph 7 of decision XIV/7 provides that "the illegally traded quantities should not be counted against a Party's consumption provided the Party does not place the said quantities on its own market";

5. To conclude, therefore, that if Nepal decides to release any of the seized quantity of CFCs into its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

6. To request the Implementation Committee to review the situation of Nepal at its next meeting.

Decision XVI/27: Compliance with the Montreal Protocol by Nepal

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/27:*

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. Nepal is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1998. The Executive Committee has approved $453,636 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall that in its decision XV/39, the Fifteenth Meeting of the Parties had congratulated Nepal on seizing 74 ODP tonnes of imports of CFCs that had been imported in 2000 without an import license, and on reporting the quantity as illegal trade under the terms of decision XIV/7;

3. To recall that, in paragraph 5 of decision XV/39, the Parties had stated that, if Nepal decided to release any of the seized quantity of CFCs on to its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

4. To clarify the meaning of paragraph 5 of decision XV/39 to mean that Nepal would only be considered to be in non-compliance if the amount of CFCs released on to the market in any one year exceeded its permitted consumption level under the Protocol for that year;

5. To note further that Nepal's baseline for CFCs is 27 ODP tonnes;

6. To note with appreciation Nepal's submission of its plan of action to manage the release of the seized CFCs, and to note further that, under the plan, Nepal specifically commits itself:

   (a) To release no more than the following amount of CFCs in each year as follows:

      (i) 27.0 ODP tonnes in 2004;

      (ii) 13.5 ODP tonnes in 2005;

      (iii) 13.5 ODP tonnes in 2006;

      (iv) 4.05 ODP tonnes in 2007;

      (v) 4.05 ODP tonnes in 2008;

      (vi) 4.00 ODP tonnes in 2009;

      (vii) Zero in 2010, save for essential uses that may be authorized by the Parties;

   (b) To monitor its existing system for licensing imports of ozone-depleting substances, including quotas, introduced in 2001, which includes a commitment not to issue import licenses for CFCs, in order to remain in compliance with its plan of action;

   (c) To report annually on the quantity of CFCs released pursuant to paragraph 6 (a) above;

(d) To ensure that any quantities of CFCs remaining after 2010 are not released on to its market except in compliance with Nepal's obligations under the Montreal Protocol;

7. To note that the measures listed in paragraph 6 above will enable Nepal to remain in compliance;

8. To monitor closely the progress of Nepal with regard to the implementation of its plan of action and the phase-out of CFCs.

Decisions on non-compliance: Nigeria

Decision XIV/30: Non-compliance with the Montreal Protocol by Nigeria

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/30:*

1. To note that, in accordance with Decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Nigeria since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;

2. Nigeria's baseline for Annex A, Group I substances is 3,650 ODP-tonnes. It reported consumption of 4,095 ODP-tonnes in 2000 and 3,666 ODP-tonnes in 2001, placing Nigeria clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To express concern about Nigeria's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Nigeria, that Nigeria specifically commits itself:

   (a) To reduce Annex A consumption from the current level of 3,666 ODP tonnes in 2001 as follows:

      (i) To 3,400 ODP tonnes in 2003;

      (ii) To 3,200 ODP tonnes in 2004;

      (iii) To 1,800 ODP tonnes in 2005;

      (iv) To 1,100 ODP tonnes for 2006;

      (v) To 510 ODP tonnes in 2007;

      (vi) To 300 ODP tonnes in 2008;

      (vii) To 100 ODP tonnes in 2009; and

      (viii) To phase out CFC consumption by 1 January 2010 as provided under the Montreal Protocol save for essential uses that might be authorized by the Parties;

   (b) To report periodically on the operation of the system for licensing imports and exports of ODS as required for all Parties under Article 4 B paragraph 4 of the Montreal Protocol;

   (c) To ban, by 1 January 2008, imports of ODS-using equipment;

4. To note that the measures listed in paragraph 3 above should enable Nigeria to return to compliance by 2003. In this regard, the Parties urge Nigeria to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A Group I;

5. To closely monitor the progress of Nigeria with regard to the phase-out of ozone-depleting substances. To the degree that Nigeria is working towards and meeting the specific commitments noted above in paragraph 3, Nigeria should continue to be treated in the same manner as a Party in good standing. In this regard, Nigeria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Nigeria, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Oman

Decision XVI/28: Non-compliance with the Montreal Protocol by Oman

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/28:*

1. To note that Oman has reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which are above its requirements for that substance. As a consequence, for 2003, Oman was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

2. To note that, in response to a request from the Implementation Committee for an explanation for its excess consumption and a plan of action to return it to compliance, Oman has introduced a ban on the import of methyl chloroform;

3. That no action is required on this incident of non-compliance, but that Oman should ensure that a similar case does not occur again.

Decisions on non-compliance: Pakistan

Decision XVI/29: Non-compliance with the Montreal Protocol by Pakistan

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/29:*

1. To note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992 and the Copenhagen Amendment on 17 February 1995. Pakistan is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1996. The Executive Committee has approved $18,492,150 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note that, in accordance with decision XV/22 of the Fifteenth Meeting of the Parties, Pakistan was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To note with appreciation Pakistan's submission of its plan of action, and to note also that, under the plan, Pakistan specifically commits itself:

   (a) To reducing halon consumption from 15.0 ODP tonnes in 2003 as follows:

      (i) To 14.2 ODP tonnes in 2004;

      (ii) To 7.1 ODP tonnes in 2005;

(iii) To phasing out halon consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To monitor its enhanced system for licensing imports and exports of ozone-depleting substances, including quotas, introduced in 2004;

4. To note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance by 2004, and to urge Pakistan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II (halons);

5. To monitor closely the progress of Pakistan with regard to the implementation of its plan of action and the phase-out of halons. To the degree that Pakistan is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Pakistan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Pakistan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halon (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Papua New Guinea

Decision XV/40: Non-compliance with the Montreal Protocol by Papua New Guinea

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/40:*

1. To note that Papua New Guinea ratified the Montreal Protocol on 27 October 1992, the London Amendment on 4 May 1993 and the Copenhagen Amendment on 7 October 2003. Papua New Guinea is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $704,454 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Papua New Guinea's baseline for Annex A, group I substances is 36.3 ODP-tonnes. It reported consumption of 44.3 ODP-tonnes of Annex A, group I substances for the control period 1 July 2000-30 June 2001. As a consequence, for the July 2000-June 2001 control period Papua New Guinea was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with appreciation Papua New Guinea's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I substances and to note further that, under the plan, Papua New Guinea specifically commits itself:

(a) To reducing CFC consumption from 35 ODP-tonnes in 2002 as follows:

(i) To 35 ODP-tonnes in 2003;

(ii) To 26 ODP-tonnes in 2004;

(iii) To 17 ODP-tonnes in 2005;

(iv) To 8 ODP-tonnes in 2006;

(v) To 4.5 ODP-tonnes in 2007;

(vi) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(c) To banning, on or before 31 December 2004, imports of ODS-using equipment;

4. To note that the measures listed above in paragraph 3 should enable Papua New Guinea to return to compliance by 1 January 2004, and to urge Papua New Guinea to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

5. To monitor closely the progress of Papua New Guinea with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Papua New Guinea is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Papua New Guinea should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Papua New Guinea, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Peru

Decision XIII/25: Compliance with the Montreal Protocol by Peru

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/25:*

1. To note that Peru ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen Amendment on 7 June 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved $4,670,309 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Peru's baseline for Annex A, Group I substances is 289.5 ODP tonnes. Peru reported consumption of 296 ODP tonnes of Annex A, Group I substances in 1999. Peru responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Peru reported consumption of 297.6 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Peru was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Peru submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Peru may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Peru with regard to the phase-out of ozone-depleting substances. To the degree that Peru is working towards and meeting the specific Protocol control measures, Peru should continue to be treated in the same manner as a Party in good standing. In this regard, Peru should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Peru, in accordance with item B of the

indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Poland

Decision VII/15: Compliance with the Montreal Protocol by Poland

The *Seventh Meeting of the Parties* decided in *Dec. VII/15:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine at the eleventh meeting of the Open-ended Working Group of the Parties to the Montreal Protocol regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol;

2. To note the consultations of the Implementation Committee with the representatives of Poland regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;

3. To accept the assurance given by the representatives of Poland that their country is in compliance with its obligations under the Montreal Protocol for the year 1995 and is likely to be in compliance with its obligations under the Montreal Protocol in 1996, even though there are still some doubts concerning the availability of substitutes;

4. To note that, should Poland have doubts about its compliance with its obligations under the Montreal Protocol in the year 1996, it should submit the information to the Secretariat as soon as possible so that the necessary action can be initiated.

Decisions on non-compliance: Qatar

Decision XV/41: Non-compliance with the Montreal Protocol by Qatar

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/41:*

1. To note that Qatar ratified the Montreal Protocol and the London and Copenhagen amendments on 22 January 1996. Qatar is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $698,849 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Qatar has failed to report data for consumption of Annex A, group I substances for the control period from 1 July 2001 to 31 December 2002 and has reported annual data for 2002 which is above its requirement for a freeze in consumption. In the absence of further clarification, Qatar is presumed to be in non-compliance with the control measures under the Protocol;

3. To urge Qatar, accordingly, to report data for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency;

4. To note further that Qatar's baseline for Annex A, group II substances is 10.65 ODP-tonnes. It reported consumption of 13.6 ODP-tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 Qatar was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

5. To request Qatar to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Qatar may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

6. To monitor closely the progress of Qatar with regard to the phase-out of CFCs and halons. To the degree that Qatar is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Qatar should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Qatar, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Russian Federation

Decision VII/18: Compliance with the Montreal Protocol by the Russian Federation

The *Seventh Meeting of the Parties* decided in *Dec. VII/18:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group, as well as the official message of the Chairman of the Government of the Russian Federation dated 26 May 1995;

2. To note the consultations of the Implementation Committee with the representatives of the Russian Federation regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;

3. To note that the Russian Federation was in compliance with its obligations under the Montreal Protocol in 1995 and that it is expected that there will be a situation of non-compliance in the Russian Federation in 1996 so that the Implementation Committee will have to revert to that question that year;

4. To acknowledge the major efforts of the Russian Federation to provide data in response to the request by the Implementation Committee;

5. To underline the urgency of further action to phase out ozone-depleting substances in production and consumption;

6. To note that the Russian Federation has promised to provide additional information on:

   (a) The political commitment on the phase-out plan for ozone-depleting substances by the Russian Federation;

   (b) The necessary linkages between the sectoral approach outlined by the Russian Federation in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;

   (c) The gradual achievement of the proposed phase-out plan;

(d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;

7. To note that the Russian Federation will submit more detailed information to the Ozone Secretariat by the end of January 1996 for consideration of the Implementation Committee at an inter-sessional meeting in the first quarter of 1996;

8. To allow, in order to take into account the economic and social problems in countries with economies in transition, the Russian Federation to export substances controlled under the Montreal Protocol to Parties operating under Article 2 of the Protocol that are members of the Commonwealth of Independent States, including Belarus and Ukraine. In doing so, the Russian Federation will undertake the necessary action to secure that no re-exports will be made from the Commonwealth of Independent States, including Belarus and Ukraine, to any Party to the Montreal Protocol;

9. To recommend that international assistance to enable compliance of the Russian Federation with the Montreal Protocol in line with the following provisions should be considered:

(a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the Parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee. The Secretariat of the Multilateral Fund will periodically inform the Executive Committee on any progress made in relation to such international assistance to enable compliance given to the Russian Federation;

(b) The Russian Federation shall submit annual reports on progress in phasing out ODS in line with the schedule included in the submission of the Russian Federation to the Parties;

(c) The reports should include – in addition to the data to be reported under Articles 7 and 4 of the Montreal Protocol and on recovering and recycling facilities – updated information on the elements mentioned in paragraph 6 of the present decision, including information on trade in substances controlled under the Montreal Protocol with Parties members of the Commonwealth of Independent States and Parties operating under paragraph 1 of Article 5, to monitor whether the levels of production allowed under the Montreal Protocol to satisfy the basic domestic needs of Parties operating under paragraph 1 of Article 5 are not exceeded;

(d) The reports should be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;

(e) In case of any questions related to the reporting requirements and the actions of the Russian Federation, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

Decision VIII/25: Compliance with the Montreal Protocol by the Russian Federation

The *Eighth Meeting of the Parties* decided in *Dec. VIII/25:*

1. To recall decision VII/18 of the Seventh Meeting of the Parties by which the Russian Federation was, *inter alia*, requested to provide to the Implementation Committee, in 1996, additional information relative to the implementation of the Montreal Protocol;

2. To note that, according to its written submissions and the statements of the representative of the Russian Federation at the thirteenth, fourteenth, fifteenth and sixteenth meetings of the Implementation Committee, the Russian Federation was in a situation of non-compliance with the Montreal Protocol in 1996;

3. To note also the considerable progress made by the Russian Federation in addressing non-compliance issues raised by the Seventh Meeting of the Parties;

4. That the situation regarding the phase-out of ozone-depleting substances should be kept under review, specifically with regard to the additional information requested from the Russian Federation in paragraph 9 (c) of decision VII/18 of the Seventh Meeting of the Parties and, in particular, the detailed information on trade in ozone-depleting substances;

5. That the disbursement of financial assistance for ODS-phase-out in the Russian Federation should continue to be contingent on further developments with regard to non-compliance and the settlement with the Implementation Committee of any problems related to the reporting requirements and the actions of the Russian Federation;

6. That the Russian Federation should maximize the use of its recycling facilities to meet its internal needs and therefore diminish the production of new CFCs accordingly;

7. To note that the Russian Federation has undertaken to report detailed information, including quantities, on imports and exports of ODS and products containing such substances; data on the type of ODS (freshly produced, recovered, recycled, reclaimed, re-used, used in feedstock); and details of the supplier, recipient and conditions of delivery of the substances for 1996 not later than February 1997;

8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

Decision IX/31: Compliance with the Montreal Protocol by the Russian Federation

The *Ninth Meeting of the Parties* decided in *Dec. IX/31:*

1. To note the detailed information reported by the Russian Federation in response to decision VIII/25 of the Eighth Meeting of the Parties on quantities of imports and exports of ODS and products containing such substances; data on the type of ODS (new, recovered, recycled, reclaimed, reused, used as feedstock); details of suppliers, recipient countries and conditions of delivery of the substances for 1996;

2. To note with appreciation the clarifications on details of imports and/or exports of ODS from the Russian Federation in 1996, provided by some Parties mentioned in the Russian Federation's submission to the Implementation Committee;

3. To note the information reported by the Russian Federation in response to the Implementation Committee's request at its seventeenth meeting regarding information on ways in which the Russian Federation was maximizing the use of its recycling facilities to meet internal needs and to diminish production of new CFCs;

4. That the Russian Federation was in a situation of non-compliance with the Protocol in 1996 as noted in decision VIII/25 and there is an expectation of non-compliance in 1997 so that the Implementation Committee might have to revert to this question at the appropriate time;

5. To note also that the Russian Federation had exported both new and reclaimed substances to some Parties operating under Article 5 and those Parties not operating under that Article and those Parties had imported small quantities of ODS from the Russian Federation in 1996;

6. To note further that the Russian Federation had started implementation of its exports control of ozone-depleting substances from July 1996 by not exporting any ODS including used, new, recycled or reclaimed substances, to any Party with the exception of Parties operating under Article 5 and of Parties that are members of the Commonwealth of Independent States, including Belarus and Ukraine, as per decision VII/18;

7. In the light of the information on the recovery and recycling in the Russian Federation provided by the representative of that country, international assistance, particularly by the Global Environment Facility, should continue to be considered favourably in order to provide funding for the Russian Federation for

projects to implement the programme for the phase-out of the production and consumption of ozone-depleting substances in the country;

8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

Decision X/26: Compliance with the Montreal Protocol by the Russian Federation

The *Tenth Meeting of the Parties* decided in *Dec. X/26:*

1. To note that the Russian Federation ratified the London Amendment on 13 January 1992. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 13,955 ODP tonnes, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, the Russian Federation was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. The Russian Federation also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as the Russian Federation comes into compliance;

2. To note with appreciation that the Russian Federation is making significant progress in coming into compliance with the Montreal Protocol. Data reported for 1996 indicates that the Russian Federation reduced consumption of CFCs from 20,990 ODP tonnes in 1995, to a level of 12,345 ODP tonnes. The Russian Federation submitted a country programme in October 1995 (revised in November 1995) that contains specific benchmarks and a phase-out schedule. In 1996, production of Annex A, Group I, substances was 16,770 ODP tonnes, well below the benchmark of 28,000 ODP tonnes contained in the country programme. Further steps were taken to bring the Russian Federation into compliance with its obligations under Articles 2A through 2E of the Montreal Protocol when, in October 1998, the "Special Initiative for ODS Production Closure in the Russian Federation" (Special Initiative) was signed. The Parties note that, in the country programme and the Special Initiative, the Russian Federation commits:

   – To reduce consumption of Annex A, Group I, substances to no more than 6,280 ODP tonnes in 1999;

   – To reduce consumption of Annex A, Group II, substances to no more than 960 ODP tonnes in 1999;

   – To reduce consumption of Annex B, Group I, substances to no more than 18 ODP tonnes in 1999;

   – To phase out the production of Annex A substances by 1 June 2000; and

   – To phase out the consumption of Annex A and B substances by 1 June 2000;

3. To closely monitor the progress of the Russian Federation with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments in the 1995 country programme and the Special Initiative noted above. In this regard, the Parties request that the Russian Federation submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that the Russian Federation is working towards and meeting the specific time-based commitments in the country programme and the Special Initiative and continues to report data annually demonstrating a decrease in imports and consumption, the Russian Federation should continue to be treated in the same manner as a Party in good standing. In this regard, the Russian Federation should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution the Russian Federation, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted in prior decisions as well as in the above documents in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XIII/17: Compliance with the Montreal Protocol by the Russian Federation

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/17:*

Having considered the report of the Secretariat on data compliance issues in documents UNEP/OzL.Pro.13/3 and UNEP/OzL.Pro.13/3/Add.1, including Analysis of Data on Production and Consumption by Groups of Substances, and having followed up on the recommendations of the previous meetings of the Implementation Committee,

1. To note that the Russian Federation is operating under an agreed phase-out plan "List of urgent measures to the phase-out of production and consumption of ozone-depleting substances in the Russian Federation over the period 1999-2000" of 30 December 1999;

2. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of the ozone-depleting substances covered by Annex A;

3. To note the contribution of the "Special initiative for the phase-out of ozone-depleting production in the Russian Federation" to assist in the phase-out of production of ozone-depleting substances in Annex A and Annex B in the Russian Federation;

4. To note with appreciation the fact that the Russian Federation closed CFC production as from 20 December 2000 and stopped Annex A and B ODS import and export operations as from 1 March 2000, as was confirmed in the letter of the Prime Minister of the Russian Federation of 9 December 2000 and of the First Deputy Minister of Natural Resources of the Russian Federation of 9 October 2000;

5. To recommend that the Russian Federation should, with the assistance of international funding agencies, proceed with the agreed phase-out benchmarks of production and consumption of the Annex A and B ODS to be in full compliance with its obligations under the Montreal Protocol and the London Amendment;

6. To welcome the action taken by the Russian Federation to examine the possibility of ratifying the Copenhagen, Montreal and Beijing Amendments to the Montreal protocol, as was stated by the Prime Minister in his letter of 9 December 2000.

Decision XIV/35: Compliance with the Montreal Protocol by the Russian Federation

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/35:*

1. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of ozone-depleting substances in Annex A to the Montreal Protocol;

2. To note with appreciation that the data reported by the Russian Federation for 2001 confirms the complete phase-out of production and consumption of ozone-depleting substances in Annexes A and B, as noted by the Thirteenth Meeting of the Parties in Decision XIII/17;

3. To commend the efforts made by the Russian Federation to comply with the control measures of the Montreal Protocol;

4. To recognise the support and assistance rendered by the Parties to the Montreal Protocol to enable compliance by the Russian Federation.

Decisions on non-compliance: Saint Vincent and the Grenadines

Decision XIV/24: Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/24:*

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 2 December 1996. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved $152,889 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Saint Vincent and the Grenadines' baseline for Annex A, Group I substances is 2 ODP-tonnes. It reported consumption of 6 and 7 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 9 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Saint Vincent and the Grenadines submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Saint Vincent and the Grenadines may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Saint Vincent and the Grenadines with regard to the phase-out of ozone-depleting substances. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In this regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/42: Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/42:*

1. To note that, in accordance with decision XIV/24 of the Fourteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note also that the baseline of Saint Vincent and the Grenadines for Annex A, group I substances is 1.77 ODP-tonnes. It reported consumption of 6.04, 6.86 and 6.02 ODP-tonnes of Annex A, group I substances in 2000, 2001 and 2002 respectively, and consumption of 9 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. It has failed to report data for CFC consumption for the control period of 1 July 2001 to 31 December 2002. As a consequence, for the period 2000-2002, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with regret that Saint Vincent and the Grenadines has not fulfilled the requirements of decision XIV/24 and to request that it should submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks in order for the Committee to monitor its progress towards compliance;

4. To stress to the Government of Saint Vincent and the Grenadines its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;

5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVI/30: Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/30:*

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol and the London and Copenhagen amendments on 2 December 1996. Saint Vincent and the Grenadines is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1998. The Executive Committee has approved $166,019 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note that, in accordance with decision XV/42 of the Fifteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To note with appreciation the submission by Saint Vincent and the Grenadines of its plan of action, and to note also that, under the plan, Saint Vincent and the Grenadines specifically commits itself:

   (a) To reducing CFC consumption from 3.07 ODP tonnes in 2003 as follows:

      (i) To 2.15 ODP tonnes in 2004;

      (ii) To 1.39 ODP tonnes in 2005;

      (iii) To 0.83 ODP tonnes in 2006;

      (iv) To 0.45 ODP tonnes in 2007;

      (v) To 0.22 ODP tonnes in 2008;

      (vi) To 0.1 ODP tonnes in 2009;

      (vii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To monitoring its existing system for licensing imports of ozone-depleting substances and its ban on imports of ozone-depleting-substances-using equipment, introduced in 2003;

(c) To introducing an ozone-depleting substances quota system by the last quarter of 2004, which will become effective from 1 January 2005;

4. To note that the measures listed in paragraph 3 above should enable Saint Vincent and the Grenadines to return to compliance by 2008, and to urge Saint Vincent and the Grenadines to work with the relevant implementing agencies to implement the plan of action and phase-out of consumption of ozone-depleting substances in Annex A, group I (CFCs);

5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Sierra Leone

Decision XVII/38: Non-compliance with the Montreal Protocol by Sierra Leone, and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/38:*

1. To note that Sierra Leone ratified the Montreal Protocol and all its amendments on 29 August 2001, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2003. The Executive Committee has approved $660,021 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note further that Sierra Leone has reported annual consumption of the controlled substances in Annex A, group II (halons), for 2004 of 18.45 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 16.00 ODP-tonnes for those controlled substances for that year, and that Sierra Leone is therefore in non-compliance with the control measures under the Protocol;

3. To request Sierra Leone, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Sierra Leone may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of equipment using ozone-depleting substances, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Sierra Leone with regard to the phase-out of the controlled substances in Annex A, group II (halons). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Sierra Leone should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Sierra Leone, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider

measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex A, group II (halons), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Tajikistan

Decision XIII/20: Compliance with the Montreal Protocol by Tajikistan

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/20:*

1. To note that Tajikistan ratified the Montreal Protocol and the London Amendment on 7 January 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1999, reported positive consumption of 50.8 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1999 Tajikistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Tajikistan also expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the Parties until such time as Tajikistan comes into compliance;

2. To express great concern about Tajikistan's non-compliance and to note that Tajikistan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol and the London Amendment in 1998. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Tajikistan, that Tajikistan specifically commits itself:

   (a) To reduce CFC consumption to 14.08 ODP tonnes for the calendar year 2002, to 4.69 ODP tonnes for 2003 and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the Parties);

   (b) To phase out consumption of all other Annex A and B controlled substances by 1 January 2002;

   (c) To establish, in 2002, a system for licensing imports and exports of ODS;

   (d) To reduce methyl bromide consumption to 0.56 ODP tonnes for calendar year 2002, to 0.28 ODP tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2005;

3. That the measures listed in paragraph 2 above should enable Tajikistan to achieve the near total phase-out of all Annex B substances by 1 January 2002, all Annex A substances by 1 January 2004 and the Annex E substance by 1 January 2005. In this regard, the Parties urge Tajikistan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;

4. To closely monitor the progress of Tajikistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Tajikistan submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Tajikistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Tajikistan should continue to be treated in the same manner as a Party in good standing. In this regard, Tajikistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Tajikistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Turkmenistan

Decision XI/25: Compliance with the Montreal Protocol by Turkmenistan

The *Eleventh Meeting of the Parties* decided in *Dec. XI/25:*

1. To note that Turkmenistan acceded to the Vienna Convention and the Montreal Protocol on 18 November 1993 and acceded to the London Amendment on 15 March 1994. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 29.6 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996 Turkmenistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;

2. To note with appreciation the work done by Turkmenistan in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Turkmenistan into compliance with the Montreal Protocol in 2003;

3. To note that Turkmenistan, in cooperation with the Global Environment Facility, had delineated the following draft benchmarks that could serve to measure progress in the phase-out process until 2003:

   (a) 1999: Import of CFCs should not exceed 22 ODP tonnes;

   (b) 1 January 2000: Import/export licensing system in place; bans on import of equipment using and containing ODS; import quota for CFCs in 2000 not exceeding 15 ODP tonnes (roughly 50 per cent compared to 1996)

   (c) 1 January 2000: Ban on the import of all Annex A and B substances except CFCs listed in Annex A (1);

   (d) 1 January 2000: Import quota for CFCs in 2001 not exceeding 10 ODP tonnes (-66 per cent compared to 1996); effective system for monitoring and controlling ODS trade in place and working;

   (e) 1 July 2001: recovery and recycling and training projects completed;

   (f) 1 January 2002: Import quota for CFCs in 2002 not to exceed 6 ODP tonnes (-80 per cent compared to 1996);

   (g) 1 January 2003: Total prohibition of imports of Annex A and B substances/zero quota; completion of Global Environment Facility project.

4. To monitor closely the progress of Turkmenistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and, in this regard, to request that Turkmenistan submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Turkmenistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Turkmenistan should continue to be treated in the same manner as a Party in good standing. In this regard, Turkmenistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Turkmenistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Uganda

Decision XV/43: Non-compliance with the Montreal Protocol by Uganda

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/43:*

1. To note that Uganda ratified the Montreal Protocol on 15 September 1988, the London Amendment on 20 January 1994, the Copenhagen Amendment on 22 November 1999 and the Montreal Amendment on 23 November 1999. Uganda is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved $547,896 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Uganda's baseline for Annex A, group I substances is 12.8 ODP-tonnes. It has failed to report data for either of the control periods 1 July 2000-30 June 2001 and 1 July 2001-31 December 2002, and has reported annual data for 2001 which is above its baseline. In the absence of further clarification, Uganda is presumed to be in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To urge Uganda, accordingly, to report data for the control periods from 1 July 2000 to 30 June 2001 and 1 July 2001 to 31 December 2002, as a matter of urgency;

4. To note further that Uganda has presented sufficient information to justify its request for a change in its baseline consumption of the controlled substance in Annex E from 1.9 ODP-tonnes to 6.3 ODP-tonnes, and that that change is therefore approved;

5. To note that Uganda presented its request for a baseline change before the Implementation Committee had been able to recommend a standard methodology for the presentation of requests for such changes, and that all future requests should follow the methodology described in decision XV/19;

6. To note, however, that Uganda reported consumption of 30 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, even after the revision in its baseline, Uganda was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

7. To note with appreciation Uganda's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Uganda specifically commits itself:

   (a) To reducing methyl bromide consumption from 30 ODP-tonnes in 2002 as follows:

      (i) To 24 ODP-tonnes in 2003 and in 2004;

      (ii) To 6 ODP-tonnes in 2005;

      (iii) To 4.8 ODP-tonnes in 2006;

      (iv) To phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;

   (b) To monitoring its system for licensing imports and exports of ODS introduced in 1998, which will be modified by the inclusion of quotas in the first quarter of 2004;

   (c) To introducing a ban on imports of ODS-using equipment in the first quarter of 2004;

8. To note that the measures listed in paragraph 7 above should enable Uganda to return to compliance by 2007, and to urge Uganda to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;

9. To monitor closely the progress of Uganda with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Uganda is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uganda should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Uganda, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Ukraine

Decision VII/19: Compliance with the Montreal Protocol by Ukraine

The *Seventh Meeting of the Parties* decided in *Dec. VII/19:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation, and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group;

2. To note the consultations of the Implementation Committee with the representatives of Ukraine regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;

3. To note that Ukraine was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year;

4. To note that Ukraine submitted its draft country programme for the phase-out of ozone-depleting substances in Ukraine to the Implementation Committee;

5. To note that Ukraine promised to provide additional information on the political commitment on the phase-out programme for ozone-depleting substances by Ukraine and that the Implementation Committee after evaluation of the information provided might wish to request additional information on certain elements, such as:

   (a) The political commitment on the phase-out plan for ozone-depleting substances by Ukraine;

   (b) The necessary linkages between the sectoral approach outlined by Ukraine in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;

   (c) The gradual achievement of the proposed phase-out plan;

   (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;

6. To note that Ukraine has agreed not to export any virgin, recycled or recovered substance controlled under the Montreal Protocol to any Party operating under Article 2 of the Protocol not member of the Commonwealth of Independent States and that such Parties shall not import such controlled substances from Ukraine;

7. To recommend international assistance to enable compliance of Ukraine with the Montreal Protocol in line with the following provisions:

   (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the Parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee;

   (b) Ukraine shall submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Ukraine;

   (c) The reports shall be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;

   (d) In case of any questions related to the reporting requirements and the actions of Ukraine, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

Decision X/27: Compliance with the Montreal Protocol by Ukraine

The *Tenth Meeting of the Parties* decided in *Dec. X/27:*

1. To note that Ukraine ratified the London Amendment on 6 February 1997. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 1,470 ODP tonnes of Annex A and B controlled substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Ukraine was in non-compliancewith its control obligations under Articles 2A through 2E of the Montreal Protocol. Ukraine also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Ukraine comes into compliance;

2. To express great concern about the non-compliance of Ukraine, as well as the significant increase in consumption of ozone-depleting substances in Ukraine from 1995 to 1996, when total consumption doubled from 767 to 1,470 ODP tonnes. The Parties note the commendable actions taken by Ukraine in working with customs and industry to monitor imports and improve the accuracy of the data reported to the Ozone Secretariat. After reviewing Ukraine's submission to the Implementation Committee, the Parties note that the Ukraine, through its acceptance of this decision, specifically commits:

   – To a phase-out of the consumption of Annex A and B substances by 1 January 2002 (save for essential uses authorized by the Parties);

   Ukraine notes, however, that there may be difficulty in phasing out consumption in the domestic refrigeration sector;

3. To urge Ukraine to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a plan for managing existing supplies of CFCs as well as training in the refrigeration sector to encourage recovery and recycling. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources. Noting Ukraine's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2002. In so stating, the Parties noted but specifically rejected a request by Ukraine to allow for continuous imports until 2010 for servicing existing refrigeration equipment. The

Parties, in so doing, note that achieving a phase-out by 1 January 2002 may necessitate that Ukraine increase the recovery of existing ozone-depleting substances or the import of recycled material, and urge Ukraine to plan carefully for its future refrigerant servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour;

4. To closely monitor the progress of Ukraine with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Ukraine submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Ukraine is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Ukraine should continue to be treated in the same manner as a Party in good standing. In this regard, Ukraine should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ukraine, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Uruguay

Decision XV/44: Non-compliance with the Montreal Protocol by Uruguay

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/44:*

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $4,856,042 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Uruguay's baseline for the controlled substance in Annex E is 11.2 ODP-tonnes. It reported consumption of 17.7 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To note with appreciation Uruguay's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Uruguay specifically commits itself:

   (a) To reducing methyl bromide consumption from 17.7 ODP-tonnes in 2002 as follows:

      (i) To 12 ODP-tonnes in 2003;

      (ii) To 4 ODP-tonnes in 2004;

      (iii) To phasing out methyl bromide consumption by 1 January 2005, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;

   (b) To monitoring its system for licensing imports and exports of ODS, including quotas;

4. To note that the measures listed in paragraph 3 above should enable Uruguay to return to compliance by 2004, and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;

5. To monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uruguay should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Uruguay, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XVII/39: Revised plan of action for the early phase-out of methyl bromide in Uruguay

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/39:*

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved $5,457,124 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall that Uruguay's baseline for the controlled substance in Annex E (methyl bromide) is 11.2 ODP-tonnes. It reported consumption of 17.7 ODP-tonnes of methyl bromide in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To recall further that Uruguay had submitted a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures, which was contained in decision XV/44 of the Fifteenth Meeting of the Parties;

4. To note that Uruguay reported consumption of 11.1 ODP-tonnes of methyl bromide in 2004. This level of consumption, while consistent with the requirement that Parties operating under Article 5 of the Protocol freeze their methyl bromide consumption in 2004 at their baseline level, was inconsistent with the Party's commitment contained in decision XV/44 to reduce its methyl bromide consumption to a level no greater that 4 ODP-tonnes in 2004;

5. To note with appreciation, however, that Uruguay submitted a revised plan of action for methyl bromide early phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Uruguay specifically commits itself:

   (a) To reduce methyl bromide consumption from 11.1 ODP-tonnes in 2004 as follows:

      (i) To 8.9 ODP-tonnes in 2005;

      (ii) To 8.9 ODP-tonnes in 2006;

      (iii) To 8.9 ODP-tonnes in 2009;

      (iv) To 6.0 ODP-tonnes in 2010;

      (v) To 6.0 ODP-tonnes in 2011;

(vi) To 6.0 ODP-tonnes in 2012;

(vii) To phase out methyl bromide consumption by 1 January 2013, save for critical uses that may be authorized by the Parties;

(b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;

6. To note that the measures listed in paragraph 5 above should enable Uruguay to maintain compliance and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);

7. To monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uruguay should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Uruguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the substance that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Uzbekistan

Decision X/28: Compliance with the Montreal Protocol by Uzbekistan

The *Tenth Meeting of the Parties* decided in *Dec. X/28:*

1. To note that Uzbekistan ratified the Montreal Protocol on 18 May 1993, and ratified the London and Copenhagen Amendments on 10 June 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 272 ODP tonnes of Annex A and Annex B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Uzbekistan was in non-compliance with its obligations under Articles 2A through 2E of the Montreal Protocol. Uzbekistan also expresses a belief that this situation may continue through at least the year 2001, necessitating annual review by the Implementation Committee and the Parties until such time as Uzbekistan comes into compliance;

2. To note with appreciation the fact that Uzbekistan has made significant strides in coming into compliance with the Montreal Protocol, decreasing consumption steadily from an estimated 1,300 tonnes in 1992 to 275 tonnes in 1996. Its country programme shows its determination and commitment to phase out of Annex A and B substances by 2002. Specifically, the Parties note that the Uzbekistan country programme includes a commitment:

– To reduce consumption of CFCs by 40% by 2000, by 80% by 2001, and completely by 2002;

– To reduce consumption of carbon tetrachloride by 35% by 2000, by 67% by 2001, and completely by 2002;

– To reduce consumption of methyl chloroform by 40% in 2000, by 82% in 2001, and completely in 2002;

– To put in place in 1999, import quotas in order to freeze the imports at the current level and to support the phase-out schedule noted above;

– To put in place by 1999, bans on imports of ODS and equipment using and containing ODS;

– To put in place policy instruments and regulatory requirements to ensure progress in achieving the phase-out;

3. To note that, given the fact that virtually all of its remaining use is in the refrigeration-servicing sector, Uzbekistan will have to work very hard in the coming years to ensure that it maintains a downward momentum in consumption in order to ensure that it meets its commitment for a phase-out in Annex A and B substances by the year 2002. In this regard, the Tenth Meeting of the Parties is happy to see that Uzbekistan intends to focus its efforts towards training in the refrigeration sector, and refrigerant recovery and recycling. The Parties also note that it is critical that Uzbekistan put in place its licensing and quota system to control the import of ozone-depleting substances no later than September 1999 to meet its reduction commitment;

4. To closely monitor the progress of Uzbekistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Uzbekistan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Uzbekistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Uzbekistan should continue to be treated in the same manner as a Party in good standing. In this regard, Uzbekistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Uzbekistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Viet Nam

Decision XV/45: Non-compliance with the Montreal Protocol by Viet Nam

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/45:*

1. To note that Viet Nam ratified the Montreal Protocol and the London and Copenhagen Amendments on 26 January 1994. Viet Nam is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $3,150,436 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Viet Nam's baseline for Annex A, group II substances is 37.07 ODP-tonnes. It reported consumption of 97.60 ODP-tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Viet Nam was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To request Viet Nam to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Viet Nam may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To note that Viet Nam may also wish to draw upon the ongoing assistance provided by the United Nations Environment Programme Compliance Assistance Programme and the halon phase-out assistance previously provided by the United Nations Industrial Development Organization, and to consult with the

Halons Technical Options Committee of the Technology and Economic Assessment Panel, to identify and introduce alternatives to the use of halon-2402 on oil vessels and platforms;

5. To monitor closely the progress of Viet Nam with regard to the phase-out of halons. To the degree that Viet Nam is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Viet Nam should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Viet Nam, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Article 9: Research, development, public awareness and exchange of information

[Also see Article 7, 'Decisions on compliance with data-reporting requirements: general' for references to reporting requirements under Article 9.]

Decision I/4: Workplans required by Articles 9 and 10 of the Protocol

The *First Meeting of the Parties* decided in *Dec. I/4* to consider the following elements as the first components for the workplans required by Articles 9 and 10 *[note: this refers to the original Article 10 of the Protocol, on technical assistance]* of the Protocol:

(a) dissemination of the reports of the panels for scientific, environmental, technical, and economic assessments, as well as the synthesis report, and their follow-up;

(b) regular updating of the panel reports, taking into account in particular the developments in the fields of production of environmentally sound substitutes or alternative technological solutions to the use of CFCs or halons;

(c) development of a programme, which will include workshops, demonstration projects, training courses, the exchange of experts and the provision of consultants on control options, taking into account the special needs of developing countries, for the consideration by the Parties at their second meeting;

(d) preparation of a study of retrofit technologies applicable to existing manufacturing facilities that produce controlled substances or products made with or containing such substances, to be presented to the Parties for their consideration at their Second Meeting;

(e) facilitation of the production and wide dissemination of material for public information;

(f) exploration of specific ways of promoting exchange and transfer of environmentally sound substitutes and alternative technologies;

(g) initiatives to support activities in programmes of international organizations and financing agencies that could contribute towards implementing the provisions of the Protocol, and defining means by which the Secretariat can initiate concrete contacts with the appropriate international organizations, programmes and financing agencies for this purpose.

Decision II/14: Workplans required by Articles 9 and 10 of the Protocol

The *Second Meeting of the Parties* decided in *Dec. II/14* to request the Executive Committee under the Financial Mechanism and the Secretariat to take into account in their work the recommendations on workplans required by Article 9 and Article 10 *[note: this refers to the original Article 10 of the Protocol, on technical assistance]* of the Protocol, as adopted by the third session of the first meeting of the Open-Ended Working Group of the Parties to the Protocol.

Decision XVII/24: Reports of the Parties submitted under Article 9 of the Montreal Protocol on research, development, public awareness and exchange of information

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/24:*

1. To note with appreciation the reports submitted by the following 28 Parties in accordance with Article 9 of the Montreal Protocol: Argentina, Belarus, Brazil, Brunei Darussalam, Bulgaria, Czech Republic, Dominican Republic, Guyana, Hungary, Iceland, Jordan, Latvia, Mauritius, Malaysia, Monaco, Norway,

Oman, Pakistan, Poland, Romania, Somalia, Spain, Sri Lanka, Sweden, Thailand, Togo, Trinidad and Tobago, Turkmenistan;

2. To recall that paragraph 3 of Article 9 states that, every two years, each Party shall submit to the Secretariat a summary of activities it has conducted pursuant to that Article, and that relevant activities include promotion of research and development, information exchange on technologies for reducing emissions of ozone-depleting substances, alternatives to the use of controlled substances and the costs and benefits of relevant control strategies, awareness-raising on the environmental effects of controlled substances emissions and other substances that deplete the ozone layer;

3. To recognize that information relevant to the reporting obligation contained in paragraph 3 of Article 9 may be generated through cooperative efforts undertaken in the context of regional ozone networks, ozone research managers activities under Article 3 of the Vienna Convention, participation by Parties in the assessment work of both the Technology and Economic Assessment Panel and the Scientific Assessment Panel under Article 6 of the Montreal Protocol, and national public awareness-raising initiatives;

4. To note that the reporting under Article 9, paragraph 3, could be undertaken through electronic means, and to note also that the information contained in these reports could be shared through the Ozone Secretariat's website;

5. To note that such activities continue to play an important role in global efforts to protect the ozone layer and that dissemination of information on such activities, through Article 9, also contributes to these efforts;

6. To therefore urge all Parties to submit information in accordance with paragraph 3 of Article 9.

Article 10: Financial mechanism

Decisions on establishment of interim financial mechanism

Decision I/13: Assistance to developing countries

The *First Meeting of the Parties* decided in *Dec. I/13* with regard to assistance to developing countries:

(a) to recognize the urgent need to establish international financial and other mechanisms to implement Article 5, paragraphs 2 and 3, in conjunction with Articles 9 and 10 of the Montreal Protocol and to enable developing countries to meet the requirements of the present and a future strengthened Protocol, thereby addressing the ozone depletion and related problems.

(b) to establish an open-ended working group of the Contracting Parties to develop modalities for such mechanisms, including adequate international funding mechanisms which do not exclude the possibility of an international Fund and to report the results of their deliberations to the Conference of the Parties at its Second Meeting in 1990.

Decision II/8: Financial mechanism

The *Second Meeting of the Parties* decided in *Dec. II/8* to establish for the three-year period from 1 January 1991 to 31 December 1993 or until such time as the Financial Mechanism is established, an Interim Financial Mechanism according to the following:

1. The Interim Financial Mechanism is established for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of the Montreal Protocol to enable their compliance with the control measures set out in Articles 2A to 2E of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties, in order to enable their compliance with the control measures of the Protocol.

2. The Mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

   (a) meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;

   (b) finance clearing-house functions to:

      (i) assist Parties operating under paragraph 1 of Article 5, through country-specific studies and other technical co-operation to identify their needs for co-operation;

      (ii) facilitate technical co-operation to meet these identified needs;

      (iii) distribute, as provided for in Article 9 of the Protocol, information and relevant materials, and hold workshops, training sessions and other related activities for the benefit of Parties that are developing countries;

      (iv) facilitate and monitor other multilateral, regional and bilateral co-operation available to Parties that are developing countries; and

   (c) finance the secretarial services of the Multilateral Fund and related support costs.

4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.

5. The President of the Second Meeting of the Parties shall ensure that the Executive Committee establishes, with effect from 1 January 1991, an "Interim Multilateral Fund for the Implementation of the Montreal Protocol" and draws up the financial regulations and rules of the Fund.

6. The Parties hereby establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources for the purpose of achieving the objectives of the Multilateral Fund. It is established for a three-year period. Before the end of that three-year period, the terms of reference of the Executive Committee shall be reviewed by the meeting of the Parties. The Executive Committee shall discharge its tasks and responsibilities specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme, or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating shall be endorsed by the Parties. The terms of reference of the Executive Committee are attached as Appendix II to this decision.

7. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to twenty per cent and consistent with any criteria specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation as a minimum:

   (a) strictly relates to compliance with the provisions of the Protocol;

   (b) provides additional resources; and

   (c) meets agreed incremental costs.

8. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.

9. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party.

10. Decisions by the Parties under this decision shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing at least a majority of the Parties operating under paragraph 1 of Article 5 present and voting and at least a majority of the Parties not so operating present and voting.

11. The Financial Mechanism set out in this decision is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

12. References to dollars ($) in this decision are to United States dollars.

Decision II/8A: Budget for the Fund Secretariat

The *Second Meeting of the Parties* decided in *Dec. II/8A* to adopt the provisional budget for the Fund Secretariat as attached in Annex V of the report on the work of the Second Meeting of the Parties and to request the Executive Committee of the Parties to present to the Third Meeting of the Parties a revised version of the budget in the light of the experience gained during its implementation.

Decision II/8B: Acceptance of the offer of Canada

The *Second Meeting of the Parties* decided in *Dec. II/8B* to accept the offer of Canada:

(a) to host the Executive Committee meetings as necessary during the interim period;

(b) to support participation of developing countries in those meetings; and

(c) to assume the administrative costs of those initiatives.

Decision III/19: Financial mechanism

The *Third Meeting of the Parties* decided in *Dec. III/19* with regard to financial mechanism to request the Open-ended Working Group of the Parties to review the indicative list of the categories of incremental costs adopted by the Parties in Decision II/8 and, taking into account the experience gained by the Executive Committee, to develop an indicative list of categories of incremental costs required by paragraph 1 of Article 10 of the Montreal Protocol as amended by the Second Meeting of the Parties. The list so developed should be submitted for consideration by the Fourth Meeting of the Parties.

Decisions on establishment of financial mechanism

Decision IV/18: Financial mechanism

The *Fourth Meeting of the Parties* decided in *Dec. IV/18:*

I

1. to establish the Financial Mechanism, including the Multilateral Fund provided for in Article 10 of the Montreal Protocol as amended at the Second Meeting of the Parties;

2. to make the Multilateral Fund operative from 1 January 1993 and to transfer to it any resources remaining in the Interim Multilateral Fund on that date;

3. to set the total contributions to the Fund for 1993 at $US 113.34 million and to commit to a replenishment of the Fund in order to meet on grant or concessional terms the requirements of Parties operating under paragraph 1 of Article 5 of the Protocol, in respect of agreed incremental costs as indicated by the figures $US 340–500 million for 1994–1996. The total contribution to the Fund for 1994 will not be less than the commitments for 1993;

4. to establish the Executive Committee;

5. to adopt the terms of reference for the Multilateral Fund and for the Executive Committee, as set out in Annex IX and Annex X, respectively, to the report of the Fourth Meeting of the Parties; *[see Section 3.7 of this Handbook]*

6. to endorse the recommendations of the Executive Committee contained in paragraph 108 of UNEP/OzL.Pro/ExCom/8/29 and to approve the indicative list of the categories of incremental costs, as set out in Annex VIII to the report of the Fourth Meeting of the Parties, in accordance with paragraph 1 of Article 10 of the amended Protocol; *[see Section 3.6 of this Handbook]*

7. to call on the Executive Committee to continue to operate under the agreements, procedures and guidelines applicable to the Interim Multilateral Fund;

8. to accept with appreciation the offer of Canada to host the Secretariat of the Multilateral Fund on the same terms as they hosted the Secretariat of the Interim Multilateral Fund and to locate the Secretariat at Montreal, Canada;

II

1. to request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, in the light of its terms of reference, and drawing on the various reports and assessments it has at its disposal, and with the cooperation and assistance of the implementing agencies, and independent advice as appropriate or necessary, to submit to the Open-ended Working Group of the Parties at its next meeting a report comprising:

   (a) A report on the operation of the Financial Mechanism since 1 January 1991;

   (b) Its three-year plan and budget (as required by paragraph 10 (b) of its terms of reference) based on:

      (i) The needs of Parties operating under paragraph 1 of Article 5 of the Protocol;

      (ii) The capacity and performance of the implementing agencies; and

      (iii) The strategies and projects to be implemented by Parties operating under paragraph 1 of Article 5 of the Protocol;

2. to request the Open-ended Working Group to assess the report of the Executive Committee and to make recommendations, as appropriate, to the Fifth Meeting of the Parties;

3. to request the Open-ended Working Group to make a recommendation to the Fifth Meeting of the Parties on the level of replenishment for the Multilateral Fund for the period 1994–1996, in the light of:

   (a) Decisions made by the Fourth Meeting of the Parties on this issue;

   (b) The report prepared by the Executive Committee;

   (c) Other assessments on the level of resources needed for the period 1994–1996 available to the Open-ended Working Group;

   (d) The status of commitments and disbursements of the Financial Mechanism;

4. to evaluate and review, by 1995, the Financial Mechanism established by Article 10 of the Protocol and section I of the present decision, with a view to ensuring its continued effectiveness, taking into account chapters 9, 33 and 34, and all other relevant chapters, of Agenda 21 as adopted by the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992.

Decision VI/16: Juridical personality, privileges and immunities of the Multilateral Fund

The *Sixth Meeting of the Parties* decided in *Dec. VI/16, recalling* decision IV/18 of the Fourth Meeting of the Parties, which established the Financial Mechanism, including the Multilateral Fund for the Implementation of the Montreal Protocol, provided for in Article 10 of the Montreal Protocol, as amended in London on 29 June 1990, to clarify the nature and legal status of the Fund as a body under international law as follows:

(a) *Juridical personality:* The Multilateral Fund shall enjoy such legal capacity as is necessary for the exercise of its functions and the protection of its interests, in particular the capacity to enter into contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings in defence of its interests;

(b) *Privileges and immunities*:

(i) The Fund shall, in accordance with arrangements to be determined with the Government of Canada, enjoy in the territory of the host country, such privileges and immunities as are necessary for the fulfilment of its purposes;

(ii) The officials of the Fund Secretariat shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Multilateral Fund.

Decisions on replenishments of the Multilateral Fund, budgets and contributions

Decision III/22: Executive Committee of the Multilateral Fund

The *Third Meeting of the Parties* decided in *Dec. III/22* with respect to the Executive Committee of the Multilateral Fund:

(a) to adopt the revised 1991 budget for the Fund Secretariat;

(c) to adopt the budget for 1992, included in the three-year budget for the Fund Secretariat;

(d) to endorse the proposal to raise the total amount of the Interim Multilateral Fund by US$40 million to US$200 million over the three-year period 1991–1993;

(e) to adopt a revised scale of contributions set out in Annex X to the report of the Third Meeting of the Parties.

[The remainder of this Decision is located below under 'Decisions on the Executive Committee']

Decision IV/20: Executive Committee of the Multilateral Fund

The *Fourth Meeting of the Parties* decided in *Dec. IV/20:*

1. to adopt the revised budgets for 1992 and 1993, and the budget for 1994 for the Fund Secretariat, as set out in Annex XIII to the report of the Fourth Meeting of the Parties;

2. to urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex XIV to the report of the Fourth Meeting of the Parties;

3. to adopt the scale of contributions for the Multilateral Fund as set out in Annex XIV to the report of the Fourth Meeting of the Parties;

[The remainder of this Decision is located below under 'Decisions on the Executive Committee']

Decision IV/21: Temporary difficulties encountered by Hungary, Bulgaria and Poland

The *Fourth Meeting of the Parties* decided in *Dec. IV/21:*

1. to note the formal request that Hungary, Bulgaria and Poland have made for guidance because of the temporary difficulties they may face in making 1991, 1992 and 1993 contributions in convertible currency to the Multilateral Fund;

2. to encourage such Parties, with the assistance of the Executive Committee and the Fund Secretariat, urgently to make every effort to explore and identify possible ways and means of making contributions in kind;

3. to encourage those Parties, and other Parties not operating under paragraph 1 of Article 5 of the Protocol to consider possibilities for addressing the situation in case it is not possible for such contributions to be made in kind;

4. to request the Executive Committee to report on this matter to the Fifth Meeting of the Parties.

Decision V/9: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/9:*

1. To adopt the budget for 1994–1996 of US$ 510,000,000 for the Multilateral Fund for the Implementation of the Montreal Protocol with the understanding that US$ 55,000,000 of that sum will be provided by funds unallocated during the 1991–1993 period;

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex II to the report of the Fifth Meeting of the Parties;

3. To adopt the scale of contributions for the Multilateral Fund based on the replenishment of US$ 455,000,000 as set out in Annex II in the report of the Fifth Meeting of the Parties; US$ 151,666,666 for 1994, US$ 151,666,667 for 1995 and US$ 151,666,667 for 1996.

[The remainder of this Decision is located below under 'Decisions on the Executive Committee']

Decision V/10: Temporary difficulties encountered by Hungary, Bulgaria, Poland and other countries with economies in transition

The *Fifth Meeting of the Parties* decided in *Dec. V/10* to note the recommendations of the Executive Committee with respect to the countries encountering temporary difficulties and to request the Executive Committee to continue to make its best efforts to consider various possibilities for addressing the situation by obtaining contributions in kind wherever possible and to report on this matter to the Sixth Meeting of the Parties.

Decision VII/24: 1997–1999 replenishment of the Multilateral Fund

The *Seventh Meeting of the Parties* decided in *Dec. VII/24* to request the Technology and Economic Assessment Panel to prepare a report for submission to the Eighth Meeting of the Parties, and present it through the Thirteenth Meeting of the Open-ended Working Group, to enable the Parties to take a decision on the appropriate level of the 1997–1999 replenishment, taking into account amongst other things:

(a) All control measures agreed by the Parties to the Montreal Protocol;

(b) The Report on the Review under Paragraph 8 of Article 5 of the Montreal Protocol;

(c) Historical experience, including limitations and successes, of the phase-out of ozone-depleting substances achieved with resources already allocated, as well as the performance of the Multilateral Fund and its Implementing Agencies;

(d) Special circumstances of low-volume-ODS-consuming countries and small and medium-size enterprises;

(e) Projections included in the 1996 business plan for the Multilateral Fund;

(f) Calculating annual requirements with and without assuming a constant, flat rate of demand (for example, increased demand in some years);

(g) The November 1995 report of the Technology and Economic Assessment Panel on the economic and financial implications of possible methyl bromide and hydrochlorofluorocarbon control scenarios for Parties operating under Article 5;

(h) Relevant decisions of the Seventh Meeting of Parties;

(i) Approved country programmes;

In undertaking this task, the Technology and Economic Assessment Panel should consult with the Executive Committee of the Multilateral Fund and other relevant sources of information.

Decision VIII/4: Replenishment of the Multilateral Fund and three-year rolling business plan for 1997–99

The *Eighth Meeting of the Parties* decided in *Dec. VIII/4:*

1. To note with appreciation the report of the Executive Committee on the three-year rolling business plan and the report of the TEAP on replenishment;

2. To adopt a budget for 1997–1999 of US$540,000,000 with the understanding that US$74,000,000 of that sum will be provided by funds unallocated during 1994–1996: this US$74,000,000 figure does not include sums listed as disputed in document UNEP/OzL.Pro.8/L.2, which appears as annex VIII to the report of the Eighth Meeting of the Parties;

3. The agreed budget figure includes a sum of US$10 million to enable Parties operating under Article 5 to apply the measures contained in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties and to assist those Parties to start the implementation of any recommendations that might arise from the Ninth Meeting of the Parties on this matter;

4. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of US$466,000,000 as set out in annex I to the report of the Eighth Meeting of the Parties of US$155,333,333 for 1997, US$155,333,333 for 1998 and US$155,333,333 for 1999;

5. That the Executive Committee should take action to ensure as far as possible that the whole of the budget for 1997–1999 is committed by the end of 1999, and that Parties not operating under Article 5 should accordingly make timely payments;

6. That the Executive Committee should, over the next three years, work toward the goal of reducing agency support costs from their current level of 13 per cent to an average of below 10 per cent to make more funds available for other activities. The Executive Committee should report to the Parties annually on their progress, and the Parties may adjust the goal accordingly;

7. To agree that adjustments to the United Nations scale of assessment should not affect the rates of contributions of individual Parties during a replenishment period;

8. To agree that contributions of Parties not operating under Article 5 which ratify the London Amendment during a replenishment cycle should be calculated on a pro-rata basis for the balance of the replenishment cycle, starting with the date on which the London Amendment entered into force for it. Contributions of such countries should be considered as additional resources during the replenishment cycle; such Parties should be formally added to the list of contributors and taken into account in the distribution of assessments during the next replenishment.

Decision VIII/6: Contributions to the Multilateral Fund

The *Eighth Meeting of the Parties* decided in *Dec. VIII/6* that, with effect from 1997, contributions to the Multilateral Fund concern only Parties not operating under Article 5 that are Parties to the London Amendment to the Montreal Protocol.

Decision IX/38: Outstanding contributions to the Multilateral Fund from Parties not operating under Article 5 that had not ratified the London Amendment

The *Ninth Meeting of the Parties* decided in *Dec. IX/38:*

1. To agree to waive the outstanding contributions to the Multilateral Fund specified in annex X of the report of the Ninth Meeting of the Parties as a one-time measure;

2. To agree that the issue of waiving outstanding contributions to the Multilateral Fund assessed before ratification of the London Amendment by any Party will neither be raised nor will this decision be cited as a precedent in future.

Decision IX/39: Refund of contributions by Cyprus to the Multilateral Fund

The *Ninth Meeting of the Parties* decided in *Dec. IX/39* that the amount already paid by Cyprus to the Multilateral Fund should not be refunded.

Decision X/13: Terms of reference for a study on the 2000-2002 replenishment of the Multilateral Fund

The *Tenth Meeting of the Parties* decided in *Dec. X/13:*

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Eleventh Meeting of the Parties, and present it through the Open-ended Working Group at its nineteenth meeting, to enable the Eleventh Meeting of the Parties to take a decision on the appropriate level of the 2000-2002 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, *inter alia*:

    (a) All control measures, and relevant decisions, agreed by the Parties to the Montreal Protocol, including decisions agreed by the Tenth Meeting of the Parties, in so far as these will necessitate expenditure by the Multilateral Fund during the period 2000-2002;

    (b) The need to allocate resources to enable all Article 5 Parties to maintain compliance with the Montreal Protocol;

    (c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including the production sector) and non-investment projects;

    (d) Approved country programmes;

    (e) Financial commitments in 2000-2002 relating to sectoral phase-out projects agreed by the Executive Committee;

    (f) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its Implementing Agencies;

    (g) The impact that the controls and country activities are likely to have on the supply and demand for ozone-depleting substances, and the effect that this will have on the cost of ozone-depleting

substances and the resulting incremental cost of investment projects during the period under examination;

(h) Administrative costs of the Implementing Agencies, taking into account paragraph 6 of decision VIII/4, and the cost of financing the secretariat services of the Multilateral Fund, including holding meetings;

2. That, in undertaking this task, the Technology and Economic Assessment Panel should consult widely with relevant persons and institutions and other relevant sources of information deemed useful;

3. That the Panel shall strive to complete its work in time to enable its report to be distributed to all Parties two months before the nineteenth meeting of the Open-ended Working Group.

Decision XI/7: Replenishment of the Multilateral Fund for the period 2000-2002

The *Eleventh Meeting of the Parties* decided in *Dec. XI/7:*

1. To adopt a budget for 2000–2002 of 475,700,000 United States dollars on the understanding that 35,700,000 United States dollars of that sum will be provided by funds not allocated during 1997–1999. The Parties noted that outstanding contributions from some Parties with economies in transition in the period 1997–1999 stood at 34,703,856 United States dollars;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of 440,000,000 United States dollars, of 146,666,666 United States dollars for 2000, 146,666,666 United States dollars for 2001, and 146,666,666 United States dollars for 2002, as it appears in annex VI to the report of the Eleventh Meeting of the Parties;

3. That the Executive Committee should take action to ensure as far as possible that the whole of the budget for 2000-2002 is committed by the end of 2002, and that Parties not operating under Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decision XIII/1: Terms of reference for the study on the 2003-2005 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/1*:

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the 14th Meeting of the Parties, and present it through the Open-ended Working Group at its 22nd meeting, to enable the 14th Meeting of the Parties to take a decision on the appropriate level of the 2003-2005 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, inter alia:

(a) All control measures, and relevant decisions, agreed by the Parties to the Montreal Protocol and the Executive Committee including decisions agreed by the 13th Meeting of the Parties and the 35th Meeting of the Executive Committee, in so far as these will necessitate expenditure by the Multilateral Fund during the period 2003-2005;

(b) The need to allocate resources to enable all Article 5 Parties to maintain compliance with the Montreal Protocol;

(c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including those in the production sector) and non-investment projects;

(d) Approved country programmes;

(e) Financial commitments in 2003-2005 relating to sectoral phase-out projects agreed by the Executive Committee;

(f) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its implementing agencies;

(g) The impact that the controls and country activities are likely to have on the supply and demand for ozone-depleting substances, and the effect that this will have on the cost of ozone-depleting substances and the resulting incremental cost of investment projects during the period under examination;

(h) Administrative costs of the implementing agencies, taking into account paragraph 6 of decision VIII/4, and the cost of financing the secretariat services of the Multilateral Fund, including the holding of meetings;

2. That, in undertaking this task, the Technology and Economic Assessment Panel should consult widely with relevant persons and institutions and other relevant sources of information deemed useful;

3. That the Panel shall strive to complete its work in time to enable its report to be distributed to all Parties two months before the 22nd Meeting of the Open-ended Working Group.

Decision XIII/2: Ad hoc working group on the 2003-2005 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/2:*

Noting that an ad hoc working group was set up by the 10th Meeting of the Parties to work closely with the Technology and Economic Assessment Panel to review the study on the 2000-2002 replenishment,

Noting further that the involvement of the ad hoc working group in the course of the study enhanced its outcome,

To set up an Ad Hoc Working Group on the 2003-2005 replenishment with membership comprising the following Parties operating under Article 5: Argentina, Brazil (Co-Chair), China, Colombia, India, Islamic Republic of Iran, Nigeria, Tanzania and Zimbabwe; and the following Parties not operating under Article 5: Australia, Finland (Co-Chair), France, Germany, Italy, Japan, Poland, United Kingdom of Great Britain and Northern Ireland and United States of America. The ad hoc working group will meet following the 22nd Meeting of the Open-ended Working Group to provide initial feedback to the Technology and Economic Assessment Panel and advice on sensitivity analyses.

Decision XIV/39: The 2003-2005 replenishment of the Multilateral Fund

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/39:*

1. To adopt a budget for 2003-2005 of $573,000,000 on the understanding that $76,000,000 of that sum will be provided by funds not allocated during 2000-2002, and that $23,000,000 of the same sum will be provided from interest accruing to the Fund and other sources during the 2003-2005 triennium. The Parties noted that outstanding contributions from some Parties with economies in transition in the period 2000-2002 stood at $10,585,046;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $ 474,000,000, of $158,000,000 for 2003, $158,000,000 for 2004, and $158,000,000 for 2005 as it appears in Annex II to the report of the Fourteenth Meeting of the Parties;

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2003-2005 is committed by the end of 2005, and that Parties not operating under Article 5 should make timely payments in accordance with paragraph 7 of Decision XI/6.

Decision XVI/35: Terms of reference for the study on the 2006–2008 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/35:*

Recalling decisions VII/24, X/13 and XIII/1 on previous terms of reference for a study on the replenishment of the Multilateral Fund,

Recalling also decisions VIII/4, XI/7 and XIV/39 on previous replenishments of the Multilateral Fund,

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Seventeenth Meeting of the Parties, and to present it through the Open-ended Working Group at its twenty-fifth meeting, to enable the Seventeenth Meeting of the Parties to take a decision on the appropriate level of the 2006–2008 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, among other things:

   (a) All control measures, and relevant decisions, agreed by the Parties to the Montreal Protocol and the Executive Committee including decisions agreed by the Sixteenth Meeting of the Parties and the Executive Committee at its forty-fifth meeting, in so far as the decisions will necessitate expenditure by the Multilateral Fund during the period 2006–2008; in addition, the Technology and Economic Assessment Panel report should include a scenario which indicates costs associated with implementation by Parties operating under paragraph 1 of Article 5 of the adjustment relating to methyl bromide proposed by the European Community;

   (b) The need to allocate resources to enable all Parties operating under paragraph 1 of Article 5 to maintain compliance with Articles 2A–2I of the Montreal Protocol;

   (c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including those in the production sector), non-investment projects and sectoral or national phase-out plans;

   (d) Approved country programmes;

   (e) Financial commitments in 2006–2008 relating to national or sectoral phase-out plans agreed by the Executive Committee;

   (f) The provision of funds for accelerating phase-out and maintaining momentum, taking into account the time lag in project implementation;

   (g) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its implementing agencies;

   (h) The current trends in the cost of ozone-depleting substances and the resulting incremental costs of investment projects during the period under review;

   (i) Administrative costs of the implementing agencies and the cost of financing the secretariat services of the Multilateral Fund, including the holding of meetings;

2. That, in undertaking this task, the Technology and Economic Assessment Panel should give due consideration to the evaluation and review of the financial mechanism of the Montreal Protocol to be undertaken by the Parties in 2004, pursuant to decision XIII/3;

3. That, in undertaking this task, the Panel should consult widely with all relevant persons and institutions and other relevant sources of information deemed useful;

4. That the Panel shall strive to complete its work in time to enable its report to be distributed to all Parties two months before the twenty-fifth Meeting of the Open-ended Working Group.

Decision XVI/37: Outstanding contributions to the Multilateral Fund

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/37:*

Aware of the forthcoming negotiations on the replenishment of the Multilateral Fund for the next triennium,

Noting that some Parties not operating under paragraph 1 of Article 5 have never paid their contributions to the Multilateral Fund or have done so in an amount inferior to one annual contribution,

Recalling paragraph (c) of decision 39/5 of the Executive Committee, which urged those Parties to pay their contributions for the 2003–2005 triennium to enable Parties operating under paragraph 1 of Article 5 to comply with the 2005–2007 control measures of the Montreal Protocol and to avoid shortfalls arising from the non-payment or delayed payment of pledged contributions during the compliance period for Parties operating under paragraph 1 of Article 5,

To urge those Parties to pay their outstanding contributions to the Multilateral Fund as soon as possible, in view of the current compliance needs of Parties operating under Article 5 of the Montreal Protocol.

Decision XVII/40: The 2006-2008 replenishment of the Multilateral Fund

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/40:*

1. To adopt a budget for the Multilateral Fund for the Implementation of the Montreal Protocol for 2006–2008 of $470,000,000 on the understanding that $59,600,000 of that budget will be provided from anticipated contributions due to the Multilateral Fund and other sources for the 2003–2005 triennium, and that $10,000,000 will be provided from interest accruing to the Fund during the 2006–2008 triennium. The Parties note that outstanding contributions from some Parties with economies in transition in the period 2003–2005 stand at $7,511,984;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $133,466,667 for 2006, $133,466,667 for 2007, and $133,466,666 for 2008 as it appears in annex III to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;[10]

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2006–2008 is committed by the end of 2008, and that Parties not operating under paragraph 1 of Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decisions on the fixed-exchange-rate mechanism

Decision X/32: Proposal to study a fixed currency exchange rate mechanism for the replenishment of the Multilateral Fund

The *Tenth Meeting of the Parties* decided in *Dec. X/32:*

Noting that some donor countries make payments to the Multilateral Fund in their national currencies, and that minor discrepancies often arise from the different exchange rates used to issue and encash their payments,

Further noting that some financial procedures have been utilized by other multilateral funding mechanisms to simplify the administration of these contributions and limit these discrepancies,

1. To request the Treasurer of the Multilateral Fund to prepare, in consultation with relevant institutions and Parties and in time for the nineteenth meeting of the Open-ended Working Group, a discussion paper which describes how a mechanism using fixed currency exchange rates could be implemented for the replenishment of the Multilateral Fund for the triennium 2000-2002. The paper should examine the administrative framework, the potential impact and any risks for the operation of the Fund that are associated with the adoption of such a mechanism. The paper should also include criteria for determining if a particular currency's fluctuations had been of such a magnitude that a fixed exchange rate mechanism would not be practical, in which case that country would continue to make its commitments and payments in United States dollars;

2. To request the Treasurer of the Multilateral Fund to monitor exchange rates of donor country currencies, including the Euro, between 1 March 1999 and 30 September 1999, and to submit in time for the Eleventh Meeting of the Parties a table showing the average exchange rate for each donor country currency with the United States dollar and Special Drawing Rights (SDRs) for this period.

Decision XI/6: Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

The *Eleventh Meeting of the Parties* decided in *Dec. XI/6:*

Having considered the analysis of the impact on the Multilateral Fund of implementing a fixed exchange-rate mechanism,

Having also considered the recommendations of its technical segment,

1. To urge Parties to pay their contributions to the Multilateral Fund promptly and in full;

2. That the purpose and objective of introducing the new mechanism is to ease some of the contributing Parties' administrative difficulties due to commitments in other than their national currencies, to promote the timely payment of contributions, and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund;

3. To direct the Treasurer to proceed with the implementation of the fixed exchange-rate mechanism on a trial basis for the replenishment (2000–2002), so that payments by contributing Parties to the Fund for the triennium commencing in 2000, can be made in accordance with this mechanism;

4. That only Parties with inflation rate fluctuations of less than 10 per cent, as per the published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;

5. That Parties choosing to pay in national currencies will calculate their contributions based on an average United Nations exchange rate for the six months preceding the replenishment period. Parties not choosing to pay in national currencies may continue to pay in United States dollars;

6. That the Meeting of the Parties should review the implementation of the mechanism at the end of 2001 for consideration at the technical segment of the Meeting of the Parties to determine the impact of the mechanism on the operations of the Multilateral Fund and its impact on the funding of the phase-out of ozone-depleting substances in Article 5 countries during this triennium so that the ozone-depleting substances phase-out process is not adversely affected;

7. That, in order to ensure the efficient and effective operation of the Multilateral Fund, Parties should strive to pay their contributions as early in the calendar year as possible and no later than 1 June of each year.

Parties unable to make their contributions by 1 June should notify the Treasurer as to when during the calendar or fiscal year their payment will be made, but contributing Parties should strive to pay their contributions no later than 1 November of that year.

Decision XIII/4: Review of the implementation of the fixed-exchange-rate mechanism and determination of the impact of the mechanism on the operations of the Multilateral Fund for the Implementation of the Montreal Protocol and on the funding of the phase-out of ozone-depleting substances in Article 5 Parties for the triennium 2000-2002

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/4:*

Noting the interim report jointly prepared by the Treasurer and the Secretariat of the Multilateral Fund on the implementation of the fixed-exchange-rate mechanism in response to decision XI/6,

Noting that due to lack of time the report lacks information on a number of areas which the delegates raised at the 21st Meeting of the Open-ended Working Group, in particular the reviewing of the impact of purchasing power and the experience gained with fixed-exchange-rate mechanisms in other similar institutions,

With the view that the possible impact of the fixed-exchange-rate mechanism should be balanced,

1. To request the Treasurer and the Secretariat of the Multilateral Fund to finalize the review, as per decision XI/6, and give a final report to the Parties at the 22nd Meeting of the Open-ended Working Group; and

2. That in so doing, the Secretariat should:

   (a) Consult, as appropriate, other relevant multilateral funding institutions that use a fixed-exchange-rate mechanism, or similar mechanisms;

   (b) Identify options on how a fixed-exchange-rate mechanism could be implemented so that the process of phasing out ozone-depleting substances is not adversely affected, and hire consultants for that purpose, as appropriate.

Decision XIV/40: Fixed-Exchange-Rate Mechanism for the replenishment of the Multilateral Fund

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/40:*

Having considered the final report by the Treasurer and the Secretariat of the Multilateral Fund on the implementation of the fixed-exchange-rate mechanism and its impact on the operations of the Fund prepared in response to Decision XIII/4,

Reaffirming the purpose and objective of the fixed-exchange-rate mechanism as set out in paragraph 2, Decision XI/6 to promote the timely payment of contributions, and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund,

Mindful of the conclusions contained in the revised report prepared at the request of the twenty-second Meeting of the Open-ended Working Group,

Recalling that Decision XI/6 established the fixed-exchange-rate mechanism on a trial basis for the 2000-2002 replenishment period,

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism for a further trial period of three years;

2. That Parties choosing to pay in national currencies will calculate their contributions based on an average United Nations exchange rate for the twelve-months preceding the replenishment period. This average will be based on the twelve-month period immediately preceding the first day of the meeting of the Parties during which the replenishment level will be decided. Subject to paragraph 3 below, Parties not choosing to pay in national currencies, pursuant to the fixed-exchange-rate mechanism, will continue to pay in United States dollars;

3. That no Party should change the currency selected for its contribution in the course of the triennium period;

4. That only Parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;

5. To urge Parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of Decision XI/6;

6. To agree, if the fixed-exchange-rate mechanism is to be used for the next replenishment period, that Parties choosing to pay in national currencies will calculate their contributions based on an average United Nations exchange rate for the six-month period commencing 1 July 2004.

Decision XVI/36: Evaluation and review of the financial mechanism of the Montreal Protocol (decision XV/47)

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/36:*

Taking note with appreciation of the 2004 evaluation and review of the financial mechanism of the Montreal Protocol,

Noting also that the Multilateral Fund is an essential instrument for enabling compliance with the Montreal Protocol by Parties operating under paragraph 1 of Article 5 of the Protocol and therefore one of the pillars of the success of the regime for the protection of the ozone layer,

1. To request the Executive Committee of the Multilateral Fund, within its mandate, to consider the report on the 2004 evaluation and review of the financial mechanism of the Montreal Protocol, with a view to adopting its recommendations, whenever appropriate, in the process of continuous improvement of the management of the Multilateral Fund, and having in mind the need to contribute to the assessment by the Technology and Economic Assessment Panel of the 2006–2008 replenishment of the Multilateral Fund;

2. To request the Executive Committee regularly to report back to and seek guidance from the Parties on the subject. To this effect, the Executive Committee shall submit a preliminary assessment to the Open-ended Working Group at its twenty-fifth meeting and include a component in its annual report to the Meeting of the Parties, on progress made and issues encountered in its consideration of the recommended actions contained in the executive summary of the evaluation report.

Decision XVII/41: Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/41:*

Mindful of the conclusions contained in the revised final report by the Treasurer and the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on the implementation of the fixed-exchange-rate mechanism and its impact on the operations of the Fund, prepared in response to decision XIII/4 and subsequently revised at the request of the Open-ended Working Group at its twenty-second meeting,

Reaffirming the purpose and objective of the fixed-exchange-rate mechanism as set out in paragraph 2 of decision XI/6 to promote the timely payment of contributions and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund,

Recalling that decision XI/6 established the fixed-exchange-rate mechanism on a trial basis for the 2000–2002 replenishment period and that decision XIV/40 extended the trial period for a further three years,

Noting that the latest report by the Treasurer on the status of the Fund as at 31 May 2005 shows that there has been an overall gain due to the fixed-exchange-rate mechanism of $4,644,136,

Mindful that decision XIV/40 included an agreement that, if the fixed-exchange-rate mechanism was to be used for the next replenishment period, Parties choosing to pay in national currencies would calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 July 2004,

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism for a further trial period of three years;

2. That Parties choosing to pay in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 July 2004. Subject to paragraph 3 below, Parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;

3. That no Party should change currency selected for its contribution in the course of the triennium period;

4. That only Parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;

5. To urge Parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

6. To agree if the fixed-exchange-rate mechanism is to be used for the next replenishment period, that Parties choosing to pay in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2008.

Decisions on the Executive Committee

Decision III/22: Executive Committee of the Multilateral Fund

The *Third Meeting of the Parties* decided in *Dec. III/22* with respect to the Executive Committee of the Multilateral Fund:

(b) to endorse the Rules of Procedure as contained in Annex VI to the Report of the Third Meeting of the Parties; *[see Section 3.6 of this Handbook]*

(f) to endorse the selection of Mexico to act as Chairman and of the United States of America to act as Vice-Chairman for the second year of the Executive Committee.

[The remainder of this Decision is located above under 'Decisions on replenishments, budgets and contributions']

Decision IV/20: Executive Committee of the Multilateral Fund

The *Fourth Meeting of the Parties* decided in *Dec. IV/20:*

4. to endorse the selection of Canada, France, Japan, Netherlands, Norway, Russian Federation and United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Brazil, Egypt, Ghana, Jordan, Malaysia, Mauritius and Venezuela as members representing Parties operating under paragraph 1 of Article 5, for one year;

5. to endorse the selection of the United States of America to act as Chairman and of Malaysia to act as Vice-Chairman of the Executive Committee for one year.

[The remainder of this Decision is located above under 'Decisions on replenishments, budgets and contributions']

Decision V/9: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/9:*

4. To endorse the selection of Australia, Denmark, France, Japan, Norway, Poland and the United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Algeria, Argentina, Brazil, Cameroon, India, Malaysia, Venezuela as members representing Parties operating under paragraph 1 of Article 5, for one year;

5. To endorse the selection of Malaysia to act as Chair and of Australia to act as Vice-Chair of the Executive Committee for one year.

[The remainder of this Decision is located above under 'Decisions on replenishments, budgets and contributions']

Decision VI/7: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/7:*

1. To endorse the selection of Australia, Austria, Denmark, Japan, Poland, United Kingdom, United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Algeria, Argentina, China, Colombia, Iran (Islamic Republic of), Cameroon, Thailand as members representing Parties operating under paragraph 1 of Article 5, for one year;

2. To endorse the selection of Mr. John Whitelaw of Australia to act as Chair and of Algeria to act as Vice-Chair of the Executive Committee for one year.

Decision VII/27: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/27:*

1. To endorse the selection of Australia, Austria, Denmark, Japan, the Russian Federation, the United Kingdom, and the United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Chile, Colombia, India, Egypt, Kenya, the Philippines, and Senegal as members representing Parties operating under paragraph 1 of Article 5, for one year;

2. To endorse the selection of Kenya to act as Chair and of the United Kingdom to act as Vice-Chair of the Executive Committee for one year.

Decision VIII/8: Membership of the Executive Committee of the Multilateral Fund

The *Eighth Meeting of the Parties* decided in *Dec. VIII/8:*

1. To endorse the selection of Australia, Belgium, Bulgaria, Japan, Switzerland, United Kingdom and United States of America as members of the Executive Committee representing Parties not operating under Article 5 of the Protocol, and the selection of Antigua and Barbuda, China, Costa Rica, India, Peru, Senegal and Zimbabwe as members representing Parties operating under Article 5, for one year;

2. To endorse the selection of the United Kingdom to act as Chair and of Costa Rica to act as Vice-Chair of the Executive Committee for one year.

Decision IX/13: Membership of the Executive Committee of the Multilateral Fund

The *Ninth Meeting of the Parties* decided in *Dec. IX/13:*

1. To endorse the selection of Belgium, Bulgaria, Canada, Italy, Japan, Switzerland and the United States of America, as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Burkina Faso, China, Costa Rica, India, Jordan, Peru, and Zimbabwe, as members representing Parties operating under paragraph 1 of Article 5, for one year;

2. To endorse the selection of Costa Rica to act as Chair and of United States of America to act as Vice-Chair of the Executive Committee for one year.

Decision IX/16: Terms of reference of the Executive Committee

The *Ninth Meeting of the Parties* decided in *Dec. IX/16* to modify the terms of reference of the Executive Committee:

(a) By inserting at the end of paragraph 2 of Annex X to the report of the Fourth Meeting of the Parties *[see Section 3.6 of this Handbook]*, the following paragraph:

"2 *bis*. The members of the Executive Committee whose selection was endorsed by the Eighth Meeting of the Parties shall remain in office until 31 December 1997. Thereafter, the term of office of the members of the Committee shall be the calendar year commencing on 1 January of the calendar year after the date of their endorsement by the Meeting of the Parties;" and

(b) By substituting the following for paragraph 8:

"The Executive Committee shall hold three meetings a year while retaining the flexibility to take advantage of the opportunity provided by other Montreal Protocol meetings to convene additional meetings where special circumstances make this desirable."

Decision X/4: Membership of the Executive Committee of the Multilateral Fund

The *Tenth Meeting of the Parties* decided in *Dec. X/4:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 1998;

2. To endorse the selection of Belgium, Canada, Italy, Japan, Slovakia, Sweden, and the United States of America, as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Algeria, Bahamas, Brazil, Burkina Faso, China, India and Uganda, as members representing Parties operating under paragraph 1 of Article 5, for one year effective 1 January 1999;

3. To endorse the selection of the United the States of America to act as Chair and of India to act as Vice-Chair of the Executive Committee for one year effective 1 January 1999.

Decision XI/9: Membership of the Executive Committee of the Multilateral Fund

The *Eleventh Meeting of the Parties* decided in *Dec. XI/9:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 1999;

2. To endorse the selection of Australia, Germany, Japan, the Netherlands, Slovakia, Sweden and United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Bahamas, Brazil, China, Dominican Republic, India, Tunisia and Uganda as members representing Parties operating under paragraph 1 of Article 5, for one year effective from 1 January 2000;

3. To note the selection of India to act as Chair of the Executive Committee for one year effective from 1 January 2000.

Decision XII/4: Membership of the Executive Committee of the Multilateral Fund

The *Twelfth Meeting of the Parties* decided in *Dec. XII/4:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 2000;

2. To endorse the selection of Australia, Finland, Germany, Japan, the Netherlands, Poland and the United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of Colombia, Dominican Republic, India, Jordan, Malaysia, Nigeria and Tunisia as members representing Parties operating under paragraph 1 of Article 5, for one year effective 1 January 2001;

3. To note the selection of Mr. Heinrich Kraus (Germany) to serve as Chair and Mr. Hannachi Hassen (Tunisia) to serve as Vice-Chair of the Executive Committee for one year effective 1 January 2001.

Decision XIII/27: Membership of the Executive Committee of the Multilateral Fund

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/27:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 2001;

2. To endorse the selection of Canada, Finland, France, Japan, Netherlands, Poland and United States of America as members of the Executive Committee representing non-Article 5 Parties to the Protocol and the selection of Burundi, China, Colombia, El Salvador, Nigeria, Syria and Tanzania as members representing Article 5 Parties, for one year effective 1 January 2002;

3. To note the selection of Engineer Bakare D. Usman (Nigeria) to serve as Chair and Professor Tadanori Inomata (Japan) to serve as Vice-Chair of the Executive Committee for one year effective 1 January 2002.

Decision XIV/37: Interaction between the Executive Committee and the Implementation Committee

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/37:*

Noting that the Multilateral Fund has an important responsibility for enabling compliance, but that without national action, there can be no compliance,

Acknowledging that the Executive Committee, pursuant to the Multilateral Fund's mandate "to enable compliance" has a responsibility to consider both the current and forecasted compliance status of a country when it reviews submissions connected with funding proposals and that, therefore, the Committee should work with the Party to eliminate the duration of any possible non-compliance,

Mindful of the fact that the Executive Committee's decisions to approve funding cannot be construed to condone a Party's non-compliance and that each Party continues to bear the responsibility to meet its obligations,

1. To request the Executive Committee to therefore make it clear that its funding decisions are always without prejudice to a Party's duty to meet its obligations under the Protocol, and are also without prejudice to the operation of the mechanisms in the Protocol that exist for the treatment of Parties in non-compliance. Accordingly, the Executive Committee should include language to this effect in its funding decisions where non-compliance is potentially at issue;

2. To note that while the Implementation Committee may take into account information from the Executive Committee consistent with paragraph 7(f) of the non-compliance procedure, the Executive Committee has no formal role in the crafting of Implementation Committee recommendations;

3. To further note that in no case should any Implementation Committee action be construed as directly requiring the Executive Committee to take any specific action regarding the funding of any specific project;

4. To note that the Executive Committee and Implementation Committee are independent of each other. However, pursuant to Article 10, the Multilateral Fund operates under the authority of the Parties and, pursuant to the non-compliance procedure of the Montreal Protocol, the Implementation Committee reports its recommendations to the Parties for possible decision.

Decision XIV/38: Membership of the Executive Committee of the Multilateral Fund

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/38:*

1. To note with appreciation the work done by the Executive Committee with the assistance of the Fund Secretariat, in the year 2002;

2. To endorse the selection of Austria, Belgium, Canada, France, Hungary, Japan and the United States of America as members of the Executive Committee representing non-Article 5 Parties to the Protocol and the selection of Bolivia, Burundi, El Salvador, India, Jordan, Mauritius and Saint Lucia as members representing Article 5 Parties, for one year effective 1 January 2003;

3. To note the selection of Mr. Tadanori Inomata (Japan) to serve as Chair and Mr. Roberto Rivas (El Salvador) to serve as Vice-Chair of the Executive Committee for one year effective 1 January 2003.

Decision XV/46: Membership of the Executive Committee of the Multilateral Fund

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/46:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 2003;

2. To endorse the selection of Austria, Belgium, Canada, Hungary, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Executive Committee representing non-Article 5 Parties to the Protocol, and the selection of Argentina, Bangladesh, China, Cuba, the Islamic Republic of Iran, Mauritius and Niger as members representing Article 5 Parties, for one year with effect from 1 January 2004;

3. To note the selection of Argentina to serve as Chair and Austria to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2004.

Decision XV/48: Decision on the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/48:*

Recalling the terms of reference of the Executive Committee as modified by the ninth Meeting of the Parties in its decision IX/16,

Aware of the need to improve the selection process for the Chief Officer,

1. To take note with appreciation of the presentation by the Chairman of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol and of the report of the Executive Committee contained in document UNEP/OzL.Pro.15/8;

2. To consider amending, at the Sixteenth Meeting of the Parties, the relevant provision of the terms of reference of the Executive Committee relating to the nomination and appointment of the Chief Officer, taking into account the proposals of the Chair of the Executive Committee given in the annex to the present decision, and also those made by other Parties;

3. To request the Executive Committee to enter into consultations with the United Nations Secretariat and the Executive Director of the United Nations Environment Programme on that matter and to report thereon to the Sixteenth Meeting of the Parties;

Annex

Add the following understanding on paragraph 10 (k) of the terms of reference of the Executive Committee:

"The Executive Committee should prepare a short list of the eligible candidates, together with its recommendation, from which the Secretary-General would make a final selection."

Decision XVI/38: Need to ensure equitable geographical representation in the Executive Committee of the Multilateral Fund

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/38:*

Recognizing the necessity to ensure equal geographical representation in the Executive Committee,

Noting that, for historical reasons, no seat has been allocated in the Executive Committee for the countries of Eastern Europe and Central Asia operating under paragraph 1 of Article 5 of the Protocol,

1. To amend paragraph 2 of the terms of reference of the Executive Committee, as modified by the Ninth Meeting of the Parties in decision IX/16, to read:

"2. The Executive Committee shall consist of seven Parties from the group of Parties operating under paragraph 1 of Article 5 of the Protocol and seven Parties from the group of Parties not so operating. Each group shall select its Executive Committee members. Seven seats allocated to the

group of Parties operating under paragraph 1 of Article 5 shall be allocated as follows: two seats to Parties of the African region, two seats to Parties of the region of Asia and the Pacific, two seats to Parties of the region of Latin America and the Caribbean, and one rotating seat among the regions referred, including the region of Eastern Europe and Central Asia. The members of the Executive Committee shall be endorsed by the Meeting of the Parties";

2. That the issue of seats for Parties operating under paragraph 1 of Article 5 of the Montreal Protocol and Parties not so operating shall be added to the agenda of the twenty-fifth meeting of the Open-ended Working Group.

Decision XVI/43: Membership of the Executive Committee of the Multilateral Fund

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/43:*

1. To note with appreciation the work done by the Executive Committee with the assistance of the Fund Secretariat in the year 2004;

2. To endorse the selection of Austria, Belgium, Canada, the Czech Republic, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of Brazil, Cuba, the Niger, the Syrian Arab Republic, Thailand, Zambia and the former Yugoslav Republic of Macedonia as members representing Parties operating under that paragraph, for one year effective from 1 January 2005;

3. To note the selection of Mr. Paul Krajnik (Austria) to serve as Chair and Mr. Khaled Klaly (Syrian Arab Republic) to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2005.

Decision XVII/44: Membership of the Executive Committee of the Multilateral Fund

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/44:*

1. To note with appreciation the work done by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund secretariat in 2005;

2. To endorse the selection of Australia, Belgium, Czech Republic, Italy, Japan, Sweden and United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of Brazil, Burundi, Guinea, India, Mexico, Syrian Arab Republic and Zambia as members representing Parties operating under that paragraph, for one year with effect from 1 January 2006;

3. To note the selection of Mr. Khaled Klaly (Syrian Arab Republic) to serve as Chair and Ms. Lesley Dowling (Australia) to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2006.

Decisions on reviews and evaluations of the operation of the financial mechanism

Decision V/7: Review of the functioning of the Financial Mechanism since 1 January 1991

The *Fifth Meeting of the Parties* decided in *Dec. V/7:*

1. To note the report on the operation of the Financial Mechanism since 1 January 1991;

2. To note with satisfaction that the operation of the Fund has markedly improved since the commencement of its activities and to congratulate the Executive Committee and the Fund Secretariat on its excellent work;

3. To request the Executive Committee to continue to make its best efforts to ensure, in accordance with national priorities and procedures and in conformity with the terms of reference of the Multilateral Fund for the Implementation of the Montreal Protocol, that:

   (a) Continued improvements are made to the implementation processes for country programmes, work plans and projects with the aim of ensuring their speedy implementation and, in particular, the disbursement of funds;

   (b) The Fund Secretariat, implementing agencies and the Parties concerned develop implementation processes to avoid duplication of effort, working within their respective areas of expertise;

4. Also to request the Executive Committee to ensure that its annual reports cover the achievements of the operation of the Fund in accordance with its terms of reference, paying particular attention to priorities set, actions taken and progress made.

Decision V/12: Review under section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/12* to request the Open-ended Working Group of the Parties at its tenth meeting to prepare the terms of reference and modalities for a report to meet the requirements of section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol.

Decision VI/6: Reviews under paragraph 8 of Article 5 of the Protocol and under section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/6:*

1. To take note of the ongoing reviews under paragraph 8 of Article 5 of the Montreal Protocol and under section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol;

2. (a) To approve the loan of US$ 450,000 from the Multilateral Fund to the Secretariat as a one-time measure to facilitate the review of the Financial Mechanism;

   (b) To repay the loan to the Multilateral Fund through necessary additional contributions to the Trust Fund for the Montreal Protocol as proposed in the revised budgets for 1994 and 1995;

3. To request the Open-ended Working Group to consider the report of the review undertaken under decision IV/18 and to make recommendations, as appropriate, to the Seventh Meeting of the Parties.

Decision VI/18: Modification of the indicative list of categories of incremental costs under the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/18* to request the Open-ended Working Group to examine the proposal to amend the indicative list of categories of incremental costs under the Montreal Protocol, as proposed by India and Malaysia and any other related specific proposals brought by the Parties to the eleventh meeting of the Open-ended Working Group.

Decision VII/22: Review of the Financial Mechanism

The *Seventh Meeting of the Parties* decided in *Dec. VII/22:*

1. To request the Executive Committee to consider innovative mobilization of existing and additional resources in support of Protocol objectives and any further action by the end of 1996 and to report thereon to the Eighth Meeting of the Parties;

2. That the actions set out in Annex V to the report of the Seventh Meeting of the Parties should be taken to improve the functioning of the Financial Mechanism. *[reproduced below]*

Annex V

[Source: Annex V of the report of the Seventh Meeting of the Parties]

Actions to improve the financial mechanism for the implementation of the Montreal Protocol

Action 1

(a) Completion of the development by the Executive Committee of (i) a systematic approach to policy development, (ii) monitoring and evaluation guidelines, bearing in mind that operational responsibility remains with Governments, financial intermediaries or the Implementing Agencies, (iii) project templates for all sectors, with a view to having a project evaluation system in place by the end of 1995.

(b) The Executive Committee to examine the integration of Agencies' and Secretariat's project review activities no later than six months after it has concluded that the preconditions for increased delegation set out in the recommendations in paragraphs 90 and 91 have been met.

(c) Further delegation by the Executive Committee in due course, with a view to achieving appropriate delegation on over time.

(d) Evaluation of the Small Project Approval Process (SPAP) by the Executive Committee on completion of the current project group.

Action 2

(a) The Executive Committee to develop and take decisions on policy issues already identified, so that a satisfactory number of such issues have been clearly addressed by late 1996. New policy issues are likely to continue to emerge, but would be dealt with more expeditiously with refined administrative processes.

(b) A list of foreseeable policy issues to be drafted by the Executive Committee with the help of the Implementing Agencies and the Fund Secretariat over the next two meetings.

(c) The Fund Secretariat and designated consortia of Implementing Agencies to produce consensus options for consideration by the Executive Committee.

(d) Decisions proposed for the consideration of the Executive Committee should clearly indicate the implications for project proposals if the decisions were to be adopted.

Action 3

The Committee members should normally refrain from speaking on projects in which they have a direct interest. However, this should not apply to projects which present policy issues, on which the Chair may invite all members to speak, in order to expedite consideration of such projects. It should be evident from records of Meetings of the Executive Committee that all projects are given equal treatment by the Committee.

Action 4

The Executive Committee should oversee the completion by the Implementing Agencies and the Secretariat, jointly, by the end of 1995 of a comprehensive, integrated database common to all agencies and the Secretariat, in conjunction with the completion of standard project outlines (templates), with a view to achieving a decrease in the number of projects undergoing substantial revision or reduction in proposed project costs due to the project review process and review the database in mid-1996.

Action 5

(a) The Executive Committee should examine the effectiveness of its policy dissemination procedures in early 1996. The procedures should include the provision of practical examples of the application of policy decisions, with a view to reducing the extent of project revision during the review process, and also examine the degree to which national ozone protection units and consultants consider they have sufficient information to guide project development.

(b) The Executive Committee should develop operational guidelines for agencies and their consultants.

(c) The Executive Committee should consider a report on incremental costs for the production of CFC-substitutes and establish firm compensation policies with a view to completing incremental cost guidelines for the production of CFC-substitutes by mid-1996.

Action 6

The Executive Committee should evaluate the regime adopted for 1995, taking into account the study's recommendations, including the recommendation that: "Cost-effectiveness norms should be prepared based on model projects of different capacities under standard conditions. Thereafter, projects should be assessed on their own merits." Nonetheless, all eligible projects shall continue to be funded overtime irrespective of their relative cost-effectiveness. In case of delayed funding, however, lump-sum payments could be considered.

Action 7

(a) Relevant Implementing Agencies should review institutional strengthening experiences and present a combined paper to the Executive Committee, which will include guidelines on the possible proportionate commitment of Article 5 countries in such areas as financial, organizational and human resource support, with a view to enhancing the effectiveness of ODS phase-out strategies.

(b) Institutional strengthening could include, at the request of Article 5 countries, assistance to meet their country programme goals relative to laws and regulations.

Action 8

The Executive Committee should select a lead Agency to prepare the framework for a policy dialogue with Article 5 countries by the end of 1996, with a view to enhancing regulatory support to ODS phase-out in Article 5 countries.

Action 9

The Executive Committee should request a lead Implementing Agency, with the other Agencies and the Secretariat, to further develop, as appropriate, the guidelines for country programmes, taking into account these recommendations, with a view to the adoption by the Executive Committee of revised guidelines. The Executive Committee will consider these guidelines in the light of its experience to date taking into account, as appropriate, the sectoral approach to technology transfer. However, approval of eligible projects should not be

made contingent upon revision of country programmes. Any revision of the country programme would be at the request of the Party concerned.

Action 10

The study by the World Bank on the establishment of a concessional loan mechanism, requested by the Executive Committee at its Sixteenth Meeting, should be completed as soon as possible, and analysed and discussed by the Executive Committee at its Nineteenth Meeting, and a decision on suitable future steps be taken by the Executive Committee by its Twentieth Meeting or by the Meeting of the Parties in 1996, as appropriate, with a view to starting the use of concessional loans by the end of 1996, to the extent that the need and demand exist.

Action 11

The Executive Committee should examine the issue of industrial consolidation, taking into account national industrial strategies of Article 5 countries, with a view to achieving more effective approaches to ODS phase-out.

Action 12

Noting that the Executive Committee approved funding for Latin American and African Networks, the Executive Committee should review the existing similar networks and establish new networks, as appropriate.

Action 13

The Implementing Agencies should report to the Executive Committee on measures to include ODS phase-out issues into their ongoing dialogue on development programming and on measures they could take to mobilize non-Fund resources in support of Montreal Protocol objectives, with a view to achieving an increase in the number of ozone-protection projects.

Action 14

The Executive Committee should consider the need for new Implementing Agencies for loan programmes in the light of emerging sectoral strategy policies and for methyl bromide after the Seventh Meeting of the Parties.

Action 15

The Executive Committee should urge the Article 5 countries concerned to select Implementing Agencies and mode of implementation keeping in mind the need to implement projects without delay.

Action 16

The World Bank should report on the training and incentive structure and, at its Nineteenth Meeting, the Executive Committee should consider this report and the relationship of the costs of training to total overhead costs, in order to ensure that the Executive Committee is fully informed about the role, resourcing and effectiveness of Financial Intermediaries.

Action 17

The Executive Committee should request each Implementing Agency to report, as and when the issue arises, on legal and institutional impediments to project implementation and measures taken to address them as soon as possible.

Action 18

(a) The World Bank and all other institutions associated with the Financial Mechanism should propose measures to assist UNEP in collecting contributions in arrears.

(b) The World Bank should review with UNEP the processes for acceptance of promissory notes.

Action 19

The Executive Committee should monitor the extent to which the available bilateral component is utilized.

Action 20

The Executive Committee should pay attention to training directly related to investment projects and consider training of technical experts from Article 5 countries, especially when addressing the needs of small-ODS users. Where the Fund supports eligible projects of research to adapt technology to local circumstances, it should encourage the involvement of Article 5 country technical experts in the discussions of technical options, and the effective involvement of local experts in field missions.

Action 21

(a) The Executive Committee should prepare an itemized progress report on measures taken so far, in the context of Article 10 of the Protocol, to establish a mechanism specifically for the transfer of technology and the technical know-how at fair and most favourable conditions necessary to phase out ozone-depleting substances; and at the same time.

(b) The Executive Committee should request UNEP to intensify its efforts to collect information from relevant sources, and to prepare an inventory and assessment of environmentally sound and economically viable technologies and know-how conducive to phase out of ozone-depleting substances. This inventory should also include an elaboration of terms under which transfers of such technologies and know-how could take place.

(c) The Executive Committee should consider what steps can practicably be taken to eliminate any impediments in the international flow of technology.

(d) The Executive Committee should further elaborate the issue of the eligible incremental costs of technology transfer, including costs of patents and designs and the incremental costs of royalties as negotiated by the recipient enterprises.

The actions in subparagraphs (a), (b) and (c) should be completed by its Nineteenth Meeting and updated periodically, and the action in subparagraph (d) should be taken immediately.

Decision VIII/5: Actions to improve the functioning of the Financial Mechanism

The *Eighth Meeting of the Parties* decided in *Dec. VIII/5* to request the Executive Committee to move forward as expeditiously as possible on decision VII/22, and in particular Actions 5, 6, 10, 11, 14 and 21, and to report back to the Ninth Meeting of the Parties.

Decision VIII/7: Measures taken to improve the Financial Mechanism and technology transfer

The *Eighth Meeting of the Parties* decided in *Dec. VIII/7:*

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism;

2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and report to the Meetings of the Parties annually.

[The remainder of this decision is located under Article 10A]

Decision IX/14: Measures taken to improve the Financial Mechanism and technology transfer

The *Ninth Meeting of the Parties* decided in *Dec. IX/14:*

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism and the work of the Informal Group on Technology Transfer established under decision VIII/7;

2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and to include in its annual report to the Meeting of the Parties an annex updating information on each action that has not been previously completed, as well as a list of actions that have been completed;

3. To note the status of work undertaken to date pursuant to action 21 under decision VII/22;

4. To request the Executive Committee, with the assistance of the Informal Group, to expeditiously identify steps that can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to Parties operating under Article 5 under fair and most favourable conditions;

5. To review this matter at the Tenth Meeting of the Parties.

Decision X/31: Measures taken to improve the Financial Mechanism and technology transfer

The *Tenth Meeting of the Parties* decided in *Dec. X/31:*

1. To note with appreciation the work and the report of the Executive Committee on the measures taken to improve the Financial Mechanism and technology transfer and on its excellent functioning in 1998;

2. To request the Executive Committee to report annually to the Meetings of the Parties on the operation of the Financial Mechanism and the measures taken to improve the operation.

Decision XIII/3: Evaluation study on the managing and implementing bodies of the financial mechanism of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/3:*

1. To evaluate and review, by 2004, the financial mechanism established by Article 10 of the Montreal Protocol with a view to ensuring its consistent, effective functioning in meeting the needs of Article 5 Parties and non-Article 5 Parties in accordance with Article 10 of the Protocol, and to launch a process for an external, independent study in that regard which shall be made available to the 16th Meeting of the Parties;

2. That the study shall focus on the management of the financial mechanism of the Montreal Protocol;

3. That the terms of reference and modalities of the study shall be submitted to the 15th Meeting of the Parties;

4. To consider the necessity to launch such an evaluation on a periodic basis;

5. To request the existing evaluation mechanism in place within the United Nations system to provide the Meeting of the Parties, for its consideration, with any relevant findings on the management of the financial mechanism of the Montreal Protocol at any time such findings are available.

Decision XV/47: Terms of reference for a study on the management of the financial mechanism of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/47:*

1. To approve the terms of reference of the study on the management of the financial mechanism of the Montreal Protocol, contained in annex V to the present report;

2. To set up a steering panel of six members to supervise the evaluation process and to select a consultant or consultants to carry out the study, to act as a point of contact for the consultant or consultants during the course of the study and to ensure that the terms of reference are implemented in the most appropriate manner possible;

3. To select the following six members to serve as the steering panel from among the Parties to the Montreal Protocol: Algeria, Colombia, France, Japan, Syrian Arab Republic and the United States of America. The appointed panel has equal representation of individuals selected by Parties operating under Article 5 of the Montreal Protocol and Parties not so operating;

4. To request the Ozone Secretariat to finalize the procedure for the selection of the qualified external and independent consultant or consultants. On the basis of submitted proposals, the Secretariat shall prepare a short list of qualified bidders and facilitate review of relevant proposals by the steering panel;

5. To instruct the steering panel to organize its meetings with the assistance of the Ozone Secretariat with dates and venues selected, as far as possible, to coincide with other ozone meetings, thereby reducing the related costs;

6. To approve the provision of up to $500,000 in the 2004 budget of the Trust Fund for the Montreal Protocol to fund the study;

7. To ensure that the final report and recommendations are made available to Parties for consideration at the Sixteenth Meeting of the Parties..

Other decisions on the operation of the financial mechanism

Decision V/23: Funding of methyl bromide projects by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/23:*

1. To authorize the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to provide funding for a limited number of methyl bromide projects for data collection, information exchange within the scope of country programmes, in line with paragraphs 1 (b) and (c) of decision IV/23 of the Fourth Meeting of the Parties, as well as for a limited number of methyl bromide alternative demonstration projects, which should be selected with the assistance of the Technology and Economic Assessment Panel;

2. To request the implementing agencies to cooperate according to their specific expertise to assist in implementing the present decision;

3. To encourage Parties to provide bilateral support for other methyl bromide studies and projects in developing countries (over and above contributions to the Fund).

Decision VII/4: Provision of financial support and technology transfer

The *Seventh Meeting of the Parties* decided in *Dec. VII/4:*

1. To emphasize the importance of the effective implementation of financial cooperation, including provision of adequate funding under Article 10 and technology transfer under Article 10 A of the Montreal Protocol, in assisting Parties operating under paragraph 1 of Article 5 in complying with the existing control measures under the Protocol;

2. To stress that the adoption of any new control measures by the Seventh Meeting of the Parties for Parties operating under paragraph 1 of Article 5 will require additional funding which will need to be reflected in the replenishment of the Multilateral Fund in 1996 and beyond and in the implementation of technology transfer;

3. To underline that the implementation of control measures by Parties operating under paragraph 1 of Article 5 will, as provided in Article 5, paragraph 5, depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A;

4. To urge Parties when taking decisions on the replenishment of the Multilateral Fund in 1996 and beyond, to allocate the necessary funds in order to ensure that countries operating under paragraph 1 of Article 5 can comply with their agreed control measure commitments.

Decision VII/23: Financial planning in the Multilateral Fund

The *Seventh Meeting of the Parties* decided in *Dec. VII/23:*

1. To note with appreciation the report and the outline and framework for a three-year rolling business plan prepared by the Executive Committee;

2. To request the Executive Committee to provide to the Parties at their Eighth Meeting a full three-year rolling business plan based on the outline and framework approved by the Parties at their Seventh Meeting;

3. To note that the three-year rolling business plan must reflect the purpose of the Multilateral Fund, which is to enable Parties operating under paragraph 1 of Article 5 to meet their Protocol obligations. The plan would be based on the level of replenishment decided by the Parties and should be used as a basis for projecting beyond the period of the current replenishment. The plan should be based on, *inter alia*, the intersectoral priorities and strategies contained in the country programmes and should be consistent with agreed commitments under the Montreal Protocol.

Decision VII/25: Provision by the Executive Committee of the Multilateral Fund of specific financial support for projects in low-volume-ODS-consuming countries (LVCs)

The *Seventh Meeting of the Parties* decided in *Dec. VII/25* to request the Executive Committee of the Multilateral Fund to provide specific support to low-volume-ODS-consuming countries (LVCs) by:

(a) Allocating sufficient funds for projects in low-volume-ODS-consuming countries to further strengthen and expand awareness and training programmes, especially in the area of refrigerant management;

(b) Supporting specialized assistance such as a workshop to establish regulatory and legislative measures required to facilitate the phase-out of ozone-depleting substances;

(c) Allowing financing of eligible retrofitting projects, in sectors vital to LVC economies on a case-by-case basis where this can be shown to be the best approach;

(d) Requesting the United Nations Environment Programme, due to its extensive experience with low-volume-ODS-consuming countries (LVCs), to take the lead in preparing an overall approach in addressing these needs;

(e) Providing funds to low-volume-ODS-consuming countries, on a regional basis, to organize training workshops for their customs and other officers on the harmonized system and other systems to control and monitor consumption of ozone-depleting substances;

Approval of projects in low-volume-ODS-consuming countries and very low-volume-ODS-consuming countries should be based upon a more appropriate project-appraisal approach reflecting the particular circumstances encountered by the countries referred to above.

Decision IX/15: Production sector

The *Ninth Meeting of the Parties* decided in *Dec. IX/15:*

Noting the progress in the preparation of the guidelines for funding the production sector indicated in the report of the Executive Committee to the Ninth Meeting of the Parties,

Recognizing the importance of timely phase-out of ozone-depleting substances in the countries operating under Article 5,

Recognizing the equal importance of funding both the closure of facilities and the production of substitutes for ozone-depleting substances,

Recognizing the importance of technology transfer for the effective implementation of the activities in the production sector,

To request the Executive Committee to accelerate the formulation of the guidelines for funding the production sector and the subsequent approval of relevant projects in this sector.

Decision X/17: Production sector

The *Tenth Meeting of the Parties* decided in *Dec. X/17:*

Noting the recent estimation by the Technology and Economic Assessment Panel of high atmospheric emissions of carbon tetrachloride (almost 41,000 tonnes in 1996), out of which about 70 per cent was contributed by use of carbon tetrachloride as a feedstock to produce CFCs,

Noting the assessment of the Technology and Economic Assessment Panel that closure of CFC-manufacturing facilities in Article 5 Parties and Parties with economies in transition with accelerated introduction of alternatives could lead to a reduction in carbon tetrachloride emissions to the environment,

Noting that the Ninth Meeting of the Parties requested the Executive Committee to accelerate the formulation of guidelines for funding the phase-out in the production sector and subsequent approval of relevant projects in this sector,

1. To request the Executive Committee to complete the task of formulation of guidelines for funding the production sector on a priority basis and expeditiously;

2. To further request the Executive Committee to facilitate the formulation of projects for funding the CFC-production sector and their subsequent approval on a priority basis.

Decision XI/27: Refrigerant management plans

The *Eleventh Meeting of the Parties* decided in *Dec. XI/27* to request the Multilateral Fund Executive Committee to finalize the formulation of guidelines for refrigerant management plans for high volume ozone-depleting-substance-consuming countries as soon as possible and subsequently approve funding in accordance with the guidelines for such projects in the pipeline.

Decision XII/16: Organization of Ozone Secretariat and Multilateral Fund meetings

The *Twelfth Meeting of the Parties* decided in *Dec. XII/16* that when meetings organized by the Ozone Secretariat and the Multilateral Fund secretariat are organized back-to-back, the two secretariats should coordinate arrangements to the greatest extent possible and, where possible and advantageous to the Parties, should seek to negotiate joint agreements with the hosting venue.

Decision XVI/8: Request for technical and financial support relating to methyl bromide alternatives

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/8:*

Considering the Copenhagen Amendment calling for the total elimination of methyl bromide,

Considering the number and size of requests for critical-use exemptions,

Considering the significant quantities of methyl bromide used for pre-shipment and quarantine purposes,

Considering the conclusions of the regional workshop on experiences in using alternatives to methyl bromide, held in Dakar, Senegal, from 8 to 11 March 2004,

Considering the fact that the Multilateral Fund has provided some support to countries that use little or no methyl bromide to enable them to put in place bans on imports and to phase out remaining methyl bromide uses,

1. To reinforce the fact that Parties operating under paragraph 1 of Article 5 of the Montreal Protocol that use little or no methyl bromide need technical and financial assistance from the Multilateral Fund to enable them to identify environmentally safe strategies and plans effectively to implement the methyl bromide provisions of the Montreal Protocol;

2. To request the Ozone Secretariat to translate into the official United Nations languages and to publish in those languages a summary of the alternatives-related components of the reports prepared by the Methyl Bromide Technical Options Committee.

Article 10A: Transfer of technology

Decision I/4: Workplans required by Articles 9 and 10 of the Protocol

The *First Meeting of the Parties* decided in *Dec. I/4* to consider the following elements as the first components for the workplans required by Articles 9 and 10 *[note: this refers to the original Article 10 of the Protocol, on technical assistance]* of the Protocol:

(a) dissemination of the reports of the panels for scientific, environmental, technical, and economic assessments, as well as the synthesis report, and their follow-up;

(b) regular updating of the panel reports, taking into account in particular the developments in the fields of production of environmentally sound substitutes or alternative technological solutions to the use of CFCs or halons;

(c) development of a programme, which will include workshops, demonstration projects, training courses, the exchange of experts and the provision of consultants on control options, taking into account the special needs of developing countries, for the consideration by the Parties at their second meeting;

(d) preparation of a study of retrofit technologies applicable to existing manufacturing facilities that produce controlled substances or products made with or containing such substances, to be presented to the Parties for their consideration at their Second Meeting;

(e) facilitation of the production and wide dissemination of material for public information;

(f) exploration of specific ways of promoting exchange and transfer of environmentally sound substitutes and alternative technologies;

(g) initiatives to support activities in programmes of international organizations and financing agencies that could contribute towards implementing the provisions of the Protocol, and defining means by which the Secretariat can initiate concrete contacts with the appropriate international organizations, programmes and financing agencies for this purpose.

Decision II/14: Workplans required by Articles 9 and 10 of the Protocol

The *Second Meeting of the Parties* decided in *Dec. II/14* to request the Executive Committee under the Financial Mechanism and the Secretariat to take into account in their work the recommendations on workplans required by Article 9 and Article 10 *[note: this refers to the original Article 10 of the Protocol, on technical assistance]* of the Protocol, as adopted by the third session of the first meeting of the Open-Ended Working Group of the Parties to the Protocol.

Decision VII/4: Provision of financial support and technology transfer

The *Seventh Meeting of the Parties* decided in *Dec. VII/4:*

1. To emphasize the importance of the effective implementation of financial cooperation, including provision of adequate funding under Article 10 and technology transfer under Article 10 A of the Montreal Protocol, in assisting Parties operating under paragraph 1 of Article 5 in complying with the existing control measures under the Protocol;

2. To stress that the adoption of any new control measures by the Seventh Meeting of the Parties for Parties operating under paragraph 1 of Article 5 will require additional funding which will need to be reflected in the replenishment of the Multilateral Fund in 1996 and beyond and in the implementation of technology transfer;

3. To underline that the implementation of control measures by Parties operating under paragraph 1 of Article 5 will, as provided in Article 5, paragraph 5, depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A;

4. To urge Parties when taking decisions on the replenishment of the Multilateral Fund in 1996 and beyond, to allocate the necessary funds in order to ensure that countries operating under paragraph 1 of Article 5 can comply with their agreed control measure commitments.

Decision VII/26: Technology transfer

The *Seventh Meeting of the Parties* decided in *Dec. VII/26:*

1. To recognize the role of technology transfer in enabling Parties to meet their obligations under the Protocol;

2. To note with appreciation the interim report of the Executive Committee of the Multilateral Fund (UNEP/OzL.Pro.7/10) on measures taken so far in the context of Article 10 of the Protocol, to establish a mechanism specifically for the transfer of technology and the technical know-how at fair and most favourable conditions necessary to phase-out ozone-depleting substances;

3. To request the Executive Committee to re-examine its interim conclusions contained in paragraphs 11 and 13 of that report in the light of issues raised in paragraph 45 of the report of the Eighteenth Meeting of the Executive Committee (UNEP/OzL.Pro/ExCom.18/75), the Report on the Review under Paragraph 8 of Article 5, and the Study on the Financial Mechanism of the Montreal Protocol, and other issues including equity, limited resources, conditions attached to project approvals and payment of technology transfer fees as negotiated by enterprises in Parties operating under Article 5;

4. To request the Executive Committee to provide a final report on this issue to the Eighth Meeting of the Parties. In particular, in preparing its report to the Eighth Meeting of the Parties, the Executive Committee is requested to seek input from Article 5 Parties on their experience with impediments to technology transfer and to identify solutions to overcome such impediments. The Executive Committee is authorized to provide appropriate funding, if necessary, for this purpose.

Decision VIII/7: Measures taken to improve the Financial Mechanism and technology transfer

The *Eighth Meeting of the Parties* decided in *Dec. VIII/7:*

3. To note the status of preparation of the report on transfer of technology required by Action 21 of decision VII/22;

4. To set up an Informal Group consisting of four representatives of Parties not operating under Article 5 (1) (Australia, Italy, Netherlands, United States of America) and four representatives of Parties operating under Article 5 (1) (China, Colombia, Ghana, India) to assist the Executive Committee in identifying what steps can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to Parties operating under Article 5 under fair and most favourable conditions;

5. The Group may meet as necessary and shall submit its reports, if any, to the Executive Committee;

6. To review this matter at its Ninth Meeting.

[The remainder of this decision is located under Article 10]

Decision IX/14: Measures taken to improve the Financial Mechanism and technology transfer

The *Ninth Meeting of the Parties* decided in *Dec. IX/14:*

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism and the work of the Informal Group on Technology Transfer established under decision VIII/7;

2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and to include in its annual report to the Meeting of the Parties an annex updating information on each action that has not been previously completed, as well as a list of actions that have been completed;

3. To note the status of work undertaken to date pursuant to action 21 under decision VII/22;

4. To request the Executive Committee, with the assistance of the Informal Group, to expeditiously identify steps that can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to Parties operating under Article 5 under fair and most favourable conditions;

5. To review this matter at the Tenth Meeting of the Parties.

Decision X/31: Measures taken to improve the Financial Mechanism and technology transfer

The *Tenth Meeting of the Parties* decided in *Dec. X/31:*

1. To note with appreciation the work and the report of the Executive Committee on the measures taken to improve the Financial Mechanism and technology transfer and on its excellent functioning in 1998;

2. To request the Executive Committee to report annually to the Meetings of the Parties on the operation of the Financial Mechanism and the measures taken to improve the operation.

Article 11: Meetings of the Parties

Decisions on meetings of the Parties

Decision II/20: Third Meeting of the Parties

The *Second Meeting of the Parties* decided in *Dec. II/20* to convene the Third Meeting of the Parties from 19 to 21 June 1991 in conjuction with and at the same venue as the second meeting of the Conference of the Parties to the Vienna Convention.

Decision III/18: Fourth Meeting of the Parties to the Montreal Protocol

The *Third Meeting of the Parties* decided in *Dec. III/18* to convene the Fourth Meeting of the Parties to the Montreal Protocol in September or October 1992 in Denmark.

Decision IV/31: Fifth Meeting of the Parties to the Montreal Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/31* to convene the Fifth Meeting of the Parties to the Montreal Protocol in October/November 1993.

Decision V/27: Sixth Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/27* to convene the Sixth Meeting of the Parties to the Montreal Protocol in September/November 1994 in Nairobi.

Decision V/28: Seventh Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/28* to express its gratitude to the Government of Austria for its generous offer to host the Seventh Meeting of the Parties to the Montreal Protocol in Vienna in 1995, to mark the tenth anniversary of the adoption of the Vienna Convention for the Protection of the Ozone Layer.

Decision VI/20: Seventh Meeting of the Parties to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/20*:

1. To reaffirm decision V/28 of the Fifth Meeting of the Parties, by which the Parties expressed their gratitude to the Government of Austria for its generous offer to host the Seventh Meeting of the Parties to the Montreal Protocol in Vienna in 1995, to mark the tenth anniversary of the Vienna Convention for the Protection of the Ozone Layer;

2. To convene the Seventh Meeting of the Parties to the Montreal Protocol in Vienna from 28 November to 7 December 1995.

Decision VII/38: Eighth, Ninth and Tenth Meetings of the Parties to the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/38:*

1. That the Eighth Meeting of the Parties to the Montreal Protocol will be held in Costa Rica in 1996;

2. That the Ninth Meeting of the Parties to the Montreal Protocol will be held in Montreal, Canada in 1997;

3. That the Tenth Meeting of the Parties to the Montreal Protocol will be held in Egypt in 1998.

Decision VIII/30: Ninth Meeting of the Parties to the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *Dec. VIII/30:*

1. To reaffirm decision VII/38 of the Seventh Meeting of the Parties, by which the Parties decided to hold the Ninth Meeting of the Parties in Montreal, Canada, in September 1997;

2. To convene the Ninth Meeting of the Parties to the Montreal Protocol in Montreal in September 1997.

Decision IX/40: Tenth Meeting of the Parties to the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/40:*

1. To reaffirm decision VII/38 of the Seventh Meeting of the Parties, by which the Parties decided to hold the Tenth Meeting of the Parties in Egypt in 1998;

2. To convene the Tenth Meeting of the Parties to the Montreal Protocol in Cairo, in November 1998.

Decision X/34: Eleventh Meeting of the Parties to the Montreal Protocol

The *Tenth Meeting of the Parties* decided in *Dec. X/34* to convene the Eleventh Meeting of the Parties to the Montreal Protocol in China, in November 1999.

Decision XI/29: Twelfth Meeting of the Parties to the Montreal Protocol

The *Eleventh Meeting of the Parties* decided in *Dec. XI/29* to convene the Twelfth Meeting of the Parties to the Montreal Protocol in Burkina Faso, in October 2000.

Decision XII/18: Thirteenth Meeting of the Parties to the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *Dec. XII/18* to convene the Thirteenth Meeting of the Parties to the Montreal Protocol in Colombo, Sri Lanka, from 15 to 19 October 2001.

Decision XIII/33: Fourteenth Meeting of the Parties to the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/33* to convene the 14th Meeting of the Parties to the Montreal Protocol at the seat of the Secretariat, in Nairobi, during the week of 25 to 29 November 2002 unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Decision XIV/43: Fifteenth Meeting of the Parties to the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/43* to convene the Fifteenth Meeting of the Parties to the Montreal Protocol at the seat of the Secretariat, in Nairobi, and at a date to be decided by the Parties unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Decision XV/56: Extraordinary Meeting of the Parties

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/56:*

Recognizing that the Fifteenth Meeting of the Parties has been unable to complete consideration of the items on its agenda,

Recalling Article 11, paragraph 2, of the Protocol,

Having regard to paragraph 3 of rule 4 and to rule 13 of the rules of procedure,

1. To deem necessary an extraordinary Meeting of the Parties, to be funded from the Trust Fund of the Montreal Protocol;

2. That the extraordinary Meeting of the Parties shall be held from 24 to 26 March 2004;

3. That the provisional agenda of the extraordinary Meeting of the Parties is set out in the annex to the present decision;

4. To make a financial provision of $596,000 from the Trust Fund of the Montreal Protocol for the 2004 budget, for the expenses of the extraordinary Meeting of the Parties, including funds for the attendance of the members and experts of the Methyl Bromide Technical Options Committee at its special meeting;

Annex

Provisional agenda for the extraordinary Meeting of the Parties

1. Opening of the Meeting.

2. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work.

3. Discussion on the issues and on draft decisions:

   (a) Adjustment of the Montreal Protocol regarding further specific interim reductions of methyl bromide for the period beyond 2005, applicable to Article 5 Parties;

   (b) Nominations for critical use exemptions for methyl bromide;

   (c) Conditions for granting and reporting critical use exemptions for methyl bromide;

   (d) Consideration of the working procedures of the Methyl Bromide Technical Options Committee as they relate to the evaluation of nominations for critical use exemptions;

4. Adoption of the report of the extraordinary Meeting of the Parties;

5. Closure of the Meeting.

Decision XV/57: Sixteenth Meeting of the Parties to the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/57* to convene the Sixteenth Meeting of the Parties to the Montreal Protocol in Prague from 22 to 26 November 2004.

Decision XVI/46: Extraordinary Meeting of the Parties

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/46:*

Recognizing that the Sixteenth Meeting of the Parties has been unable to complete consideration of the items on its agenda,

Recalling Article 11, paragraph 2, of the Protocol,

Having regard to paragraph 3 of rule 4 and to rule 13 of the rules of procedure,

1. To deem necessary an extraordinary Meeting of the Parties, on the understanding that this will not give rise to any further financial implication;

2. That the extraordinary Meeting of the Parties shall be held in conjunction with the twenty-fifth meeting of the Open-Ended Working Group of the Parties to the Montreal Protocol;

3. That the provisional agenda of the Extraordinary Meeting of the Parties is as set out below:

Annex

Provisional agenda for the extraordinary Meeting of the Parties

1. Opening of the Meeting.

2. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work.

3. Review of the critical-use nominations for methyl bromide for 2006.

4. Adoption of the report of the Extraordinary Meeting of the Parties.

5. Closure of the Meeting.

Decision XVI/47: Seventeenth Meeting of the Parties to the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/47* to convene the Seventeenth Meeting of the Parties to the Montreal Protocol in Dakar, Senegal, in 2005.

Decision XVII/47: Dates of future Montreal Protocol meetings

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/47:*

Noting with appreciation the work undertaken by the Ozone Secretariat and the Technology and Economic Assessment Panel in organizing and servicing the Meetings of the Parties, meetings of the Open-ended Working Group, and meetings of the Technology and Economic Assessment Panel and its technical options committees,

Recognizing that certain legal requirements of the Montreal Protocol and actions of the Parties depend on sufficient time being available for Parties to consider information supplied by the Technology and Economic Assessment Panel related to possible amendments and adjustments of the Protocol, and the requirement under Article 9 of the Vienna Convention for a Party to submit such information six months prior to the Meeting of the Parties,

1. To request the Ozone Secretariat to:

   (a) Post on its website by 31 January each year the indicative dates for the next two meetings of the Open-ended Working Group and Meetings of the Parties, ensuring to the extent possible that the

Open-ended Working Groups are held back-to-back with the meetings of the Executive Committee and that the scheduling of the Meeting of the Parties is done in consultation with the host Government;

(b) If, subsequent to such posting, circumstances arise that necessitate a change to such indicative meeting dates, to revise the posting on its website and to notify the Parties within one week of such change;

2. To request the Technology and Economic Assessment Panel to:

(a) Post on its website by 20 January in the year in which the meetings take place, the dates in the coming year for its meetings and meetings of its technical options committees;

(b) Make best endeavours to provide annual reports of the Technology and Economic Assessment Panel and its technical options committees and any task force reports approximately seven months before the Meeting of the Parties in order to allow sufficient time for the Parties to take into account information in the reports related to possible amendments and adjustments;

(c) If, subsequent to such posting, circumstances arise that necessitate a change in a meeting date, to revise the posting on its website and notify the Secretariat within one week of such change.

Decision XVII/48: Eighteenth Meeting of the Parties to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/48* to convene the Eighteenth Meeting of the Parties to the Montreal Protocol in India with a firm date to be announced as soon as possible.

Decisions on declarations

Decision I/15: Helsinki Declaration

The *First Meeting of the Parties* decided in *Dec. I/15* to take note of the Helsinki Declaration on the Protection of the Ozone Layer adopted by all countries both Contracting and non-Contracting Parties present in Helsinki on the occasion of the first Meeting of the Parties to the Vienna Convention and the Montreal Protocol as it appears in Appendix I to this Report. *[See Section 3.8 in this Handbook.]*

Decision XI/1: Beijing Declaration on Renewed Commitment to the Protection of the Ozone Layer

The *Eleventh Meeting of the Parties* decided in *Dec. XI/1* to adopt the Beijing Declaration on Renewed Commitment to the Protection of the Ozone Layer, as contained in annex I to the report of the Eleventh Meeting of the Parties. *[See Section 3.8 in this Handbook.]*

Decision XII/17: Ouagadougou Declaration at the Twelfth Meeting of the Parties to the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *Dec. XII/17* to adopt the Ouagadougou Declaration at the Twelfth Meeting of the Parties to the Montreal Protocol, as contained in annex IV to the report of the Twelfth Meeting of the Parties. *[See Section 3.8 in this Handbook.]*

Decision XIII/32: Colombo Declaration

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/32* to adopt the Colombo Declaration, on Renewed Commitment to the Protection of the Ozone Layer to Mark the Forthcoming World Summit on Sustainable Development, in 2002, the 15th Anniversary of the Montreal Protocol and the 10th Anniversary of the Establishment of the Multilateral Fund, as contained in annex V to the report of the 13th Meeting of the Parties to the Montreal Protocol. *[See Section 3.8 in this Handbook.]*

Decision XVI/45: Declaration of 2007 as "International Year of the Ozone Layer"

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/45:*

Recalling that the Montreal Protocol on Substances that Deplete the Ozone Layer, which constitutes the primary legal instrument for saving the ozone layer, was signed in the city of Montreal, Canada, on 16 September 1987,

Recognizing that, to ensure the success of the Montreal Protocol, the Parties to the Protocol have demonstrated commitment and decisive action by reducing the consumption of ozone-depleting substances since 1986 by 90 per cent,

Considering that entry into force of the Montreal Protocol has resulted in:

(a) A decline in the level of ozone-depleting substances in the atmosphere;

(b) The expectation that the ozone layer will recover by about 2050 if there is full compliance with the provisions of the Montreal Protocol;

(c) The avoidance of further significant increases in ultraviolet radiation reaching the Earth's surface;

and, thereby, improved the expectations of human health and reduced environmental risks for life on Earth,

Gratified by the transcendent success of the Montreal Protocol,

Declares 2007 "International Year of the Ozone Layer".

Decisions on rules of procedure

Decision I/1: Rules of procedure for Meetings of the Parties

The *First Meeting of the Parties* decided in *Dec. I/1* to adopt the Rules of Procedure for Meetings of the Parties to the Montreal Protocol *[see Section 4 of this Handbook]*.

Decision II/19: Rules of procedure for meetings of the Parties

The *Second Meeting of the Parties* decided in *Dec. II/19* to amend paragraph 1 of rule 21 of the rules of procedure, adopted at the First Meeting of the Parties, to include the following additional sentences:

"In electing its officers, the Meeting of the Parties shall have due regard to the principle of equitable geographical representation. The offices of President and Rapporteur of the Meeting of the Parties shall normally be subject to rotation among the five groups of States referred to in section I, paragraph 1, of General Assembly resolution 2997 (XXVII) of 15/December 1972, by which the United Nations Environment Programme was established."

Decision III/14: Amendment of the Rules of Procedure

The *Third Meeting of the Parties* decided in *Dec. III/14* to amend the Rules of Procedure as follows:

(a) Rule 23 – delete paragraph 2;

(b) Rule 24 – delete the words "other than the President", and substitute the words "of the Bureau."

Decisions on the Open-ended Working Group

Decision I/5: Establishment of Open-ended Working Group

The *First Meeting of the Parties* decided in *Dec. I/5* to establish an open-ended working group to:

(a) Review the report of the four panels referred in Dec. I/3, and integrate them into one synthesis report;

(b) Based on (a) above, and taking into account the views expressed at the First Meeting of the Parties to the Montreal Protocol, prepare draft proposals for any amendments to the Protocol which would be needed. Such proposals are to be circulated to the Parties in accordance with article 9 of the Vienna Convention for the Protection of the Ozone Layer;

(c) To develop the workplans referred to in Dec. I/4; and

(d) To work out the modalities required by Dec. I/13.

Decision I/6: Meetings of Open-ended Working Group

The *First Meeting of the Parties* decided in *Dec. I/6* to authorize the Secretariat to convene meetings of the working group referred to in Dec. I/6.

Decision I/7: Participation by non-Parties

The *First Meeting of the Parties* decided in *Dec. I/7* to authorize the Secretariat to invite non-Parties to participate in the deliberations of the meetings of the working groups established by the Parties.

Decision II/15: Extension of the mandate of the Open-ended Working Group of the Parties

The *Second Meeting of the Parties* decided in *Dec. II/15* to continue the work of the Open-ended Working Group of the Parties and to extend its mandate to consider, if necessary and in particular, the following topics:

(a) Further elaboration of any remaining details of the various components of the Financial Mechanism;

(b) Identification of the most appropriate modalities for the transfer of technologies designed for the protection of the ozone layer;

(c) Co-operation with Parties that are developing countries for the implementation of the Protocol; and

(d) Problems arising under the trade provisions of the Protocol, in respect of both trade between Parties and trade with non-Parties including issues related to free-trade zones; and to make recommendations to the Third Meeting of the .

Decision II/18: Meetings of the Open-ended Working Group

The *Second Meeting of the Parties* decided in *Dec. II/18* to authorize the Secretariat to convene, if necessary, up to six meetings of the Open-ended Working Group of the Parties prior to the Third Meeting of the Parties and to invite non-Parties to participate in the deliberations of these meetings.

Decision III/11: Open-ended Working Group of the Parties

The *Third Meeting of the Parties* decided in *Dec. III/11:*

(a) to recall Article 5, paragraphs 5 and 6 of the Amendment to the Montreal Protocol adopted by Decision II/2 of the Parties at its Second Meeting and reiterate the mandate of the Open-ended Working Group of the Parties in accordance with Decision II/15 and request that this work be intensified;

(b) should the results obtained by the assessment panels suggest the need to adjust or amend the Protocol, the Working Group would make recommendations in time for consideration by the next meeting of the Parties;

(c) to endorse the selection of Mexico and the United Kingdom as co-Chairmen of the Open-ended Working Group.

Decision VI/15: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/15* to endorse the selection of Mr. John Carstensen of Denmark and Mr. N. R. Krishnan of India as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1995.

Decision VII/36: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/36* to endorse the selection of Mr. S. Seebaluck (Mauritius) and Ms. C. Fearnley (New Zealand) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1996.

Decision VIII/27: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *Dec. VIII/27* to endorse the selection of Ms. Catalina Mosler-Garcia (Mexico) and Ms. Claire Fearnley (New Zealand) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1997.

Decision IX/36: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/36* to endorse the selection of Mr. V. Anand (India) and Mr. Jukka Uosukainen (Finland) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1998.

Decision X/5: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Tenth Meeting of the Parties* decided in *Dec. X/5* to endorse the selection of Mr. Ibrahim Abdel Gelil (Egypt) and Mr. Jukka Uosukainen (Finland) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1999.

Decision XI/10: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Eleventh Meeting of the Parties* decided in *Dec. XI/10* to endorse the selection of Mr. John Ashe (Antigua and Barbuda) and Mr. Milton Catelin (Australia) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 2000.

Decision XII/5: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *Dec. XII/5* to endorse the selection of Mr. Milton Catelin (Australia) and Mr. P.V. Jayakrishnan (India) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 200l.

Decision XIII/28: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/28* to endorse the selection of Mr. Milton Catelin (Australia) and Mr. Aloysius M. Kamperewera (Malawi) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2002.

Decision XIV/42: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/42* to endorse the selection of Khaled Klaly (Syrian Arab Republic) and Maria Nolan (United Kingdom of Great Britain and Northern Ireland) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2003.

Decision XV/55: Co-chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/55* to endorse the selection of Mr. Jorge Leiva of Chile and Mr. Janusz Kozakiewicz of Poland as co-chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2004.

Decision XVI/41: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/41* to endorse the selection of Mr. David Okioga (Kenya) and Mr. Tom Land (United States of America) as co-chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2005.

Decision XVII/46: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/46* to endorse the selection of Mr. Tom Land (United States of America) and Mr. Nadzri Yahaya (Malaysia) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2006.

Decisions on the Bureau

Decision I/2: Establishment of Bureau

The *First Meeting of the Parties* decided in *Dec. I/2* to establish its Bureau to be composed of the President, three Vice-Presidents and Rapporteur elected by each meeting of the Parties.

The Bureau shall meet at least once between meetings of the Parties to review the work of any working groups established by the Parties during their meetings, to consider other topics on the Agenda of the next meeting of the Parties and to review the documents prepared by the Secretariat for meetings of the Parties to facilitate the work of these meetings.

Decision IV/22: Bureau of the Montreal Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/22* to take note of the reports of the first and second meetings of the Bureau of the Third Meeting of the Parties to the Montreal Protocol, contained in documents UNEP/OzL.Pro.3/Bur/1/3 and UNEP/OzL.Pro.3/Bur/2/3.

Decision V/22: Bureau of the Fourth Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *Dec. V/22* to take note of the report of the first meeting of the Bureau of the Fourth Meeting of the Parties to the Montreal Protocol.

Article 12: Secretariat

Decision II/7: Montreal Protocol Handbook

The *Second Meeting of the Parties* decided in *Dec. II/7* to invite the Executive Director to prepare as soon as possible a *Montreal Protocol Handbook* setting out the Protocol as adjusted, the Protocol as adjusted and amended and the decisions of the Parties that relate to its interpretation and other material relevant to its operation, and to update the *Handbook*, as necessary, after each meeting of the Parties.

Decision III/4: Montreal Protocol Handbook

The *Third Meeting of the Parties* decided in *Dec. III/4* to welcome the efforts of the Secretariat in completing the Montreal Protocol Handbook, which was prepared by the Secretariat in accordance with Decision II/7 of the Second Meeting of the Parties, and to request the Secretariat after further editing, taking into account the comments made in paragraph 18 of the Report of the Preparatory Meeting for the Third Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.3/Prep/2), to distribute the Handbook to all the Parties to the Protocol and the Convention in the official languages of the United Nations as soon as possible.

Decision XII/16: Organization of Ozone Secretariat and Multilateral Fund meetings

The *Twelfth Meeting of the Parties* decided in *Dec. XII/16* that when meetings organized by the Ozone Secretariat and the Multilateral Fund secretariat are organized back-to-back, the two secretariats should coordinate arrangements to the greatest extent possible and, where possible and advantageous to the Parties, should seek to negotiate joint agreements with the hosting venue.

Decision XIII/31: Appointment of the Executive Secretary of the Ozone Secretariat

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/31* to request the United Nations Environment Programme and United Nations Headquarters to complete the process for the earliest possible appointment of the Executive Secretary of the Ozone Secretariat.

Article 13: Financial provisions

Decision I/14: Financial arrangements

The *First Meeting of the Parties* decided in *Dec. I/14* with regard to financial arrangements:

A. (a) to establish a United Nations Trust Fund in accordance with the Financial Regulations and Rules of the United Nations and in accordance with the General Procedures governing operations of the Fund of the United Nations Environment Programme;

(b) the Protocol Trust Fund shall be administered by the Executive Director of UNEP and shall finance expenditures approved by the and shall receive the contributions of Parties to the Protocol;

(c) to that end the Meeting requests the Executive Director to secure the necessary consents of the Secretary General of the United Nations and the Governing Council of UNEP;

(d) to adopt the terms of reference of the Trust Fund in Annex II of the report of the First Meeting of the Parties; *[See Section 3.7 of this Handbook]*

(e) the contributions of the Parties shall be in the form of voluntary contributions according to the formula in Annex III of the report of the First Meeting of the Parties;

(f) the Meeting calls on all Parties to pay their contributions to the Trust Fund in advance of the period to which they relate;

(g) to approve a total budget of US$1,580,000 for the biennium 1990–1991;

B. The States non-Parties and the non-Contributing to the Trust Fund are encouraged to make voluntary contributions to the Trust Fund.

Decision II/17: Budget

The *Second Meeting of the Parties* decided in *Dec. II/17* with regard to the budget to adopt the system of rolling biennial budgets, and to approve a total revised budget of $3,400,000 for 1990, a total revised budget for 1991 of $2,423,000 and a total budget for 1992 of $2,225,000.

Decision III/21: Budgets and financial matters

The *Third Meeting of the Parties* decided in *Dec. III/21* regarding budgets and financial matters:

(a) to request the Secretariat to submit as soon as possible to all Parties certified and audited accounts of the Montreal Protocol Trust Fund for the expenditures under the Fund for 1990 financial year;

(b) to request the Secretariat to submit to the Parties the certified and audited accounts for 1989 of the Interim Ozone Secretariat;

(c) to request the Secretariat to submit certified and audited accounts for subsequent years prior to regular meetings of the Parties;

(d) to emphasize that expenditures incurred due to recommendations by the Bureau should only be met either within the budget adopted by the Parties for that year or by other additional contributions made towards these expenditures;

(e) to emphasize that it is essential to avoid increases in already adopted budgets in the years which they relate;

(f) to urge all Parties to pay their outstanding contributions promptly and to also pay their future contributions promptly and in full in accordance with the terms of reference and the formula for contributions as attached to Annex II to the report of the Third Meeting of the Parties;

(g) to adopt the final budget for 1992 of US$2,278,645, and for 1993 of US$2,398,990.

Decision IV/19: Budgets and financial matters

The *Fourth Meeting of the Parties* decided in *Dec. IV/19:*

1. to note the financial reports on the Trust Fund for the Montreal Protocol for 1990 and 1991, and on the Secretariat for the Vienna Convention and the Montreal Protocol;

2. to urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex XI to the report of the Fourth Meeting of the Parties;

3. to adopt the revised budgets for 1992 of US$2,862,855 and for 1993 of US$2,702,390, and the proposed budget for 1994 of US$3,369,090, as set out in Annex XII to the report of the Fourth Meeting of the Parties;

4. to extend the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer from 31 March 1993 to 31 March 1995.

Decision V/21: Budgets and financial matters

The *Fifth Meeting of the Parties* decided in *Dec. V/21:*

1. To note the financial reports on the Trust Fund for the Montreal Protocol and the Secretariat for the Vienna Convention and the Montreal Protocol for 1992;

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex III to the report of the Fifth Meeting of the Parties;

3. To adopt the proposed budgets for the Trust Fund for the Montreal Protocol of US$ 2,822,735 for 1994 and of US$ 3,416,550 for 1995, as set out in Annex IV to the report of the Fifth Meeting of the Parties;

4. To urge the Secretariat to furnish the Parties with an estimation of the current year's needs and in the same format the actual expenditures of the previous year so that the Parties will have a good understanding of the Secretariat's budgetary requirements.

Decision VI/17: Budgets and financial matters

The *Sixth Meeting of the Parties* decided in *Dec. VI/17:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1993;

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in Annex III to the report of the Sixth Meeting of the Parties;

3. To approve the revised budgets for the Trust Fund for the Montreal Protocol of US$ 3,048,735 for 1994 and of US$ 3,699,050 for 1995 and to adopt the proposed budget of US$ 2,818,215 for 1996, as set out in Annex IV to the report of the Sixth Meeting of the Parties.

Decision VII/37: Financial matters: financial report and budgets

The *Seventh Meeting of the Parties* decided in *Dec. VII/37:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for biennium 1994–1995 and expenditures for 1994 (UNEP/OzL.Pro.7/4);

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties as set out in Annex VII to the report of the Seventh Meeting of the Parties;

3. To confirm the budget for the Trust Fund for the Montreal Protocol of $2,818,215 for 1996 as approved by the Sixth Meeting of the Parties and to approve the budget of $3,301,290 for 1997, as set out in Annex VIII to the report of the Seventh Meeting of the Parties;

4. (a) To approve the adoption of the new United Nations scale of assessments, which came into effect through the General Assembly resolution 49/19 B of 3 March 1995 for Members of the United Nations and through administrative circular ST/ADM/SER.B/451 of 4 January 1995 for non-Members of the United Nations, as the basis for calculating individual Parties' levels of contributions to the Montreal Protocol and the Multilateral Fund trust funds in 1996 and beyond;

   (b) To authorize the Treasurer to recalculate the future individual Parties' levels of contributions to the Montreal Protocol and the Multilateral Fund trust funds, using the scale of assessments as updated and adopted within the United Nations system;

5. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the Assessment Panels for their continued participation in the assessment activities under the Protocol;

6. To request additional voluntary contributions from Parties in support of:

   (a) Increased participation of Assessment Panel members from developing countries in Assessment Panels and Technical Options Committees;

   (b) Information materials for the celebration of the International Day for the Preservation of the Ozone Layer;

7. To request:

   (a) Countries having Junior Programme Officer (JPO) programmes to consider funding the post of Programme Officer (Information Systems) (post 1105) through their JPO programmes;

   (b) The United Nations Environment Programme to fund the post of Programme Officer (Information Systems) from the programme support costs given to it by the Montreal Protocol Trust Fund.

Decision VIII/28: Financial Matters: financial report and budgets

The *Eighth Meeting of the Parties* decided in *Dec. VIII/28:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1995 as contained in document UNEP/OzL.Pro.8/4;

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties as set out in annex VI to the report of the Eighth Meeting of the Parties;

3. To approve the revised budgets for the Trust Fund for the Montreal Protocol of US$2,818,215 for 1996 and US$3,542,263 for 1997 and the proposed budget of US$3,679,704 for 1998, as set out in annex VII to the report of the Eighth Meeting of the Parties;

4. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the Assessment Panels for their continued participation in the assessment activities under the Protocol;

5. To request additional voluntary contributions from Parties in support of:

   (a) Increased participation of Assessment Panel members from developing countries and countries with economies in transition in Assessment Panels and Technical Options Committees;

   (b) Information materials for the celebration of the International Day for the Preservation of the Ozone Layer;

6. To request the Secretariat to report to the Ninth Meeting of the Parties on the utilizition of the funds for the participation of experts from developing countries and countries with economies in transition in the meetings of the Assessment Panels and the Technical Options Committees;

7. Request the Executive Dirctor of UNEP to ensure that the 13 per cent programme support costs charged to the Trust Fund for the Montreal Protocol are used fully in support of the Protocol and its Secretariat, and to report to the next Meeting of the Parties on the ways in which the 13 per cent has been used for the benefit of the Convention and its Secretariat;

8. To request the Executive Director if UNEP to extend the duration of the Trust Fund for the Montreal Protocol until 31 December 2000, subject to the approval of the UNEP Governing Council.

Decision IX/37: Financial matters: financial report and budgets

The *Ninth Meeting of the Parties* decided in *Dec. IX/37:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1996 as contained in document UNEP/OzL.Pro.9/5;

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties as set out in annex VIII to the report of the Ninth Meeting of the Parties;

3. To approve the proposed budget of US$3,679,704 for 1998 and US$3,615,740 for 1999, as set out in annex IX to the report of the Ninth Meeting of the Parties;

4. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the three Assessment Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

5. Having in mind the terms of reference agreed to in annex V to the report of the Eighth Meeting of the Parties *[see Section 3.3 of this Handbook]* and approved in decision VIII/19, in particular regarding the size and balance of the Assessment Panels and their subsidiary bodies:

   (a) To express its desire to move towards a situation when all experts of assessment panels and their subsidiary bodies from developing countries and CEIT could be supported to take part in their meetings;

   (b) To note that the budget for 1998 and 1999 provides a reasonable expectation that no request from any developing country and CEIT expert in these bodies will be denied;

6. To request the Secretariat to report to the Tenth Meeting of the Parties on the utilization of the funds for the participation of experts from developing countries and countries with economies in transition in the meetings of the Assessment Panels and their subsidiary bodies;

7. To take note of the report of UNEP on the ways in which the 13 per cent programme support costs has been used; to request the Executive Director of UNEP to ensure that this charge to the Trust Fund for the Montreal Protocol is used fully in support of the Protocol and its Secretariat; and to submit a final report to the Tenth Meeting of the Parties.

Decision X/30: Financial matters: financial report and budgets

The *Tenth Meeting of the Parties* decided in *Dec. X/30:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1997, as contained in document UNEP/OzL.Pro.10/5;

2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties, as set out in annex VIII to the report of the Ninth Meeting of the Parties (document UNEP/OzL.Pro.9/12), for the year 1999, and for the year 2000 in annex IV to the report of the Tenth Meeting of the Parties;

3. To approve the budget of $3,615,740 for 1999 and proposed budget of $3,679,704 for 2000, as set out in annex III to the report of the Tenth Meeting of the Parties;

4. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol.

Decision XI/21: Financial matters: financial report and budgets

The *Eleventh Meeting of the Parties* decided in *Dec. XI/21:*

1. To note with appreciation the exemplary financial management by the Secretariat over many years;

2. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1998, as contained in document UNEP/OzL.Pro.11/4;

3. To approve the budget of 3,679,679 United States dollars for 2000, and the proposed budget of 3,679,679 United States dollars for 2001, as set out in annex VIII to the report of the Eleventh Meeting of the Parties;

4. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties, as set out in annex IV to the report of the Tenth Meeting of the Parties (UNEP/OzL.Pro.10/9), for the year 2000, and for the year 2001 as set out in annex IX to the report of the Eleventh Meeting;

5. To draw down an amount of 675,000 United States dollars from the unspent balance for the purpose of reducing it, thereby ensuring that the contributions to be paid by the Parties amount to 3,004,679 United States dollars for 2001;

6. To request the Executive Secretary, when making budget proposals for 2002, 2003 and 2004, to draw down the amount specified in paragraph 5 above from the unspent balances for those years;

7. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the three Assessment Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

8. To review the status of reserves at the Meeting of the Parties in the year 2003.

Decision XII/15: Financial matters: Financial report and budgets

The *Twelfth Meeting of the Parties* decided in *Dec. XII/15:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1999, as contained in document UNEP/OzL.Pro.12/6;

2. To approve the revised budget of $4,099,385 for 2001, as contained in annex II to the report of the Twelfth Meeting of the Parties, recalling paragraph 5 of decision XI/21 of the Eleventh Meeting of the Parties to the Montreal Protocol aimed at ensuring that contributions to be paid by the Parties should amount to $3,004,679 for the year 2001;

3. To take note of the proposed budget of $4,406,276 for 2002, as contained in annex II to the report of the Twelfth Meeting of the Parties, taking into account paragraph 6 of decision XI/21, which calls for the drawdown of $675,000 from the unspent balance for the years 2001, 2002 and 2003;

4. To urge all Parties with outstanding contributions for prior years to make every effort to pay them promptly and fully;

5. To urge all Parties to pay their annual contributions promptly and in full, ahead of the time at which the contributions are needed, in accordance with the formula for contributions by Parties for the years 2001 and 2002 as set out in annex III to the report of the Twelfth Meeting of the Parties;

6. To encourage Parties not operating under Article 5 to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

7. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and their subsidiary bodies;

8. To note that, in future, the establishment and classification of posts in the Ozone Secretariat shall be presented to the Parties in advance for consideration and approval before they are submitted for processing according to United Nations recruitment and promotion procedures.

Decision XIII/30: Financial matters: Financial reports and budgets

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/30:*

1. To welcome the continuing excellent management by the Secretariat of the finances of the Montreal Protocol Trust Fund;

2. To take note of the financial report of the Trust Fund for 2000, as contained in document UNEP/OzL.Pro.13/4;

3. To approve the budget for the Trust Fund in the amount of $3,907,646 for 2002 and take note of the proposed budget of $3,763,034 for 2003, as set out in Annex III of the report of the 13th Meeting of the Parties;

4. To draw down an amount of $675,000 in years 2002 and 2003 from the Fund balance for the purpose of reducing that balance in accordance with decision XI/21, paragraphs 5 and 6;

5. To draw down, further, from the unspent balance for the year 2000, an amount of $740,000 in 2002 and $250,869 in 2003;

6. To ensure, as a consequence of the draw-downs referred to in paragraphs 4 and 5 above, that the contributions to be paid by the Parties amount to $2,492,646 for 2002 and $2,837,165 for 2003, as set out in Annex IV of the report of the 13th Meeting of the Parties. The contributions of the individual Parties shall be as listed in Annex IV;

7. To urge all Parties to pay their contributions promptly and in full;

8. To encourage non-Article 5 Parties to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

9. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and their subsidiary bodies;

10. To review, at its 14th Meeting, on the basis of a working document prepared by the Secretariat, the continuing growth in the operating surplus and interest being accumulated by the Trust Fund with a view to identifying the optimal way in which to balance the Protocol's operational funds.

Decision XIV/41: Financial matters: Financial reports and budgets

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/41:*

1. To welcome the continuing excellent management by the Secretariat of the finances of the Montreal Protocol Trust Fund and the very good quality documentation on it furnished to the meeting;

2. To take note with appreciation of the financial statements of the Trust Fund for the biennium 2000-2001 and the report on the actual expenditures for 2001 as compared to the approvals for that year, as contained in document UNEP/OzL.Pro.14/4;

3. To approve the budget for the Trust Fund in the amount of $3,855,220 for 2003 and take note of the proposed budget of $3,921,664 for 2004, as set out in Annex III of the report of the fourteenth Meeting of the Parties;

4. To firstly draw down an amount of $675,000 in years 2003 and 2004 from the Fund balance for the purpose of reducing that balance in accordance with Decision XI/21, paragraphs 5 and 6;

5. To secondly draw down further from the unspent balance from year 2000, an amount of $250,869 in 2003;

6. To thirdly draw down further from the unspent balance from year 2001, an amount of $400,000 in 2003; $686,000 in 2004 and $100,869 in year 2005;

7. To fourthly draw down further from the annually accruing interest income, an amount of $250,000 in 2003 and another $250,000 in 2004;

8. To ensure, as a consequence of the draw-downs referred to in paragraphs 4 and 5 above, that the contributions to be paid by the Parties amount to $2,279,351 for 2003 and $2,310,664 for 2004, as set out in Annex III of the report of the Fourteenth Meeting of the Parties. The contributions of the individual Parties shall be as listed in Annex IV;

9. To urge all Parties to pay their outstanding contributions, as well as their future contributions promptly and in full;

10. To encourage non-Article 5 Parties to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

11. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and the subsidiary bodies;

12. To amend paragraph 4 of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer by substituting 25 per cent by 22 per cent in accordance with the United Nations General Assembly resolution through its decision A/RES/55/5 B-F of 23 December 2000;

13. To request the Executive Director to extend the Montreal Protocol Trust Fund until 31 December 2010; and

14. To invite the Parties to provide comments to the document UNEP/OzL.Pro/14/INF.3 and ask the Secretariat to keep the information current.

Decision XV/52: Financial matters: Financial reports and budgets

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/52:*

1. To welcome the continuing excellent management by the Secretariat of the Montreal Protocol Trust Fund;

2. To take note of the financial report of the Trust Fund for the Montreal Protocol for 2002 as contained in document UNEP/OzL.Pro.15/5;

3. To approve the budget for the Trust Fund of the Montreal Protocol in the amount of $5,185,353 for 2004, which includes the following:

   (a) A provision in the amount of $500,000 to enable the Ozone Secretariat to facilitate the review of the financial mechanism as provided in decision XIII/3 and decision XV/47;

   (b) A provision of $596,000 for the extraordinary Meeting of the Parties, including funds for the attendance of members and experts of the Methyl Bromide Technical Options Committee to its special meeting as called for in decision XV/56;

4. To draw down from the Trust Fund balance the amount of $2,906,002 in 2004, which consists of the following:

   (a) $675,000 in accordance with decision XI/21, paragraphs 5 and 6;

   (b) $686,000 in accordance with decision XIV/41, paragraph 6;

   (c) $250,000 in accordance with decision XIV/41, paragraph 7;

   (d) $1,295,002 to ensure that the contributions of the Parties in 2004 are maintained at the 2003 levels;

5. To note that the amount of $1,295,002 under paragraph 4 (d) above, which includes the $500,000 mentioned in paragraph 3 (a) and the $596,000 mentioned in paragraph 3 (b) above, will be drawn down in view of the non-recurrent nature of the expenditure approved in 2004 for the review of the financial mechanism and the expenses of the extraordinary Meeting of the Parties in order to avoid an additional contribution by the Parties corresponding to that amount in 2004;

6. To establish the understanding that the amount of $500,000 mentioned in paragraph 3 (a) above is an indicative cost approved as a contingency provision in the budget for 2004 which will be committed once the Steering Panel on the study on the management of the financial mechanism of the Montreal Protocol has determined an actual cost estimate upon the proposals of the Secretariat;

7. To request the Secretariat to approach appropriate United Nations authorities in order to seek a reduction of the standard rate of programme support costs to be charged to the provision of $500,000 for the study of the financial mechanism;

8. To take note of the proposed budget of $3,746,861 for 2005 as set forth in annex VI of the present report;

9. To further draw down from the Trust Fund balance for the purpose of reducing that balance in 2005 in accordance with decision XIV/41, paragraph 6;

10. To continue to draw down the amount of $250,000 from the interest income accruing to the Fund, to be applied in 2005;

11. To draw down from the Trust Fund balance the amount of $800,000, to be applied in 2005;

12. To ensure that, as a consequence of the draw-downs referred to in paragraphs 4, 5 and 9 to 11 above, the contributions to be paid by the Parties in 2004 amount to $2,279,351 and $2,595,992 for 2005, as set forth in annex VI of the present report. The contributions of the individual Parties shall be as listed in annex VII to the present report;

13. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by the Parties;

14. To encourage non-Article 5 Parties to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

15. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and the subsidiary bodies.

Decision XVI/44: Financial matters: Financial reports and budgets

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/44:*

Recalling decision XV/52 on financial matters,

Noting the financial report on the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2002–2003,

Recognizing that voluntary contributions are an essential complement for the effective implementation of the Montreal Protocol;

Welcoming the continued efficient management demonstrated by the Secretariat of the finances of the Montreal Protocol Trust Fund;

Noting that the presence of a surplus and agreement by the Sixteenth Meeting of the Parties to draw down further from the fund balance has permitted the Secretariat to present a balanced budget for the year 2004;

Determined that, in the future, the budgets and the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substance that Deplete the Ozone Layer should be fully respected;

1. To approve the revised 2004 budget in the amount of $5,424,913 and the proposed 2005 budget for the Trust Fund in the amount of $4,514,917 and to take note of the proposed budget of $4,580,403 for 2006, as set out in annex III to the report of the Sixteenth Meeting of the Parties;

2. To authorize the Secretariat to use the additional amount not exceeding $239,560 in the year 2004 from the fund balance of the Montreal Protocol Trust Fund to cover costs arising from additional activities in 2004 as decided by the extraordinary Meeting of the Parties in March 2004;

3. Also to authorize the Secretariat to use an amount not exceeding $1,017,263 in the year 2005 from the fund balance of the Montreal Protocol Trust Fund;

4. To approve, as a consequence of the draw-downs referred to in paragraphs 2 and 3 above, total contributions to be paid by the Parties at $2,279,351 for 2004 and $3,497,654 for 2005, as set out in annex IV to the report of the Sixteenth Meeting of the Parties;

5. Also to approve that the contributions of individual Parties shall be listed in annex IV to the report of the Sixteenth Meeting of the Parties;

6. To authorize the Secretariat to maintain a constant operating cash reserve of the estimated annual planned expenditures that will be used to meet the final expenditures under the trust fund. In 2005, Parties shall be asked to contribute 7.5 per cent of the approved budget for 2005 and, in 2006, the operating cash reserve will increase to 15 per cent;

7. To express its concern over delays in payment of the agreed contributions by Parties, contrary to the provisions of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer, as contained in paragraphs 3 and 4 of those terms of reference;

8. To urge all Parties to pay their contributions promptly and in full and further to urge Parties that have not done so to pay their contributions for prior years as soon as possible;

9. To encourage Parties, non-Parties, and other stakeholders to contribute financially and with other means to assist members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

10. Also to encourage Parties, non-Parties, and other stakeholders to contribute financially and with other means to assist in the provision of financial assistance to the Methyl Bromide Technical Options Committee;

11. To invite Parties to notify the Secretariat of the Montreal Protocol of all contributions made to the Montreal Protocol Trust Fund at the time such payments are made;

12. In accordance with rule 14 of the rules of procedure, to request the Executive Secretary to provide Parties with an indication of the financial implications of draft decisions which cannot be met from existing resources within the budget of the Montreal Protocol Trust Fund;

13. To request that the Secretariat of the Montreal Protocol ensure the implementation of the decisions adopted by the Meeting of the Parties as approved, within the budgets and the availability of financial resources in the Trust Fund;

14. Further to request the Secretariat to inform the Open-ended Working Group on all sources of income received, including the reserve and fund balance and interest, as well as actual and projected expenditures and commitments, and to request the Executive Secretary to provide an indicative report on all expenditures against the agreed budget lines;

15. Also to request the Open-ended Working Group to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.

Decision XVII/42: Financial matters: Financial reports and budgets

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/42:*

Recalling decision XVI/44 on financial matters,

Noting the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2004–2005 ended 31 December 2004;[11]

Recognizing that voluntary contributions are an essential complement for the effective implementation of the Montreal Protocol;

Welcoming the continued efficient management demonstrated by the Secretariat of the finances of the Montreal Protocol Trust Fund;

1. To approve the 2006 budget for the Trust Fund in the amount of $4,678,532 and to take note of the proposed budget of $4,690,667 for 2007, as set out in annex IV to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To authorize the Secretariat to draw down $586,668 in 2006;

3. To approve, as a consequence of the draw-downs referred to in paragraph 2 above, total contributions to be paid by the Parties of $4,091,864 for 2006 and note the contributions of $4,690,667 for 2007, as set out in annex V to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

4. Also to approve that the contributions of individual Parties shall be listed in annex V to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

5. To authorize the Secretariat to maintain a constant operating cash reserve of the estimated annual planned expenditures that will be used to meet the final expenditures under the Trust Fund. In 2005, Parties contributed 7.5 per cent of the approved budget for 2005; in 2006, the operating cash reserve will increase to 8.3 per cent, and in 2007 it will increase to 15 per cent;

6. To express its concern over delays in payment of the agreed contributions by Parties, contrary to the provisions in paragraphs 3 and 4 of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer;

7. To urge all Parties to pay their contributions promptly and in full and further to urge Parties that have not done so to pay their contributions for prior years as soon as possible;

8. To encourage Parties, non-Parties, and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies with their continued participation in the assessment activities under the Protocol;

9. Also to encourage Parties, non-Parties and other stakeholders to contribute financially and with other means to assist in the provision of financial assistance to the Methyl Bromide Technical Options Committee;

10. To invite Parties to notify the Secretariat of the Montreal Protocol of all contributions made to the Montreal Protocol Trust Fund at the time such payments are made;

11. In accordance with rule 14 of the rules of procedure, to request the Executive Secretary to provide Parties with an indication of the financial implications of draft decisions which cannot be met from existing resources within the budget of the Montreal Protocol Trust Fund;

12. To request that the Secretariat of the Montreal Protocol ensure the implementation of the decisions adopted by the Meeting of the Parties as approved, within the budgets and the availability of financial resources in the Trust Fund;

13. To allow the Secretariat to make transfers up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;

14. To request the Secretariat to inform the Open-ended Working Group on all sources of income received, including the reserve and fund balance and interest, as well as actual and projected expenditures and commitments, and to request the Executive Secretary to provide an indicative report on all expenditures against budget lines;

15. Also to request the Open-ended Working Group to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.

Article 14: Relationship of this Protocol to the Convention

Decision II/2: Amendment of the Protocol

The *Second Meeting of the Parties* decided in *Dec. II/2* to adopt in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in Annex II to the report on the work of the Second Meeting of the Parties.

Decision II/16: Amendment of the Vienna Convention

The *Second Meeting of the Parties* decided in *Dec. II/16* to recommend that the Parties to the Vienna Convention for the Protection of the Ozone Layer review, at the earliest opportunity, Article 9 of the Convention with a view to expediting the amendment procedure for protocols.

Decision IV/4: Further Amendment of the Protocol

The *Fourth Meeting of the Parties* decided in *Dec. IV/4* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in Annex III to the report of the Fourth Meeting of the Parties.

Decision IX/4: Further Amendment of the Protocol

The *Ninth Meeting of the Parties* decided in *Dec. IX/4* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex IV to the report of the Ninth Meeting of the Parties.

Decision XI/5: Further Amendment of the Montreal Protocol

The *Eleventh Meeting of the Parties* decided in *Dec. XI/5* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex V to the report of the Eleventh Meeting of the Parties.

Article 16: Entry into force

Note: the following decisions are all also relevant to Article 13 of the Vienna Convention.

Decision III/1: Adjustments and amendment

The *Third Meeting of the Parties* decided in *Dec. III/1:*

(b) To note that only two States have so far ratified the Amendment, adopted at the Second Meeting of the Parties to the Protocol and to urge all States to ratify that Amendment in view of the fact that twenty instruments of ratification, approval or acceptance are required for it to come into force on 1 January 1992.

[the remainder of this decision is located under Article 2]

Decision IV/1: Amendment adopted by the Second Meeting of the Parties (London Amendment)

The *Fourth Meeting of the Parties* decided in *Dec. IV/1* to invite the attention of the Parties to the Montreal Protocol to the entry into force, on 10 August 1992, of the Amendment to the Protocol adopted by the Second Meeting of the Parties and to urge all Parties that have not yet ratified the said Amendment to do so.

Decision V/1: Amendments adopted by the Second Meeting of the Parties (London Amendment) and by the Fourth Meeting of the Parties (Copenhagen Amendment)

The *Fifth Meeting of the Parties* decided in *Dec. V/1*:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol and to urge all States that have not yet done so to become Parties to both instruments;

2. To urge all Parties to the Montreal Protocol that have not yet done so to ratify the London and Copenhagen Amendments to the Protocol.

Decision VI/1: Ratification, approval or accession to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *Dec. VI/1*:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol;

2. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and the Amendments to the Montreal Protocol.

Decision VII/13: Ratification, approval or accession to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *Dec. VII/13*:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol;

2. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and the Amendments to the Montreal Protocol, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision VIII/1: Ratification of the Vienna Convention, the Montreal Protocol and its Amendments

The *Eighth Meeting of the Parties* decided in *Dec. VIII/1:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that many Parties have yet to ratify the London and Copenhagen Amendments to the Montreal Protocol;

3. To urge all States that have not yet done so, to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision IX/10: Ratification of the Vienna Convention, Montreal Protocol and London and Copenhagen Amendments

The *Ninth Meeting of the Parties* decided in *Dec. IX/10:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that many Parties have yet to ratify the London and Copenhagen Amendments to the Montreal Protocol;

3. To urge all States that have not yet done so, to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision X/1: Ratification of the Vienna Convention, Montreal Protocol, London, Copenhagen and Montreal Amendments

The *Tenth Meeting of the Parties* decided in *Dec. X/1:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that many Parties have yet to ratify the London, Copenhagen and Montreal Amendments to the Montreal Protocol;

3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XI/11: Ratification of the Vienna Convention, the Montreal Protocol, and the London, Copenhagen and Montreal Amendments

The *Eleventh Meeting of the Parties* decided in *Dec. XI/11:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that 136 Parties have ratified the London Amendment to the Montreal Protocol, while only 101 Parties have ratified the Copenhagen Amendment to the Montreal Protocol and only 29 Parties have ratified the Montreal Amendment to the Montreal Protocol as of 15 November 1999;

3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XII/7: Ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments

The *Twelfth Meeting of the Parties* decided in *Dec. XII/7:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that as of 30 November 2000, 142 Parties had ratified the London Amendment to the Montreal Protocol and 113 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, while only 46 Parties had ratified the Montreal Amendment to the Montreal Protocol;

3. To note further that only one Party has to date ratified the Beijing Amendment to the Montreal Protocol, a situation that will make it unlikely for the Amendment to enter into force by 1 January 2001 as agreed in Beijing in 1999;

4. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XIII/14: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing Amendments

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/14:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that as of 30 September 2001, 153 Parties had ratified the London Amendment to the Montreal Protocol and 128 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, while only 63 Parties had ratified the Montreal Amendment to the Montreal Protocol;

3. To note further that only 11 Parties have to date ratified the Beijing Amendment to the Montreal Protocol, a situation that made it impossible for the Amendment to enter into force by 1 January 2001 as agreed in Beijing in 1999;

4. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XIV/1: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing Amendments

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/1:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

2. To note that as of 28 November 2002. 164 Parties had ratified the London Amendment to the Montreal Protocol, 142 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, 84 Parties had ratified the Montreal Amendment to the Montreal Protocol while only 41 Parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To note further that the Beijing Amendment entered into force on 25 February 2002, on the ninetieth day following the date of deposit on which the twentieth instrument of ratification had been deposited by States or regional economic integration organizations that are Party to the Montreal Protocol on Substances that deplete the Ozone Layer;

4. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XV/1: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing amendments

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/1:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that, as of 1 November 2003, 166 Parties had ratified the London Amendment to the Montreal Protocol, 154 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, 107 Parties had ratified the Montreal Amendment to the Montreal Protocol while only 57 Parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XVI/1: Ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing amendments to the Protocol l

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/1:*

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that, as of 22 November 2004, 175 Parties had ratified the London Amendment to the Montreal Protocol, 164 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, and 121 Parties had ratified the Montreal Amendment to the Montreal Protocol, while only 84 Parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XVII/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing amendments to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/1:*

1. To note with satisfaction the large number of countries which have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note that, as of 15 December 2005, 179 Parties had ratified the London Amendment to the Montreal Protocol, 169 Parties had ratified the Copenhagen Amendment to the Montreal Protocol, and 137 Parties had ratified the Montreal Amendment to the Montreal Protocol, while only 102 Parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Article 19: Withdrawal

Decision II/6: Article 19 (Withdrawal)

The *Second Meeting of the Parties* decided in *Dec. II/6* to agree that the phrase "at any time after four years of assuming the obligations" in Article 19 should be understood to mean at any time after four years after a Party's obligation to comply became operative.

Other Decisions

Decisions on the Global Environment Facility

Decision X/33: Global Environment Facility

The *Tenth Meeting of the Parties* decided in *Dec. X/33* to note with appreciation the assistance given by the Council of the Global Environment Facility to the countries with economies in transition.

Decision XI/22: Global Environment Facility

The *Eleventh Meeting of the Parties* decided in *Dec. XI/22* to note with appreciation the continued assistance given by the Council of the Global Environment Facility to the countries with economies in transition.

Decision XII/14: Continued assistance from the Global Environment Facility to countries with economies in transition

The *Twelfth Meeting of the Parties* decided in *Dec. XII/14* to note with appreciation the assistance given by the Global Environment Facility to the phase-out of ozone-depleting substances in countries with economies in transition, and to request the Facility to clarify its future commitment to providing continued assistance to these countries with respect to all ozone-depleting substances.

Decision XV/49: Application for technical and financial assistance from the Global Environment Facility by South Africa

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/49:*

Recalling decision IX/27, in which South Africa was classified as a developing country,

Recognizing that the controlled substance in Annex E, methyl bromide, was included as a controlled substance for Article 5 countries in 1997 and that, in the same year, South Africa was also classified as an Article 5 country,

Noting that South Africa was not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties,

Noting also that South Africa expressed the need to apply for technical and financial assistance from the Multilateral Fund to phase out the controlled substance in Annex E at the twenty-second meeting of the Open-ended Working Group of the Parties to the Montreal Protocol,

Noting further that, during the twenty-second meeting of the Open-ended Working Group, South Africa was advised to negotiate for bilateral or multilateral assistance from sources other than the Multilateral Fund,

To request the Council of the Global Environment Facility to consider, on an exceptional basis, project proposals from South Africa on phasing out the controlled substance in Annex E for funding as per the conditions and eligibility criteria applicable to all countries eligible for such assistance under the Facility.

Decision XV/50: Continued assistance from the Global Environment Facility to countries with economies in transition

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/50* to note with appreciation the assistance given by the Global Environment Facility to phase out ozone-depleting substances in countries with economies in transition,

and the commitment by the Facility to continue providing in the future assistance to those countries with respect to all ozone-depleting substances.

Decision XV/51: Institutional strengthening assistance to countries with economies in transition

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/51:*

1. To note with appreciation the assistance that the Global Environment Facility has provided to date to countries with economies in transition;

2. To note also with appreciation that the Council of the Global Environment Facility has earmarked $60 million to assist countries with economies in transition phase out methyl bromide and HCFCs;

3. To note that, while such assistance has been successful in furthering ODS phase-out, continued institutional strengthening assistance is necessary to ensure that such progress is sustained and that the Parties continue to comply with their reporting obligations;

4. To note the work under way in the Council of the Global Environment Facility to develop a major capacity-building initiative across all its focal areas;

5. To urge those countries with economies in transition that are experiencing difficulty in meeting their obligations under the Protocol to consider working with the implementing agencies to seek assistance for institutional strengthening from the Global Environment Facility;

6. To request the Global Environment Facility to consider favourably such applications for assistance, in accordance with its criteria for its capacity-building.

Decisions on the relationship of the Montreal Protocol with other international agreements and institutions

Decision X/16: Implementation of the Montreal Protocol in the light of the Kyoto Protocol

The *Tenth Meeting of the Parties* decided in *Dec. X/16:*

Noting the need to implement multilateral environmental agreements in a coherent way for the benefit of the global environment,

Noting that the Conference of the Parties to the United Nations Framework Convention on Climate Change adopted the Kyoto Protocol to the Convention at its third meeting, held in Kyoto, from 1 to 11 December 1997,

Noting that the Kyoto Protocol requires Parties listed in Annex I of the Framework Convention on Climate Change to ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A of that Protocol do not exceed their assigned amounts as listed in Annex B during the first commitment period of 2008-2012,

Noting further that the greenhouse gases included in Annex A of the Kyoto Protocol include hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) in view of their high global warming potentials,

Noting that the Technology and Economic Assessment Panel has identified HFCs and PFCs as alternatives to ozone-depleting substances, and some Parties and enterprises have already changed over, and others are changing over, to such HFC and PFC technologies, and

Noting with appreciation that the Conference of the Parties to the Framework Convention on Climate Change at its fourth meeting adopted a decision on the relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system, in particular with reference to HFCs and PFCs,

To request, with a view in particular to assisting the Parties to the Montreal Protocol to assess the implications for the implementation of the Montreal Protocol of the inclusion of HFCs and PFCs in the Kyoto Protocol, the relevant Montreal Protocol bodies, within their areas of competence:

(a) To provide relevant information on HFCs and PFCs to the Secretariat of the Framework Convention on Climate Change by 15 July 1999 in accordance with operative paragraph 1 of the above-mentioned decision;

(b) To convene a workshop with the Intergovernmental Panel on Climate Change which will assist the bodies of the Framework Convention on Climate Change to establish information on available and potential ways and means of limiting emissions of HFCs and PFCs in accordance with operative paragraph 2 of the above-mentioned decision;

(c) To continue to develop information on the full range of existing and potential alternatives to ozone depleting substances for specific uses, including alternatives not listed in Annex A of the Kyoto Protocol;

(d) To otherwise continue to cooperate with the relevant bodies under the United Nations Framework Convention on Climate Change and IPCC on these matters; and

(e) To report to the Open Ended Working Group at its nineteenth meeting and to the Eleventh Meeting of the Parties to the Montreal Protocol on this work.

Decision XIII/29: Recognizing the preparations for the World Summit on Sustainable Development 2002

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/29:*

Recalling the ongoing preparations for the World Summit on Sustainable Development, which will take place in Johannesburg in 2002,

Recognizing the substantial progress made in the implementation of the objectives of the Vienna Convention and its Montreal Protocol,

Stressing that the Protocol has often been cited as an example of a well-functioning multilateral environmental agreement;

1. To note with appreciation the comprehensive preparatory process for the World Summit;

2. To recognize the need to consider ways to improve the overall effectiveness of the international environmental institutions and therefore to welcome the work undertaken by the United Nations Environment Programme (UNEP) in the framework of international environmental governance;

3. To support appropriate collaboration and synergies that may exist between multilateral environmental agreements, as agreed by the Parties to those agreements;

4. To look forward to the recommendations on this issue by the Governing Council of UNEP in its 7th special session, in February 2002, and to the final decisions by the Johannesburg Summit in September 2002 and by the third Global Ministerial Environmental Forum;

5. To request the Executive Director of UNEP to bring this decision to the attention of the President of the UNEP Governing Council and the Chairman of the Preparatory Committee of the World Summit.

Decision XIV/8: Consideration of the use of the Globally Harmonized System for the Classification and Labelling of Chemicals that deplete the ozone layer

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/8:*

Noting the value that could be attributed to labelling ozone-depleting substances under the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), such as: providing information with respect to identifying the safe handling of these substances in trade, in the workplace, and in consumer products,

Acknowledging the work of the Economic and Social Council and its subcommittee of experts that are responsible for developing the GHS,

Noting, however, that substances that deplete the ozone layer are not currently included in the GHS;

To request the Ozone Secretariat to contact the Subcommittee of Experts of the Economic and Social Council once the GHS has been adopted by Council in order to clarify whether ozone-depleting substances are included in its programme of work and, if they are not included:

(a) To evaluate the possibilities for and feasibility of including ozone-depleting substances on its work programme; and

(b) To report to the twenty-third meeting of the Open-ended Working Group of the Parties.

Decision XIV/11: The relationship between the Montreal Protocol and the World Trade Organization

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/11:*

1. To request the Ozone Secretariat to report to the Parties to the Montreal Protocol on any meetings it attends at the World Trade Organization and any substantive contacts with the World Trade Organization Secretariat and its Committee Secretariats;

2. To request the Secretariat to monitor developments in the negotiations of the World Trade Organization Committee on Trade and Environment in special session and report to the Parties;

3. To further request that the Ozone Secretariat, in coordination with the Multilateral Fund Secretariat, when called upon to provide general advice to the World Trade Organization on trade provisions of the Montreal Protocol and activities of the Multilateral Fund, consult with the Parties of the Montreal Protocol and the Executive Committee before providing this advice. If the Ozone Secretariat is asked for interpretations of the Protocol's trade provisions, the Secretariat should refer the matter to the Parties before providing that advice.

Decision XVI/34: Cooperation between the secretariat of the Montreal Protocol and other related conventions and international organizations

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/34:*

Noting that the United Nations Environment Programme has encouraged an informal institutional dialogue over several years, between convention secretariats, and that the Governing Council, at its last general session, in February 2003, encouraged the United Nations Environment Programme to develop synergies and improve cooperation between its existing institutions,

Noting also that informal dialogue has been taking place more recently between multilateral environmental agreements, including between the secretariats of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer, the United Nations Framework Convention on Climate Change, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in

International Trade, the Stockholm Convention on Persistent Organic Pollutants and the strategic approach to international chemicals management, the Food and Agriculture Organization of the United Nations, the World Trade Organization and the World Customs Organization to enhance synergies in particular in relation to the environment, health and trade,

Mindful of the need to strengthen cooperation between the Montreal Protocol and the other convention secretariats and international organizations within their respective mandates,

1. *Welcomes* the enhanced cooperation between the Secretariat of the Montreal Protocol and the other convention secretariats and international organizations;

2. *Requests* the Secretariat:

   (a) To seek opportunities to enhance its cooperation with other relevant conventions or organizations that pertain to issues related to the Montreal Protocol either, resources permitting, by attending meetings or through the exchange of factual information, including schedules of meetings;

   (b) To report to the Meeting of the Parties of the Montreal Protocol on any meetings of other conventions or organizations that it attends, any substantive contacts that it has with the relevant secretariats, and any information provided to or requested by these secretariats, mindful at all times that the Secretariat of the Montreal Protocol cannot provide any legal interpretation of the provisions of the Protocol;

   (c) To monitor developments in other related conventions and organizations of interest to the Parties to the Montreal Protocol and to report on such developments to the Meeting of the Parties of the Montreal Protocol;

   (d) To reflect on ways of enhancing information flows on matters of common interest with the other related conventions and organizations of interest to the Parties to the Montreal Protocol;

3. *Encourages* Governments to apprise their representatives that participate in the meetings of other related conventions and international organizations on the nature of the present decision.

Section 3

Relevant Annexes to the Decisions of the Parties

Section 3.1

Destruction procedures

Approved destruction processes

[Source: Annex II of the report of the Fifteenth Meeting of the Parties]

	Applicability		
	Concentrated sources		Dilute sources
Technology	Annex A, Gp. I Annex B Annex C, Gp. I	Halon (Annex A, Gp. II)	Foam
Destruction and removal efficiency (DRE)	99.99%	99.99%	95%
Cement kilns	Approved	*Not Approved*	
Liquid injection incineration	Approved	Approved	
Gaseous/fume oxidation	Approved	Approved	
Municipal solid waste incineration			Approved
Reactor cracking	Approved	*Not Approved*	
Rotary kiln incineration	Approved	Approved	Approved
Argon plasma arc	Approved	Approved	
Inductively coupled radio frequency plasma	Approved	Approved	
Microwave plasma	Approved		
Nitrogen plasma arc	Approved		
Gas phase catalytic dehalogenation	Approved		
Superheated steam reactor	Approved		

Notes:

1. The DRE criterion presents technology capability on which approval of the technology is based. It does not always reflect the day-to-day performance achieved, which in itself will be controlled by national minimum standards.

2. Concentrated sources refer to virgin, recovered and reclaimed ozone-depleting substances.

3. Dilute sources refer to ozone-depleting substances contained in a matrix of a solid, for example foam.

Code of good housekeeping

[Source: Annex III of the report of the Fifteenth Meeting of the Parties]

To provide additional guidance to facility operators, in May 1992 the Technical Advisory Committee prepared a "Code of Good Housekeeping" as a brief outline of measures that should be considered to ensure that environmental releases of ozone-depleting substances (ODS) through all media are minimized. This Code, updated by the Task Force on Destruction Technologies and amended by the Parties at their Fifteenth Meeting, in 2003, is also intended to provide a framework of practices and measures that should normally be adopted at facilities undertaking the destruction of ODS.

Not all measures will be appropriate to all situations and circumstances and, as with any code, nothing specified should be regarded as a barrier to the adoption of better or more effective measures if these can be identified. .

Pre-delivery

This refers to measures that may be appropriate prior to any delivery of ODS to a facility.

The facility operator should generate written guidelines on ODS packaging and containment criteria, together with labelling and transportation requirements. These guidelines should be provided to all suppliers and senders of ODS prior to agreement to accept such substances.

The facility operator should seek to visit and inspect the proposed sender's stocks and arrangements prior to movement of the first consignment. This is to ensure awareness on the part of the sender of proper practices and compliance with standards.

Arrival at the facility

This refers to measures that should be taken at the time ODS are received at the facility gate.

These include an immediate check of documentation prior to admittance to the facility site, coupled with a preliminary inspection of the general condition of the consignment.

Where necessary, special or "fast-track" processing and repackaging facilities may be needed to mitigate risk of leakage or loss of ODS. Arrangements should exist to measure the gross weight of the consignment at the time of delivery.

Unloading from delivery vehicle

This refers to measures to be taken at the facility in connection with the unloading of ODS.

It is generally assumed that ODS will normally be delivered in some form of container, drum or other vessel that is removed from the delivery vehicle in total. Such containers may be returnable.

All unloading activities should be carried out in properly designated areas, to which restricted access of personnel applies.

Areas should be free of extraneous activities likely to lead to, or increase the risk of, collision, accidental dropping, spillage, etc.

Materials should be placed in designated quarantine areas for subsequent detailed checking and evaluation.

Testing and verification

This refers to the arrangements made for detailed checking of the ODS consignments prior to destruction.

Detailed checking of delivery documentation should be carried out, along with a complete inventory, to establish that delivery is as advised and appears to comply with expectations.

Detailed checks of containers should be made both in respect of accuracy of identification labels, etc, and of physical condition and integrity. Arrangements must be in place to permit repackaging or "fast-track" processing of any items identified as defective.

Sampling and analysis of representative quantities of ODS consignments should be carried out to verify material type and characteristics. All sampling and analysis should be conducted using approved procedures and techniques.

Storage and stock control

This refers to matters concerning the storage and stock control of ODS.

ODS materials should be stored in specially designated areas, subject to the regulations of the relevant local authorities. Arrangements should be put in place as soon as possible to minimize, to the extent practicable, stock emissions prior to destruction.

Locations of stock items should be identified through a system of control that should also provide a continuous update of quantities and locations as stock is destroyed and new stock delivered.

In regard to storage vessels for concentrated sources of ODS, these arrangements should include a system for regular monitoring and leak detection, as well as arrangements to permit repackaging of leaking stock as soon as possible.

Measuring quantities destroyed

It is important to be aware of the quantities of ODS processed through the destruction equipment. Where possible, flow meters or continuously recording weighing equipment for individual containers should be employed. As a minimum, containers should be weighed "full" and "empty" to establish quantities by difference.

Residual quantities of ODS in containers that can be sealed and are intended to be returned for further use, may be allowed. Otherwise, containers should be purged of residues or destroyed as part of the process.

Facility design

This refers to basic features and requirements of plant, equipment and services deployed in the facility.

In general, any destruction facility should be properly designed and constructed in accordance with the best standards of engineering and technology and with particular regard to the need to minimize, if not eliminate, fugitive losses.

Particular care should be taken when designing plants to deal with dilute sources such as foams. These may be contained in refrigeration cabinets or may be part of more general demolition waste. The area in which foam is first separated from other substrates should be fully enclosed wherever possible and any significant emissions captured at that stage.

Pumps: Magnetic drive, sealers or double mechanical seal pumps should be installed to eliminate environmental releases resulting from seal leakage.

Valves: Valves with reduced leakage potential should be used. These include quarter-turn valves or valves with extended packing glands.

Tank vents (including loading vents): Filling and breathing discharges from tanks and vessels should be recovered or vented to a destruction process.

Piping joints: Screwed connections should not be used and the number of flanged joints should be kept to the minimum that is consistent with safety and the ability to dismantle for maintenance and repair.

Drainage systems: Areas of the facility where ODS are stored or handled should be provided with sloped concrete paving and a properly designed collection system. Water that is collected should, if contaminated, be treated prior to authorized discharge.

Maintenance

In general, all maintenance work should be performed according to properly planned programmes and should be executed within the framework of a permit system to ensure proper consideration of all aspects of the work.

ODS should be purged from all vessels, mechanical units and pipework prior to the opening of these items to the atmosphere. The contaminated purge should be routed to the destruction process or treated to recover the ODS.

All flanges, seals, gaskets and other sources of minor losses should be checked routinely to identify developing problems before containment is lost. Leaks should be repaired as soon as possible.

Consumable or short-life items, such as flexible hoses and couplings, must be monitored closely and replaced at a frequency that renders the risk of rupture negligible.

Quality control and quality assurance

All sampling and analytical work connected with ODS, the process and the monitoring of its overall performance should be subject to quality assessment and quality control measures in line with current recognized practices. This should include at least occasional independent verification and confirmation of data produced by the facility operators.

Consideration should also be given to the adoption of quality management systems and environment quality practices covering the entire facility.

Training

All personnel concerned with the operation of the facility (with “operation” being interpreted in its widest sense) should have training appropriate to their task.

Of particular relevance to the ODS destruction objectives is training in the consequences of unnecessary losses and in the use, handling and maintenance of all equipment in the facility.

All training should be carried out by suitably qualified and experienced personnel and the details of such training should be maintained in written records. Refresher training should be conducted at appropriate intervals.

Code of transportation

In the interest of protecting the stratospheric ozone layer, it is essential that used ODS and products containing ODS are collected and moved efficiently to facilities practising approved destruction technologies. For transportation purposes, used ODS should receive the same hazard classification as the original substances or products. In practice, this may introduce restrictions on hazardous waste shipment under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and this should be consulted separately. In the absence of such specific restrictions, the following proposed code of transportation for ODS from customer to destruction facilities is provided as a guide to help minimize damage caused to the ozone layer as a result of ODS transfers. Additional guidance is contained in the United Nations Transport of Dangerous Goods Model Regulations.

It is important to supervise and control all shipments of used ODS and products containing ODS according to national and international requirements to protect the environment and human health. To ensure that ODS and products containing ODS do not constitute an unnecessary risk, they must be properly packaged and labelled. Instructions to be followed in the event of danger or accident must accompany each shipment to protect human beings and the environment from any danger that might arise during the operation.

Notification of the following information should be provided at any intermediate stage of the shipment from the place of dispatch until its final destination. When making notification, the notifier should supply the information requested on the consignment note, with particular regard to:

(a) The source and composition of the ODS and products containing ODS, including the customer's identity;

(b) Arrangements for routing and for insurance against damage to third parties;

(c) Measures to be taken to ensure safe transport and, in particular, compliance by the carrier with the conditions laid down for transport by the States concerned;

(d) The identity of the consignee, who should possess an authorized centre with adequate technical capacity for the destruction;

(e) The existence of a contractual agreement with the consignee concerning the destruction of ODS and products containing ODS.

This code of transportation does not necessarily apply to the disposal of ODS-containing rigid insulation foams. The most appropriate way to dispose of such products may be by direct incineration in municipal waste incinerators or rotary kiln incinerators.

Monitoring

The objectives of monitoring should be to provide assurance that input materials are being destroyed with an acceptable efficiency generally consistent with the destruction and removal efficiency (DRE) recommendations listed in annex II to the present report and that the substances resulting from destruction yield environmentally acceptable emission levels consistent with, or better than, those required under national standards or other international protocols or treaties.

As there are as yet no International Organization for Standardization (ISO) standards applicable for the sampling and analysis of ODS or the majority of the other pollutants listed in annex IV to the present report, where national standards exist they should be employed. Further, where national standards exist they may be used in lieu of ISO standards provided that they have been the subject of a verification or validation process addressing their accuracy and representativeness.

As ISO develops international standards for pollutants listed in annex IV to the present report, the technical bodies charged with developing such standards should take note of the existing national standards including those identified in appendix F to the report of the Technology and Economic Assessment Panel (TEAP) of April 2002 (volume 3, report of the Task Force on Destruction Technologies) and strive to ensure consistency between any new ISO standards and the existing standard test methods, provided that there is no finding that those existing methods are inaccurate or unrepresentative.

Where national standards do not exist, the Technical Advisory Committee recommends adoption of the following guidelines for monitoring of destruction processes operating using an approved technology.

Recognizing that the Unites States of America Environmental Protection Agency (EPA) methods have been the subject of verification procedures to ensure that they are reasonably accurate and representative, that they cover all of the pollutants of interest (although not all ODS compounds have been the specific subject of verification activities), that they provide a comprehensive level of detail that should lead to replicability of the methods by trained personnel in other jurisdictions and that they are readily available for reference and downloading from the Internet without the payment of a fee, applicable EPA methods as described in appendix F to the 2002 report of TEAP may be employed.

In the interest of ensuring a common international basis of comparison for those pollutants or parameters where ISO standards exist (currently particulates, carbon monoxide, carbon dioxide and oxygen), use of those

standards is encouraged and jurisdictions are encouraged to adopt them as national standards or acceptable alternatives to existing national standards.

The use of EPA or other national standards described in appendix F is also considered acceptable, however. The precedence given to the EPA methods in the present code is based on the relative comprehensiveness of the methods available (both in scope and content), and the relative ease of access to those methods.

Measurement of ODS

Operators of destruction facilities should take all necessary precautions concerning the storage and inventory control of ODS-containing material received for destruction. Prior to feeding the ODS to the approved destruction process, the following procedures are recommended:

(a) The mass of the ODS-containing material should be determined, where practicable;

(b) Representative samples should be taken, where appropriate, to verify that the concentration of ODS matches the description given on the delivery documentation;

(c) Samples should be analysed by an approved method. If no approved methods are available, the adoption of United States EPA methods 5030 and 8240 is recommended;

(d) All records from these mass and ODS-concentration measurements should be documented and kept in accordance with ISO 9000 or equivalent.

Control systems

Operators should ensure that destruction processes are operated efficiently to ensure complete destruction of ODS to the extent that it is technically feasible for the approved process. This will normally include the use of appropriate measurement devices and sampling techniques to monitor the operating parameters, burn conditions and mass concentrations of the pollutants that are generated by the process.

Gaseous emissions from the process need to be monitored and analysed using appropriate instrumentation. This should be supplemented by regular spot checks using manual stack-sampling methods. Other environmental releases, such as liquid effluents and solid residues, require laboratory analysis on a regular basis.

The continuous monitoring recommended for ongoing process control, including off-gas cleaning systems, is as follows:

(a) Measurement of appropriate reaction and process temperatures;

(b) Measurement of flue gas temperatures before and after the gas cleaning system;

(c) Measurement of flue gas concentrations for oxygen and carbon monoxide.

Any additional continuous monitoring requirements are subject to the national regulatory authority that has jurisdiction. The performance of online monitors and instrumentation systems must be periodically checked and validated. When measuring detection limits, error values at the 95 per cent confidence level should not exceed 20 per cent.

Approved processes must be equipped with automatic cut-off control systems on the ODS feed system, or be able to go into standby mode whenever:

(a) The temperature in the reaction chamber falls below the minimum temperature required to achieve destruction;

(b) Other minimum destruction conditions stated in the performance specifications cannot be maintained.

Performance measurements

The approval of technologies recommended by TEAP is based on the destruction capability of the technology in question. It is recognized that the parameters may fluctuate during day-to-day operation from this generic capability. In practice, however, it is not possible to measure against performance criteria on a daily basis. This is particularly the case for situations where ODS only represents a small fraction of the substances being destroyed, thereby requiring specialist equipment to achieve detection of the very low concentrations present in the stack gas. It is therefore not uncommon for validation processes to take place annually at a given facility.

With this in mind, TEAP is aware that the measured performance of a facility may not always meet the criteria established for the technology. Nonetheless, TEAP sees no justification for reducing the minimum recommendations for a given technology. Regulators, however, may need to take these practical variations into account when setting minimum standards.

The ODS destruction and removal efficiency[1] for a facility operating an approved technology should be validated at least once every three years. The validation process should also include an assessment of other relevant stack gas concentrations identified in annex II to decision XV/[…] and a comparison with maximum levels stipulated in relevant national standards or international protocols/treaties.

Determination of the ODS destruction and removal efficiency and other relevant substances identified in annex IV to the present report should also be followed when commissioning a new or rebuilt facility or when any other significant change is made to the destruction procedures in a facility to ensure that all facility characteristics are completely documented and assessed against the approved technology criteria.

Tests shall be done with known feed rates of a given ODS compound or with well-known ODS mixtures. In cases where a destruction process incinerates halogen-containing wastes together with ODS, the total halogen load should be calculated and controlled. The number and duration of test runs should be carefully selected to reflect the characteristics of the technology.

In summary, the destruction and removal efficiency recommended for concentrated sources means that less than 0.1 gram of total ODS should normally enter the environment from stack-gas emissions when 1,000 grams of ODS are fed into the process. A detailed analysis of stack test results should be made available to verify emissions of halogen acids and polychlorinated dibenzodioxin and dibenzofuran (PCDD/PCDF). In addition, a site-specific test protocol should be prepared and made available for inspection by the appropriate regulatory authorities. The sampling protocol shall report the following data from each test:

(a) ODS feed rate;

(b) Total halogen load in the waste stream;

(c) Residence time for ODS in the reaction zone;

(d) Oxygen content in flue gas;

(e) Gas temperature in the reaction zone;

(f) Flue gas and effluent flow rate;

(g) Carbon monoxide in flue gas;

[1] Destruction and removal efficiency has traditionally been determined by subtracting from the mass of a chemical fed into a destruction system during a specific period of time the mass of that chemical alone that is released in stack gases and expressing that difference as a percentage of the mass of that chemical fed into the system.

(h) ODS content in flue gas;

(i) Effluent volumes and quantities of solid residues discharged;

(j) ODS concentrations in the effluent and solid residues;

(k) Concentration of PCDD/PCDF, particulates, HCl, HF and HBr in the flue gases;

(l) Concentration of PCDD/PCDF in effluent and solids.

Suggested substances for monitoring and declaration when using destruction technologies

[Source: Annex IV of the report of the Fifteenth Meeting of the Parties]

Substances	**Units**
PCDDs/PCDFs	ng-ITEQ*/Nm3**
HCl/Cl_2	mg/Nm3
HF	mg/Nm3
HBr/Br_2	mg/Nm3
Particulates (TSP***)	mg/Nm3
CO	mg/Nm3

* ITEQ – international toxic equivalency.

** Normal cubic metre.

*** TSP – total suspended particles.

Section 3.2

Essential use exemptions

Essential-use exemptions approved by the Meetings of the Parties

[Sources: the following Annexes of each Meeting of the Parties: Annex I (Sixth); Annex VI (Seventh); Annexes II and III (Eighth); Annex VI (Ninth); Annex I (Tenth); Annex VII (Eleventh); Annex I (Twelfth); Annex I (Thirteenth); Annex I (Fourteenth); Annex I (Fifteenth); Annex to Decision XVI/12; Annex to Decision XVII/5]

	Party	CFC-11			CFC-12			CFC-113			CFC-114			Methyl chloroform						CFCs
Sixth Meeting of the Parties		**1996**	**1997**		**1996**	**1997**		**1996**	**1997**		**1996**	**1997**		**1996**	**1997**					**1996**
	Australia	80.00			200.00						10.0									
	Canada	152.00			377.00						70.0									
	EC-Belgium	90.00			95.00															
	EC-Denmark																			<5
	EC-France	618.00			1,063.00			30.1			153.0									
	EC-Germany	178.00			417.00						178.0									
	EC-Ireland	145.00			264.00															
	EC-Italy	145.00			340.00			5.0			50.0									
	EC-Portugal	3.63			8.38						1.2									
	EC-Spain	146.00			362.00			1.0			39.0									
	EC-UK	1,031.00			1,762.00			32.0			363.0									
	Finland	6.00			16.00															
	Japan	75.00			142.00			1.0			22.0									
	Poland	330.00			330.00						40.0									
	S. Africa	59.00	67.0		123.00	138.0					7.0	9.0								
	Switzerland	8.00			8.00						8.0									
	USA	749.80	658.3		2,363.20	2,177.0					343.7	343.1		56.8	56.8					
	TOTAL	**3,816.43**	**725.3**		**7,870.58**	**2,315.0**		**69.1**			**1,284.9**	**352.1**		**56.8**	**56.8**					**<5**

	Party	CFC-11			CFC-12			CFC-113			CFC-114			Methyl chloroform						CFC-12/ 114
Seventh Meeting of the Parties		**1996**	**1997**	**1998**	**1996**	**1997**	**1998**	**1996**	**1997**	**1998**	**1996**	**1997**	**1998**	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**	**1997**
	Australia		48.0	29.0		112.0	70.0					4.0	4.0							
	Canada		164.0			404.0						80.0								
	European Community		1,991.3			3,946.3			18.5			679.0								1.5
	Hungary	5.0	5.0		2.0	2.0		1.0	1.0		2.0	2.0								
	Israel	2.0	2.0		4.8	4.8		0.5	0.4											
	Japan		57.0			147.0			0.8			35.2								
	USA	328.0	331.0		437.5	431.0					40.8	19.0		2.9	3.7	60.1	59.6	58.4	58.4	
	TOTAL	**335.0**	**2,598.3**	**29.0**	**444.3**	**5,047.1**	**70.0**	**1.5**	**20.7**		**42.8**	**819.2**	**4.0**	**2.9**	**3.7**	**60.1**	**59.6**	**58.4**	**58.4**	**1.5**

	Party	CFC-11			CFC-12			CFC-113			CFC-114			Halon-2402	
Eighth Meeting of the Parties		**1997**	**1998**	**1999**	**1997**	**1998**	**1999**	**1997**	**1998**	**1999**	**1997**	**1998**	**1999**	**1996**	**1997**
	Australia	8.0			22.0										
	Canada		128.0			320.0						65.0			
	European Community		1,778.0			3,307.0			16.0			509.0			
	Japan		53.0	37.0		105.0	75.0		0.5	0.5		23.0	24.0		
	Poland	130.0	130.0		220.0	220.0					30.0	30.0			
	Russian Federation	266.0			266.0									352.0	300.0
	South Africa		62.0			156.0						5.0			
	Switzerland	2.0	2.0		4.0	4.0					2.0	2.0			
	USA	149.3	1,204.3		415.8	2,814.7					131.5	369.0			
	TOTAL	555.3	3,357.3	37.0	927.8	6,926.7	75.0		16.5	0.5	163.5	1,003.0	24.0	352.0	300.0
Ninth Meeting of the Parties		**1998**	**1999**		**1997**	**1998**	**1999**	**1998**	**1999**		**1998**	**1999**		**1998**	
	Australia	35.0	49.0			85.00	120.0					5.0			
	European Community		1,690.0				2,857.0		19.00			434.0			
	Hungary	6.0	3.0			2.25	3.0	0.23	0.23		1.7	3.0			
	Russian Federation	226.0				226.00								255.0	
	USA**		1,085.3		3		2,539.7					280.8			
	TOTAL	267.0	2,827.3		3	313.25	5,519.7	0.23	19.23		1.7	722.8		255.0	
Tenth Meeting of the Parties		**1999**	**2000**		**1999**	**2000**		**1997**	**1998**	**1999**	**2000**	**1999**	**2000**	**1999**	
	Australia	45.0	63.0		90.0	153.7							3.3		
	Canada	140.0	140.0												
	European Community		1,415.0			2,057.0				0.1	6.1		292.0		
	Poland	120.0	125.0		235.0	245.0		1.7	1.7	1.7		25.0	30.0		
	Russian Federation													160.0	
	USA		1,013.0			2,391.0							331.0		
	TOTAL	305.0	2,756.0		325.0	4,846.7		1.7	1.7	1.8	6.1	25.0	656.3	160.0	
Eleventh Meeting of the Parties		**2000**	**2001**		**2000**	**2001**		**2000**	**2001**			**2000**	**2001**	**2000**	
	European Community		1,243.0			1,813.0			7.00				207.0		
	Hungary	0.5	0.5		0.5	0.5		0.25	0.25			0.5	0.5		
	Japan	32.0	27.0		55.0	54.0		0.20	0.20			11.0	7.0		
	Poland							1.70							
	Russian Federation													90.0	
	USA		918.0			1,947.0							236.0		
	TOTAL	32.5	2,188.5		55.5	3,814.5		2.15	7.45			11.5	450.5	90.0	

	Party	CFCs (11,12, 114)			CFC-113		
Twelfth Meeting of the Parties		**2001**	**2002**		**2001**		
	Australia	11.0	11.0				
	European Community		2,785.0				
	Poland	320.0	300		0.85		
	USA		2900.0				
	TOTAL	331.0	5,996.0		0.85		
Thirteenth Meeting of the Parties		**2002**	**2003**		**2002**	**2003**	
	Australia						
	European Community		2,539.0			40.0	
	Hungary	1.5	1.5		0.25	0.25	
	Japan	45.0			0.85		
	Poland						
	Russian Federation	396.0	391.0				
	Ukraine	144.0	120.0				
	USA	550.0	3,270.0				
	TOTAL	1,136.5	6,231.5		1.10	40.25	
Fourteenth Meeting of the Parties		**2003**	**2004**				
	Australia	11.0	11.0				
	European Community		1,885.0				
	Japan	40.0	30.0				
	Poland	240.0	236.0				
	Russian Federation	396.0					
	USA		2,975.0				
	TOTAL	687.0	5,137.0				
Fifteenth Meeting of the Parties		**2004**	**2005**				
	European Community	2,043.0	1,030.0				
	Poland	78.0					
	Russian Federation	378.0	336.0				
	Switzerland	0.5					
	Ukraine	83.5					
	USA		1,902.0				
	TOTAL	2,583.0	3,268.0				
Sixteenth Meeting of the Parties		**2005**	**2006**				
	European Community		550.0				
	Russian Federation						
	Ukraine	53.1					
	USA		1,900.0				
	TOTAL	53.1	2,450.0				
Seventeenth Meeting of the Parties		**2006**	**2007**				
	European Community	539.0					
	Russian Federation	400.0	243.0				
	USA	1,100.0	1,000.0				
	TOTAL	2,039.0	1,243.0				

Summary by year of essential use exemptions

Summary	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
CFCs	13,869.61	13,530.50	11,990.38	9,882.33	8,366.75	6,792.80	7,133.60	6,958.75	7,720.0	3,321.1	4,489.0	1,243.0
Halon-2402	352.00	300.00	255.00	160.00	90.00							
Methyl Chloroform	59.70	60.50	60.10	59.60	58.40	58.40						
TOTAL	**14,281.31**	**13,891.00**	**12,305.48**	**10,101.93**	**8,515.15**	**6,851.20**	**7,133.60**	**6,958.75**	**7,720.0**	**3,321.1**	**4,489.0**	**1,243.0**

All quantities expressed in metric tonnes.

Conditions applied to exemption for laboratory and analytical uses

[Source: Annex II of the report of the Sixth Meeting of the Parties]

1. Laboratory purposes are identified at this time to include equipment calibration; use as extraction solvents, diluents, or carriers for chemical analysis; biochemical research; inert solvents for chemical reactions, as a carrier or laboratory chemical and other critical analytical and laboratory purposes. Production for laboratory and analytical purposes is authorized provided that these laboratory and analytical chemicals shall contain only controlled substances manufactured to the following purities:

	%
CTC (reagent grade)	99.5
1,1,1-trichloroethane	99.0
CFC-11	99.5
CFC-13	99.5
CFC-12	99.5
CFC-113	99.5
CFC-114	99.5
Other w/Boiling P>20^{o} C	99.5
Other w/Boiling P<20^{o} C	99.0

2. These pure controlled substances can be subsequently mixed by manufacturers, agents, or distributors with other chemicals controlled or not controlled by the Montreal Protocol as is customary for laboratory and analytical uses.

3. These high purity substances and mixtures containing controlled substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three litres or in 10 millilitre or smaller glass ampoules, marked clearly as substances that deplete the ozone layer, restricted to laboratory use and analytical purposes and specifying that used or surplus substances should be collected and recycled, if practical. The material should be destroyed if recycling is not practical.

4. Parties shall annually report for each controlled substance produced: the purity; the quantity; the application, specific test standard, or procedure requiring its uses; and the status of efforts to eliminate its use in each application. Parties shall also submit copies of published instructions, standards, specifications, and regulations requiring the use of the controlled substance.

Categories and examples of laboratory uses

[Source: Annex IV of the report of the Seventh Meeting of the Parties. (See also laboratory uses subsequently excluded in decision VII/11 and those eliminated in decision XI/15.)]

(This list is not exhaustive.)

1. Research and development (e.g. pharmaceutical, pesticide, CFC and HCFC substitutes)

   1.1 Reaction solvent or reaction feedstock (e.g. Diels-Alder and Friedel-Craft Reactions, RuO3 oxidation, allelic side bromination, etc.)

2. Analytical uses and regulated applications (including quality control)

   2.1 Reference

   – Chemical (ODS monitoring, volatile organic compound (VOC) Detection, Equipment Calibration)

   – Toxicant

– Product (adhesive bond strength, breathing filter test)

2.2 Extraction

– Pesticide and heavy metal detection (e.g. in food)

– Oil mist analysis

– Colour and food additive detection

– Oil detection in water and soil

2.3 Diluent

– Zinc, copper, cadmium detection in plants and food

– Microchemical methods to determine molecular weight or oxygen

– Measuring drug purity and residual determination

– Sterilization of lab equipment

2.4 Carrier (Inert)

– Forensic methods (e.g. fingerprinting)

– Titration (cholesterol in eggs, drug chemical characteristics, “Iodine value”, e.g. in oils and chemical products)

– Analytical equipment (Spectroscopy (Infra-red, Ultra-violet, Nuclear Magnetic Resonance, fluorescence), chromatography (High-pressure liquid chromatography, gas chromatography, thin-layer chromatography)

2.5 Tracer

– Sanitary engineering

2.6 Miscellaneous (including testing)

– Ingredient in material for testing (e.g. asphalt, metal fatigue and fracturing)

– Separation media (separation of extraneous materials such as filth and insect excreta from stored food products)

3. Miscellaneous (including biochemical)

3.1 Laboratory method development

3.2 Sample preparation using solvent

3.3 Heat transfer medium

Reporting Accounting Framework for Essential Uses other than Laboratory and Analytical Applications

[Source: Annex IV of the report of the Eighth Meeting of the Parties]

A	B	C	D	E		F (D + E)	G (C - F)	H[1]	I (H + F)	J	K	L	M[2] (I – J - L)
Year of Essential use	Ozone Depleting Substances	Amount Exempted for year of Essential use[3]	Amount Acquired by Production	Amount Acquired for Essential uses by import & Countries of Manufacture		Total Acquired for Essential use	Authorized but not Acquired	On Hand Start of the Year[1]	Available for use in current year	Used for Essential use	Quantity contained in Exported Product	Destroyed	On Hand end of Year[2]
				Amount	Country (s)								

All quantities expressed in metric tonnes.

[1] National Governments may not be able to estimate quantities on hand as at 1 January 1996 but can track the subsequent inventory of ODS produced for essential uses (Column M).
[2] Carried forward as "on hand start of the year" for next year.
[3] Note that essential use for a particular year may be the sum of quantities authorized by decision in more than one year.

Section 3.3

Assessment panels

Terms of reference for the panels

[Source: Annex VI of the report of the First Meeting of the Parties]

I. Panel for Scientific Assessment

1. The Panel for Scientific Assessment shall be responsible for undertaking the review of the scientific knowledge in a timely manner as dictated by the needs of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

2. The currently available new scientific knowledge acquired since the adoption of the Montreal Protocol shall be compiled into a report which shall be ready for submission to the Integration Working Group of the Parties ten months prior to the second meeting of the Parties to the Protocol, at which the assessment of the control measures will be undertaken.

3. The report shall be consolidated with three other review reports on environmental, economic and technical knowledge. The Integration Working Group of the Parties will be responsible for consolidating the four reports and preparing recommendations to the Parties on the assessment of the control measures specified in the Montreal Protocol. The Secretariat will formally transmit the consolidated report to the Parties at least eight months before the second meeting of the Parties to the Protocol.

4. The report shall consist of four chapters as follows:

   Chapter 1 – Introduction

   Chapter 2 – Polar ozone

   Chapter 3 – Global trends

   Chapter 4 – Model prediction

   Each chapter will be 50-100 pages in length with a 5-page summary of the chapter. The report will have a 10-page executive summary which will be written in a style understandable and useful to policy makers.

5. The Panel shall consist of selected experts who are qualified in the field of atmospheric science and internationally recognized as such. The experts who are best qualified in the subject-matter of the various chapters shall be selected ensuring the widest possible geographical balance of representation.

6. The Panel shall be organized in the following way:

   (a) The Executive Committee of the Chairmen;

   (b) The Chapter Chairmen;

   (c) The Contributing Authors.

7. The *Executive Committee of the Chairmen* shall select the experts to participate in the Panel, ensure co-ordination of the Chapter Chairmen, convene necessary meetings of the Panel and prepare the executive summary of the report.

8. The *Chapter Chairmen* shall ensure effective co-ordination among the Contributing Authors as well as ensuring co-ordination with the other review panels. They shall compile and prepare the summary of their respective chapters.

9. The *Contributing Authors* shall, as directed by the Chapter Chairmen, prepare and submit a brief report on current knowledge of their topic.

II. Panel for Environmental Assessment

1. The Panel for Environmental Assessment shall be responsible for undertaking the review of the knowledge concerning the environmental effects of the ozone depletion in a timely manner as dictated by the needs of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

2. The currently available new environmental knowledge acquired since the adoption of the Montreal Protocol shall be compiled into a report which shall be ready for submission to the Integration Working Group of the Parties ten months prior to the second meeting of the Parties to the Protocol, at which the assessment of the control measures will be undertaken.

3. The report shall be consolidated with three other review reports on scientific, economic and technical knowledge. The Integration Working Group of the Parties will be responsible for consolidating the four reports and preparing recommendations to the Parties on the assessment of the control measures specified in the Montreal Protocol. The Secretariat will formally transmit the consolidated report to the Parties at least eight months before the second meeting of the Parties to the Protocol.

4. The report shall consist of seven chapters as follows:

   Chapter 1 – Introduction

   Chapter 2 – Solar interactions

   Chapter 3 – Human health

   Chapter 4 – Terrestrial plants

   Chapter 5 – Aquatic ecosystems

   Chapter 6 – Tropospheric air quality

   Chapter 7 – Materials damage

   Each chapter will be 5-25 pages in length and consist of the following:

   – Summary

   – Introduction or background

   – State of science

   – Assessment of results

   – Research needs

   – References

   The report shall have an executive summary of approximately 10 pages written in a style understandable and useful to policy makers.

5. The Panel shall consist of selected experts who are qualified in the fields related to the environmental effects of ozone depletion and internationally recognized as such. The experts who are best qualified in the subject-matter of the various chapters shall be selected ensuring the widest possible geographical balance of representation.

6. The Panel shall be organized in the following way:

   (a) The Chairman;

   (b) The Chapter Chairmen;

   (c) The Contributing Authors;

   (d) The Reviewers.

7. The *Chairman* shall ensure co-ordination of the Chapter Chairmen, convene necessary meetings of the Panel, prepare the executive summary of the report with the Chapter Chairmen, and select the experts to participate in the Panel.

8. The *Chapter Chairmen* shall ensure effective co-ordination among the Contributing Authors as well as ensuring co-ordination with the other review panels. The Chapter Chairmen shall compile and lead the preparation of the summary of their respective chapters. The Chapter Chairmen shall also assist the Chairman in the preparation of the executive summary of the report.

9. The *Contributing Authors* shall, as directed by the Chapter Chairmen, prepare and submit a brief report of the current knowledge of their topic. The Contributing Authors shall also assist the Chapter Chairmen in the preparation of the chapter summary.

10. The *Reviewers* shall review the draft report and make necessary comments before the final submission of the report to the Integration Working Group of the Parties.

Terms of reference of the Technology and Economic Assessment Panel

[Source: Annex V of the report of the Eighth Meeting of the Parties]

Parties have requested that the Technology and Economic Assessment Panel (TEAP) annually update the status of technical feasibility and the phase-out progress.

1. Scope of Work

The tasks undertaken by the TEAP are those specified in Article 6 of the Montreal Protocol in addition to those requested from time to time at Meetings of the Parties. The TEAP analyses and presents technical information. It does not evaluate policy issues and does not recommend policy. The TEAP presents technical and economic information relevant to policy. Furthermore, the TEAP does not judge the merit or success of national plans, strategies, or regulations.

2. Organization of Technology and Economic Assessment Panel (TEAP), Technical Options Committees (TOCs) and Temporary Subsidiary Bodies (TSBs)

2.1 Size and Balance

The membership size of the TEAP should be about 18-22 to allow it to function effectively. It should consist of the Co-chairs of the TEAP, the Co-chairs of all the TOCs and 4-6 Senior Experts for specific expertise or geographical balance not covered by the TEAP Co-chairs or TOC Co-chairs. Each TOC should have two or, if appropriate, three Co-chairs. The positions of TOC Co-chairs as well as of the

Senior Experts must be filled to promote a geographical and expertise balance. The overall goal is to achieve a representation of about 50 per cent for Article 5(1) Parties in the TEAP and TOCs.

2.2 Nominations

Nominations of members to the TEAP and TOCs may be made by individual Parties to the Secretariat through their relevant government organization. Such a nomination will be forwarded to the TEAP for consideration and, in the case of nominations of the TEAP for recommendation to the Meeting of the Parties. Any nominations made by the TEAP will be communicated to the relevant Party for consultation before recommendations for appointment are made.

2.3 Appointment of Members of TEAP

In keeping with the intent of the Parties for a periodic review of the composition of the assessment panel, the Meeting of the Parties shall appoint the members of the TEAP for a period to be determined by the Parties, subject to re-endorsement by the Parties. In appointing or re-endorsing members of the TEAP, the Parties should ensure continuity as well as a reasonable turnover.

2.4 TOC Co-chairs

The Co-chairs of a TOC should not normally act as Co-chairs of another TOC.

2.5 Appointment of Members of TOCs

Each TOC should have about 20-35 members. The TOC members are appointed by the TOC Co-chairs in consultation with the TEAP.

2.6 Termination of Appointment

TEAP/TOC Co-chairs can dismiss a member by a two-thirds majority vote. A dismissed member has the right to request a vote of its relevant Panel, Committee or TSB and will be restored if supported by one-third of the members of that body. A dismissed member of the TEAP has the right to appeal to the next Meeting of the Parties through the Secretariat. A dismissed member of a TOC can appeal to TEAP, which can decide on such issues with a two-thirds majority vote, and can appeal to the next Meeting of the Parties.

2.7 Replacement

If a TOC Co-chair/Senior Expert relinquishes or is unable to function, the TEAP after consultation with the nominating Party can temporarily appoint a replacement from amongst its bodies for the time up to the next Meeting of the Parties, if necessary to complete its work. For the appointment of a new member at the Meeting of the Parties, the procedure set out in paragraph 2.2 should be followed.

2.8 Subsidiary Bodies

Temporary Subsidiary Technical Bodies (TSBs) can be appointed by the TEAP/TOCs to report on specific issues of limited duration. The TEAP/TOCs may appoint and dissolve, subject to review by the Parties, such subsidiary bodies of technical experts when they are no longer necessary. The Code of Conduct must be followed by the members of TSBs to avoid conflict of interests in the performance of their duties. For issues which cannot be handled by the existing TOCs and are of substantial and continuing nature TEAP should request the establishment by the Parties of a new TOC.

2.9 Guidelines for Nominations

The TEAP/TOCs will draw up guidelines for nominating experts by the Parties. The TEAP/TOCs will publicize a matrix of expertise available and the expertise gap in the TEAP/TOCs so as to facilitate submission of appropriate nominations by the Parties.

3. Functioning of TEAP/TOCs/TSBs

3.1 Language

The TEAP/TOCs/TSBs meetings will be held and reports and other documents will be produced only in English.

3.2 Scheduling of Meetings

The place and time of the TEAP/TOCs/TSBs meetings will be fixed by the Co-chairs.

3.3 Rules of Procedure

The rules of procedure of the Montreal Protocol will be followed in conducting the meetings of the TEAP/TOCs/TSBs, unless otherwise stated in the terms of reference for TEAP/TOCs/TSBs approved by a Meeting of the Parties.

3.4 Observers

No observers will be permitted at the TEAP, TOC or TSB meetings. However, anyone can present information to the TEAP/TOCs with prior notice and can be heard personally if the TEAP/TOCs consider it necessary.

3.5 Functioning by Members

The TEAP/TOCs/TSBs members function on a personal basis as experts, irrespective of the source of their nominations and accept no instruction from, nor function as representatives of Governments, industries, NGOs or others.

4. Report of TEAP/TOCs/TSBs

4.1 Procedures

The TEAP/TOCs/TSBs will be developed through a consensus process. The reports must reflect any minority views appropriately.

4.2 Access

Access to materials and drafts considered by the TEAP/TOCs/TSBs will be available only to TEAP/TOCs members or others designated by TEAP/TOCs/TSBs.

4.3 Review by TEAP

The final reports of TOCs and TSBs will be reviewed by the TEAP and will be forwarded, without modification (other than editorial or factual corrections which have been agreed with the Co-chairs of the relevant TOC or TSB) by the TEAP to the Meeting of the Parties, together with any comments the TEAP may wish to provide. Any factual errors in the reports may be rectified through a corrigendum following publication, upon receipt by TEAP or the TOC of supporting documentation.

4.4 Comment by Public

Any member of the public can comment to the Co-chairs of TOCs and TSBs with regard to their reports and they must respond as early as possible. If there is no response, these comments can be sent to the TEAP Co-chairs for consideration by TEAP.

5. Code of conduct by members of the Technology and Economic Assessment Panel

Code of Conduct

Members of the TEAP, TOCs and the TSBs have been asked by the Parties to undertake important responsibilities. As such, a high standard of conduct is expected of Members in discharging their duties. In order to assist Members, the following guidelines have been developed as a Code of Conduct.

1. This Code of Conduct is intended to protect Members of the TEAP, TOCs and TSBs from conflicts of interest in their participation. Compliance with the measures detailed in these guidelines is a condition for serving as a Member of the TEAP, the TOCs or the TSBs.

2. The Code is to enhance public confidence in the integrity of the process while encouraging experienced and competent persons to accept TEAP, TOC and/or TSB membership by:

    - establishing clear rules of conduct with respect to conflict of interest while and after serving as a Member, and

    - by minimizing the possibility of conflicts arising between the private interest and public duties of Members, and by providing for the resolution of such conflicts, in the public interest, should they arise.

3. In carrying out their duties, Members shall:

    - perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the TEAP, TOCs and TSBs are conserved and enhanced;

    - act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law of any country;

    - act in good faith for the best interest of the process;

    - exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;

    - not give preferential treatment to anyone or any interest in any official manner related to the TEAP, TOCs or TSBs;

    - not solicit or accept significant gifts, hospitality, or other benefits from persons, groups or organizations having or likely to have dealings with the TEAP, TOCs or TSBs;

    - not accept transfers of economic benefit, other than incidental gifts, customary hospitality, or other benefits of nominal value, unless the transfer is pursuant to an enforceable contract or property right of the Member;

    - not step out of their role as a Member to assist other entities or persons in their dealings with the TEAP, TOCs or TSBs where this act would result in preferential treatment to any person or group;

    - not knowingly take advantage of, or benefit from, information that is obtained in the course of their duties and responsibilities as a Member of the TEAP, TOCs and TSBs, and that is not generally available to the public; and

    - not act, after their term of office as a Member of the TEAP, TOCs or TSBs in such a manner as to take improper advantage of their previous office.

4. To avoid the possibility or appearance that Members of the TEAP, TOCs or TSBs might receive preferential treatment, Members shall not seek preferential treatment for themselves or third parties or act as paid intermediaries for third parties in dealings with the TEAP, TOCs or TSBs.

5. TEAP, TOC and TSB Members shall disclose activities including business or financial interest in production of ozone-depleting substances, their alternatives, and products containing ozone depleting substances and alternatives which might call into question their ability to discharge their duties and responsibilities objectively. TEAP, TOC and TSB members must annually disclose such activities. They must also disclose any financing from a company engaged in commercial activities, for their participation in the TEAP, TOC or TSB.

6. TEAP is responsible for the interpretation and TEAP/TOC/TSB Members for the application of this Code of Conduct.

Section 3.4

Critical-use exemptions for methyl bromide

Critical-use exemptions approved by Meetings of the Parties

First Extraordinary Meeting of the Parties

[Source: Annex II of the report of the First Extraordinary Meeting of the Parties]

A. Agreed critical-use categories

Country	Categories of permitted critical uses (metric tonnes)
Australia	Cut flowers – field (18.375); Cut flowers – protected (10.425); Cut flowers, bulbs – protected (7); Rice (consumer packs) (6.15); Strawberry fruit – field (67); Strawberry runners (35.75);
Belgium	Asparagus (planting material) (0.63); Chicory (0.18); Cucurbits (0.61); Cut flowers (excluding roses and chrysanthemum) (4); Cut flowers (chrysanthemum) (1.12); Leeks and onions – planting stock (0.66); Lettuce and endive – protected (25.19); Nursery (0.9); Orchard – pome fruit and berries – replant (1.35); Pepper, eggplant – protected (3); Strawberry runners (3.4); Tomatoes – protected (5.7); Tree nursery (0.23)
Canada	Pasta and flour mills (47); Strawberry runners (7.952)
France	Carrots (8); Chestnuts (2); Cut flowers, bulbs – protected and open field (60); Eggplant, pepper, tomato – protected and field (125); Forest nurseries (10); Mills and processors (40); Orchard and raspberry – replant (25); Orchard and raspberry nurseries (5); Rice (consumer packs) (2); Strawberry runners (40); Strawberry fruit – protected and open field (90);
Greece	Cucurbits – protected (30); Tomato – protected (156);
Italy	Cut flowers, bulbs – protected (250); Eggplant – protected (194); Melon – protected (131); Pepper – protected (160); Strawberry fruit – protected (407); Strawberry runners (120); Tomato – protected (871);
Japan	Chestnuts (4.6); Cucumber (39.4); Melon (94.5); Peppers (74.1); Watermelon (71.4)
Portugal	Cut flowers – protected and open field (50);
Spain	Cut flowers (Andalusia) – protected (53); Cut flowers (Catalonia) – carnation, protected and open field (20); Peppers – protected (200); Strawberry fruit – protected (556); Strawberry runners (230)
United Kingdom	Cheese stores (traditional) (1.640); Food storage (dry goods) – structure (1.1); Mills and processors (47.13); Miscellaneous dry nuts, fruit, beans, cereals, seeds (2.4); Ornamental tree nurseries (6); Spices (structural/equipment) (1.728); Stored spices (0.03); Strawberries and raspberries – fruit (68); Tobacco (product/machinery) (0.050)
United States of America	Chrysanthemum cuttings – rose plants (nursery) (29.412); Cucurbits – field (1187.8); Dried fruit, beans and nuts (86.753); Eggplant – field (73.56); Forest nursery seedlings (192.515); Fruit tree nurseries (45.8); Ginger production – field (9.2); Mills and processors (483); Orchard replant (706.176); Peppers – field (1085.3); Smokehouse ham – (building and product) (0.907); Strawberry fruit – field (1833.846); Strawberry runners (54.988); Sweet potato – field (80.83); Tomato – field (2865.3); Turfgrass (206.827)

B. Permitted levels of production and consumption of methyl bromide necessary to satisfy critical uses in 2005

Country	(metric tonnes of methyl bromide)
Australia	145
Belgium*	47
Canada	55
France*	407
Greece*	186
Italy*	2,133
Japan	284
Portugal*	50
Spain*	1,059
United Kingdom*	128
United States of America	7,659

* The production and consumption of the European Community shall not exceed 3,910 metric tonnes for the purposes of the agreed critical uses, and 100 metric tonnes of stocks.

Sixteenth Meeting of the Parties

[Source: Annex to Decision XVI/2]

Section IA: 2005 – agreed supplemental critical-use categories

Country	Categories of permitted critical uses (metric tonnes)
Australia	Almonds (1.9)
Belgium	Mills (0.2), electronic equipment (0.1), woodworking premises (0.3), food premises (0.3), food storage dry structure (0.12), old buildings (1.15), empty silo (0.05), food processing premises (0.03), flour mill (9.515), artefacts and structures (0.59), churches, monuments and ships quarters (0.15), antique structures and furniture (0.319)
Canada	Strawberry runners (6.84)
France	Cucurbits (60), melon (7.5), seeds post harvest (0.135)
Germany	Artefacts (0.25), mills and processors (45)
Greece	Cut flowers (14), dried fruit (4.28), mills and processors (23)
Israel	Artefacts (0.65), cut flowers, protected (303), cut flowers, open fields (77), dates post harvest (3.444), flour mills – machinery and storages (2.14), furniture imported (1.422), fruit tree nurseries (50), potato (239), strawberry runners (35), strawberry fruit (196), melon (125.65), seed production (56)
Italy	Mills and processors (160), artefacts (5.225)
Japan	Chestnut (2.5), cucumber (48.9), ginger field (119.4), ginger protected (22.9), melon (99.6), watermelon (57.6), peppers hot (23.2), peppers green (89.9)
Netherlands	Strawberry runners (0.12)
New Zealand	Strawberry fruit (42), strawberry runners (8)
Poland	Strawberry runners (40), dry commodities (4.1)
Switzerland	Mills and processors (8.7)
United Kingdom	Mills and processors biscuits (2.525), spices (building) (3.0), spices and pappadum (0.035), woven baskets (0.77)
United States of America	Dried fruit and nuts (2.413), eggplant field (3.161), peppers field (9.482), tomato field (10.746), dry commodities structures (cocoa) (61.519), dry commodities – processed foods, herbs, spices, dried milk (83.344), ornamentals (154), smokehouse ham (67), strawberry fruit (219)

Section IB: 2005 – permitted supplemental levels of production and consumption

Country	(metric tonnes of methyl bromide)
Australia	1.9
Belgium*	12.824
Canada	6.84
France*	67.635
Germany*	45.25
Greece*	41.28
Israel	1074
Italy*	165.225
Japan	464
Netherlands*	0.12
New Zealand	40.5
Poland*	44.1
Switzerland	8.7
United Kingdom*	6.33

* The supplementary production and consumption of the European Community shall not exceed 382.764 metric tonnes for the purposes of the agreed supplementary critical uses.

Section IIA: 2006 agreed critical-use categories

Country	Categories of permitted critical uses (metric tonnes)
Australia	Almonds (2.1), cut flowers (22.35), cut flowers bulbs protected (5.25), rice consumer packs (6.15), strawberry runners (30)
Belgium	Food premises (0.3)
Canada	Strawberry runners (8.666), flour mills (27.8), pasta manufacturing facilities (8.4)
France	Carrots (8), chestnut (2), cucurbits (60), forest nurseries (10), orchard and raspberry replant (25), orchard and raspberry nurseries (5), peppers (27.5), rice consumer packs (2), seeds post harvest (0.135), strawberry fruit (86), strawberry runners (40), cut flowers bulbs (52), eggplant (22), tomato (48.4), melon (6.0), mills and processors (35)
Israel	Artefacts and libraries (0.65), cut flower open field (67), flour mills machinery and storages (1.49), fruit tree nurseries (45), strawberry fruit (196), strawberry runners (35), dates post harvest (2.755), cut flowers protected (240), melon (99.4), potato (165), seed production (28)
Italy	Strawberry runners (120), strawberry fruit protected (320), tomato protected (697), eggplant protected (156), cut flowers bulbs protected (187), melon protected (131), pepper protected (130), artefacts (5.225)
Japan	Chestnuts (6.5), cucumber (87.6), ginger field (119.4), ginger protected (22.9), melon (171.6), watermelon (60.9), peppers green (98.4), peppers hot (13.9)
New Zealand	Strawberry fruit (34), strawberry runners (8)
Poland	Strawberry runners (40), dry commodities (3.56)
Spain	Peppers protected (155), strawberry fruit protected (499.29), strawberry runners (230), cut flowers protected (42), cut flowers protected and open field (15)
Switzerland	Mills and processors (7.0)
United Kingdom	Ornamental tree nurseries (6), raspberry nurseries (4.4), strawberry fruit (54.5)
United States of America	Cucurbits – field (747.839), dried fruit and nuts (80.649), forest nursery seedlings (157.694), nursery stock – fruit trees, raspberries, roses (64.528), strawberry runners (56.291), turfgrass (131.6), dry commodities cocoa beans (46.139), dry commodities/structures (56.253), eggplant field (81.253), mills and processors (394.843), peppers field (806.877), strawberry fruit field (1523.180), tomato field (2222.934), orchard replant (527.6)

Section IIB: 2006 – permitted levels of production and consumption

Country	(metric tonnes of methyl bromide)
Australia	65.85
Belgium*	0.3
Canada	44.866
France*	429.035
Israel	880.295
Italy*	1746.225
Japan	581.2
New Zealand	40.5
Poland*	43.56
Spain*	941.29
Switzerland	7
United Kingdom *	64.9
United States of America	6897.68

* The production and consumption of the European Community shall not exceed 3,225.310 metric tonnes for the purposes of the agreed critical uses.

Section III – 2006 Approved critical-use nominations under paragraph 5

Party	2006 Approved critical-use nominations under paragraph 5 (metric tonnes)
Australia	Cut flowers – bulbs – protected (1.75); rice – consumer packs (6.15); strawberry runners (7.5)
Canada	Flour mills (6.974); Pasta manufacturing facilities (2.057);
France	Cut flowers, bulbs – protected and open field (8.25); eggplant (5.5); melon (4.0); mills and processors (5); tomato (12.1);
Israel	Cut flowers – protected (63); dates - postharvest (0.689); melon protected – in field (42.6); seed production (22)
Italy	Artefacts (0.275); cut flowers – bulbs – protected (63); eggplant – protected (44); melon – protected (4); peppers – protected (30); strawberry fruit – protected (80); tomato – protected (333)
Japan	Peppers – green (65.6); peppers – hot (9.3)
New Zealand	Strawberry fruit (8); strawberry runners (2)
Spain	Cut flowers – Cadiz/Sevilla – protected (11); cut flowers (Cataluna – carnation, protected and open field (3.6);
United Kingdom	Strawberry fruit (9.1)
United States of America	Dry commodities/structures (cocoa beans) (15.38); dry commodities/structures (processed foods, herbs and spices, and cheese processing facilities) (27.091); eggplant – field (20.933); mills and processors (111.139); orchard replant (300.394); peppers – field (694.497); strawberry fruit – field (397.597); tomato – field (627.552)

Second Extraordinary Meeting of the Parties

[Source: Annex to Decision Ex.II/1]

Table A: Agreed critical-use categories

Country	Categories of permitted critical uses (metric tonnes)
Australia	Cut-flowers (1.75); Strawberry runners (7.5)
Canada	Pasta manufacturing facilities (2.057); Flour mills (6.974)
Japan	Peppers (hot) (9.3); Peppers (green) (65.6)
United States of America	Ornamentals (148.483); dry-cured ham (40.854); Dry commodities/structures (cocoa beans) (9.228); Dry commodities/structures (processed foods, herbs and spices, dried milk and cheese processing facilities) (12.865); Eggplant – field, for research only (0.914); Mills and processors (66.915); Peppers – field (436.665); Strawberry fruit – field (207.648); Tomato – field (253.431)

Table B: Permitted levels of production and consumption of methyl bromide to satisfy critical uses in 2006

Country	Methyl bromide (metric tonnes)
Australia	9.250
Canada	9.031
Japan	74.900
United States of America	760.585

Seventeenth Meeting of the Parties

[Source: Annex to Decision XVII/9]

Table A. 2006 agreed critical-use categories

Country	Categories of permitted critical uses (metric tonnes)
Belgium	Antique structures and furniture (0.199), Artefacts and structures (0.307), Asparagus (0.225), Berry fruit (0.621), Chicory (0.18), Churches, monuments and ships' quarters (0.059), Cucumber (0.545), Cut flowers (1.956), Electronic equipment (0.035), Empty silo (0.043), Endive (1.65), Flour mill (0.072), Flour mills (4.17), Food premises (0.03), Mills (0.2), Nursery (0.384), Old buildings (0.306), Old buildings (0.282), Pepper and eggplant (1.35), Strawberry runners (0.9), Tomato (protected) (4.5), Tree nursery (0.155), Woodworking premises (0.101)
Germany	Artefacts (0.1), mills and processors (19.35)
Greece	Dried fruit (3.081), Cucurbits (19.2), Cut flowers (6.0), Mills and processors (15.445), Rice and legumes (2.355), Tomatoes (73.6)
Ireland	Mills (0.888)
Italy	Mills and processors (65.0)
Japan	Chestnut (0.3), Cucumber (1.2), Melon (32.3), Peppers (green & hot) (13.5), Watermelon (38.0)
Latvia	Grains (2.502)
Malta	Cucumber (0.127), Eggplant (0.17), Strawberry (0.212), Tomatoes (0.594)
Netherlands	Strawberry runners (0.12)
Poland	Coffee, cocoa beans (2.160)
Portugal	Cut flowers (8.75)
Spain	Rice (42.065)
United Kingdom	Cereal processing plants (8.131), Cheese stores (1.248), Cut flowers (6.05), Dried commodities (rice, fruits and nuts) Whitworths (1.256), Herbs and spices (0.037), Mills (Nabim) (10.195), Mills and processors (biscuits) (1.787), Structures (herbs and spices) (1.872), Structures, processors and storage Whitworths (0.880)
United States of America	Dried beans (7.07)

Table B: 2006 permitted levels of production and consumption

Country	Methyl bromide (metric tonnes)
Belgium*	18.270
Germany*	19.450
Greece*	119.681
Ireland*	0.888
Italy*	65.000
Japan	85.300
Latvia*	2.502
Malta*	1.103
Netherlands*	0.120
Poland*	2.160
Portugal*	8.750
Spain*	42.065
United Kingdom*	31.456

* The production and consumption of the European Community shall not exceed 311.445 metric tonnes for the purposes of the agreed critical uses.

Table C: 2007 agreed critical-use categories

Country	Categories of permitted critical uses (metric tonnes)
Australia	Rice (consumer packs) (5.13), Strawberry runners (35.75)
Canada	Flour mills (30.167), Strawberry runners PEI (7.995), Strawberry runners Quebec (1.826)
Japan	Chestnuts (6.5), Cucumbers (72.4), Ginger field (109.701), Ginger protected (14.471), Melon (182.2), Peppers green and hot (156.7), Watermelon (94.2)
United States of America	Cucurbits (592.891), Dry commodities/structures cocoa beans (64.082), Dried fruit and nuts (78.983), Dry commodities/structures (processed foods, herbs & spices, dried milk and cheese processing facilities) NPMA (82.771), Dry cure pork products (building and product) (18.998), Eggplant field (85.363), Forest nursery seedlings (122.032), Mills and processors (401.889), Nursery stock – fruit trees, raspberries, roses (28.275), Orchard replant (405.400), Ornamentals (137.835), Peppers field (1106.753), Strawberry fruit field (1476.019), Strawberry runners (4.483), Tomato field (2065.246), Turf grass (78.040)

Table D: 2007 permitted levels of production and consumption

Country	Methyl bromide (metric tonnes)
Australia	40.88
Canada	39.988
Japan	636.172
United States of America	5,149.060

Requirements for annual reporting of critical-use exemptions for methyl bromide

[Source: Annex I of the report of the First Extraordinary Meeting of the Parties]

A. Introduction

The format proposed here would apply to annual reporting by Parties that have obtained a critical-use exemption for a particular application. It is not intended to replace the format for requesting a critical-use exemption for a particular application for the first time.

It should be noted that, in addition to a reporting format for holders of multiple-year exemptions, Australia proposes that this format would also be used by holders of single-year exemptions to reapply for a subsequent year's exemption (for example, nominees approved for single-year exemptions for 2005 seeking further exemptions for 2006).

In addition, Australia notes that it may be useful for the following format to be prefaced by cover pages similar to those detailed in the 2003 critical use handbook, which summarize the critical-use nomination and provide the contact details of the nominating Party.

From 2005 onwards, Parties' experience in the submission and assessment of reporting on critical-use exemptions may reveal improvements that could usefully be made to the reporting parameters outlined in the present document. Acknowledging this potential, and to ensure continuous improvement of the exemption reporting process, it is noted that Parties will have the opportunity to review the annual reporting parameters at a future date to ensure that they continue:

(a) To meet their expectations regarding the provision of transparent and adequate data on exemption holders' progress in achieving transition;

(b) To provide a streamlined format that does not compromise the level of data required for scrutiny by the Parties, but also does not place an unnecessarily onerous burden on nominating Parties.

Table 1: Report on transition efforts and activities

Transition efforts and activities	A. Description and implementation status	B. Outcomes to date	C. Impact on critical-use nomination/required quantities	D. Actions to address any delays/obstacles	E. Any re-changes to trials/other efforts
1. Trials of alternatives					
2. Technology transfer, scale-up, regulatory approval					
3. Commercial scale-up/deployment, market penetration					
4. Any other broader transition activities					

B. Reporting requirements

1. Implementation of the Parties' mandate on continued efforts to find alternatives

Column A requires a description of the implementation of any trials, technology transfer activities and/or other transition activities that were identified in the earlier nomination, including advice on whether the activity is complete or still underway.

Column B requires a report on the results of the transition activities (e.g., trials of alternatives – yield results achieved with the alternative in comparison to those achieved through methyl bromide treatment; deployment – percentage of users represented in a nomination covered by deployment activities and now able to transition to alternatives). In the case of trials of alternatives, reporting would include attaching copies of formal scientific trial reports. Where formal trial reports are not available (for example, where an exemption holder's transition efforts focus on grower trials), the exemption holder could include a description of all relevant parameters of the trials that are available. These could include data, as specified in the Technology and Economic Assessment Panel Handbook on Critical Use Nominations for Methyl Bromide, such as soil and climate types in which the trials were conducted, plant-back times observed, the rate of methyl bromide andalternatives application (kg/hectare or g/m^2), the proportionate mix of methyl bromide and chloropicrin, etc.

Column C requires a summary of the implication of the trial and activity results and outcomes, such as what impact they would have on the quantity of methyl bromide required for the critical-use nomination. For example, positive results from technology transfer or deployment activities could lead to the nominating Party identifying a reduction in the quantity required for the subsequent year of the exemption.

Column D: where any obstacles or delays beyond the control of the exemption holder arose to hinder their transition activities, this column requires a description of those obstacles or delays and a detailed plan, including time-specific milestones, for actions to address such problems and maintain the transition momentum.

Column E: where trials, technology transfer or other transition activities have been undertaken but have yielded negative results (e.g., trials demonstrated technical problems with an alternative, deployment activities revealed unanticipated economic infeasibility, etc), column E requires a description of the new or alternative transition activities to be undertaken by the exemption holder to overcome such obstacles to transition.

Row 4: "Any other broader transition activities" provides a nominating Party with the opportunity to report, where applicable, on any additional activities which it may have undertaken to encourage a transition, but need not be restricted to the circumstances and activities of the individual nomination. Without prescribing specific activities that a nominating Party should address, and noting that individual Parties are best placed to identify the most appropriate approach to achieve a swift transition in their own circumstances, such activities could include market incentives, financial support to exemption nominees and exemption holders, labelling, product prohibitions, public awareness and information campaigns, etc.

Notes: For an exemption holder or nominee to qualify for an exemption, a commitment must be demonstrated to finding technically and economically viable alternatives and achieving a transition to the use of alternatives. In particular, decision IX/6 requires the following of an exemption nominee:

> "It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes... Non-Article 5 Parties must demonstrate that research programmes are in place to develop and deploy alternatives and substitutes. Article 5 Parties must demonstrate that feasible alternatives shall be adopted as soon as they are confirmed as suitable to the Party's specific conditions…".

Section 1 provides the means by which exemption holders and nominees can report on their current progress in implementing that mandate. The nature of the information provided would vary according to the specific actions that had been outlined in each original nomination, but for ease of review the information should be structured as presented in table 1 above.

2. Registration of an alternative

Where a nomination identified that an alternative was not yet registered at the time of the original nomination's submission, but it was anticipated that one would be subsequently registered, the nominating Party should report on the progress of the alternative through the registration process. This report should include any efforts by the Party to "fast track" or otherwise assist the registration of the alternative.

Where significant delays or obstacles have been encountered to the anticipated registration of an alternative, the exemption holder should identify the scope for any new/alternative efforts that could be undertaken to maintain the momentum of transition efforts, and identify a time-frame for undertaking such efforts.

Where an alternative was de-registered subsequent to submission of the original nomination, the nominating Party would report the de-registration, including reasons for it. The nominating Party would also report on the de-registration's impact (if any) on the exemption holder's transition plan and on the proposed new or alternative efforts that will be undertaken by the exemption holder to maintain the momentum of transition efforts.

Notes: It is understood that progress in registration of a product will often be beyond the control of an individual exemption holder as the registration process must be undertaken by the manufacturer or supplier of the product. The speed with which registration applications are processed also falls outside the exemption holder's control, resting with the nominating Party. Consequently, this section requires the nominating Party to report on any efforts it has taken to assist the registration process, noting that the scope for expediting registration will vary from Party to Party.

In recognition of the fact that it would be unreasonable to revise exemption holders' nomination because of registration delays beyond their control, this section also requires a report on the actions that are being taken to continue transition despite registration delays.

3. Implementation of recommendations of the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel

In developing recommendations on exemption nominations submitted in 2003, the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel in many cases recommended that nominees should explore and, more appropriate, implement:

(a) Options for reducing the quantity of methyl bromide required; or

(b) The use of particular alternatives not originally identified by the exemption holder as part of its transitional plan, but considered key alternatives by the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel.

Where the approval granted by the Meeting of the Parties' for exemptions included conditions incorporating those recommendations, the exemption–holder should report on its progress in exploring or implementing them as part of its annual reporting obligations.

Where a condition required the testing of an alternative or adoption of an emission minimization measure, reporting should be structured in the same format as table 1 (report on transition efforts and activities).

Where a condition related to an assessment of the economic viability of an alternative or measure to minimize use or emissions, the reporting should require to address the relevant economic data requirements identified in section 4 below.

4. Economic feasibility

Where a nomination has been approved on the basis of the economic infeasibility of an alternative, the exemption holder should report any significant changes to the underlying economics. This could include any changes to:

(a) The purchase cost per kilogram of methyl bromide and of the alternative;

(b) Gross and net revenue with and without methyl bromide, and with the next best alternative;

(c) Percentage change in gross revenues if alternatives are used;

(d) Absolute losses per hectare/cubic metre if alternatives are used;

(e) Losses per kilogram of methyl bromide requested if alternatives are used;

(f) Losses as a percentage of net cash revenue if alternatives are used;

(g) Percentage change in profit margin if alternatives are used.

Notes: Where an exemption has been approved on the basis of the economic infeasibility of an alternative, the exemption holder must have clearly described the nature of the economic infeasibility in its original nomination.

The economics of methyl bromide and of alternatives can be subject to changes over time, and it is possible that those changes could have an impact on the exemption holder's claim that an alternative is not economically viable and on its continuing eligibility for an exemption.

Given that criteria for assessing the economic feasibility of alternatives have not yet been agreed by the Parties, at the current time the seven data points identified above represent suggested guidance only. As criteria are developed and approved by the Parties for inclusion in the Technology and Economic Assessment Panel/MBTOC Handbook, the data to be provided in annual reporting would reflect those criteria and any accompanying new data requirements.

5. Reduction in quantity of methyl bromide required

Exemption holders should indicate whether the number of hectares or cubic metres identified in their earlier nominations has changed. Where the number has been reduced, the exemption holder should quantify any resultant change in the quantity of methyl bromide required.

Notes: The Critical Use Nomination Handbook requests pre-planting Parties making nominations to provide information on the number of hectares or cubic metres to be treated with methyl bromide.

In some cases, it is possible that the number of hectares or cubic metres to be treated could vary over time. As such variations can also change the quantity of methyl bromide required for the exemption, this section provides the means to monitor such variations.

Exemption quantity details

Quantity requested in original nomination: _____

Quantity recommended by Methyl Bromide Technical Options Committee Technology and Economic Assessment Panel: _____

Quantity approved by Parties: _____

Quantity required for [year]: _____

Working procedures of the Methyl Bromide Technical Options Committee relating to the evaluation of nominations for critical uses of methyl bromide

[Source: Annex I of the report of the Sixteenth Meeting of the Parties]

1. The schedule for the MBTOC assessment of critical-use exemptions will be revised as set out in the following table:

Actions	Indicative completion date
Parties submit their nominations for critical-use exemptions to the Secretariat	24 January
The nominations are forwarded to MBTOC co-chairs for distribution to the subgroups of appointed members	7 February
Nominations in full are assessed by the subgroups of appointed members. The initial findings of the subgroups, and any requests for additional information are forwarded to the MBTOC co-chairs for clearance	28 February
MBTOC co-chairs forward the cleared advice on initial findings and requests for additional information on to the nominating Party concerned and consult with the Party on the possible presumption therein	7 March
Nominating Party develops and submits its response to the MBTOC co-chairs	28 March
MBTOC meets as usual to assess nominations, including any additional information provided by the nominating Party prior to the MBTOC meeting under action 5 and any additional information provided by nominating Party through pre-arranged teleconference, or through meetings with national experts, in accordance with paragraph 3.4 of the terms of reference of TEAP, advises the nominating Party of any outstanding information regarding the information requested under action 3 for those critical-use nominations where it was unable to assess the nomination, and provides its proposed recommendations to TEAP	11 April
TEAP meets as usual in May, among other things, to assess the MBTOC report on critical-use nominations and submits the finalized report on recommendations and findings to the Secretariat	early May
The Secretariat posts the finalized report on its web site and circulates it to the Parties	mid-May
Nominating Party has the opportunity to consult with MBTOC on a bilateral basis in conjunction with the Open-ended Working Group meetings	early July
The nominating Party submits further clarification for the critical-use nomination in the "unable to assess" category or if requested to do so by the Open-ended Working Group, and provides additional information should it wish to appeal against a critical-use nomination recommendation by MBTOC	early August
MBTOC meets to reassess only those critical-use nominations in the "unable to assess" category, those where additional information has been submitted by the nominating Party and any critical-use nominations for which additional information has been requested by the Open-ended Working Group	late August
MBTOC final report is made available to Parties through TEAP	early October

2. Standard presumptions that underlie MBTOC recommendations of critical-use nominations need to be transparent and technically and economically justified, and should be clearly stated in its reports, and submitted to the Parties for approval at the Seventeenth Meeting of the Parties, and thereafter on an annual basis. Reaffirming that the individual circumstances are the primary point of departure for an assessment of a nomination, MBTOC should not apply standard presumptions where the Party has demonstrated that the individual circumstances of the nomination indicate otherwise.

3. In the event that a nomination has been recommended for rejection or reduction as assessed under action 6 above, MBTOC will give the nominating Party the opportunity to send detailed corroborating information taking into account the circumstances of the nomination. On the basis of this additional information (and possible consultations with the nominating Party by pre-arranged teleconference) MBTOC will reassess this nomination.

4. Although the burden of proof remains with the Party to justify a request for a critical-use exemption, MBTOC will provide in its report a clear explanation of its operation with respect to the process of making determinations for its recommendations, and clearly state the approach, assumptions and reasoning used in the evaluation of the critical-use nominations. When cuts or denials are proposed, the description should include citations and also indicate where alternatives are technically and economically feasible in circumstances similar to those in the nomination, as described in decision Ex.1/5, paragraph 8.

5. Communications between the nominating Party and MBTOC will be based on the principles of fairness and due process, on the basis of corroborating written documentation, and will be properly reflected in the MBTOC and TEAP reports.

6. The role of the Secretariat should be central in regard to assistance in organizational, administrative and technical aspects of the process whereby the efficiency, operations and communications could be enhanced.

7. MBTOC is requested to develop and keep up to date an expanded matrix describing the conditions under which alternatives are technically and economically feasible. The matrix should include detailed references, such as citations of trial reports demonstrating this feasibility or case studies of commercial operation. Before application, the Parties should approve the matrix and any subsequent changes.

8. MBTOC, when holding its meeting, can consult the nominating Party through pre-arranged teleconference or through face-to-face discussions with national experts, in accordance with paragraph 3.4 of the terms of reference for the Technology and Economic Assessment Panel, in order to facilitate a transparent exchange of information and understanding between MBTOC and the critical-use exemption applicant.

9. It is recalled that paragraphs 9 (f) and 9 (g) of decision Ex.I/4 request TEAP to recommend an accounting framework and to provide a format for a critical-use exemption report.

10. Despite the opportunities given to the nominating Party to supply any additional information required in support of its nomination, MBTOC should categorize the nomination as "unable to assess" if there is insufficient information to make an assessment, and clearly explain what information was missing.

Membership of the Methyl Bromide Technical Options Committee

[Source: Annex I of the report of the Sixteenth Meeting of the Parties]

11. TEAP and MBTOC are urged to apply strictly the current terms of reference of TEAP approved by the Eighth Meeting of the Parties in its decision VIII/9, in particular:

    (a) To draw up guidelines for nominating experts by the Parties to be published by the Secretariat;

    (b) To publish and keep current a matrix showing existing and needed skills for the MBTOC members. In so doing, MBTOC may like to use all available UNEP publications, the Secretariat web page, the regional ozone officers' network meetings and any other means considered appropriate. Parties, and in particular Parties operating under Article 5, are urged to consider nominating experts to MBTOC in those areas where missing skills and expertise have been identified by MBTOC;

    (c) To ensure that MBTOC has about 20–35 members as set out in the terms of reference of

TEAP, while also ensuring coverage of the required expertise;

    (d) In order to meet the overall goal of achieving a representation in the Committee of about 50 per cent for Parties operating under Article 5, where candidates from Parties operating under Article 5 and those not so operating have equivalent expertise and experience, the MBTOC co-chairs shall give preference to the appointment of those experts from Parties operating under Article 5. The MBTOC co-chairs, supported by the Ozone Secretariat, should aim to achieve a balanced membership within two years, or as soon as possible thereafter. The Parties shall monitor progress in pursuing a balanced membership by reviewing the advice provided in the work plan on the composition of MBTOC;

    (e) Skills and expertise in the following fields, among others deemed necessary by MBTOC, should be represented:

        (i) Chemical and non-chemical alternatives to methyl bromide;

(ii) Alternative methods of pest control that have replaced or could replace significant uses of methyl bromide;

(iii) Technology transfer or extension activities related to alternatives;

(iv) Regulatory processes of registration;

(v) Agricultural economics;

(vi) Weed control;

(vii) Resistance management;

(viii) Recapture and recycling of methyl bromide.

12. MBTOC should ensure a membership with substantive practical and first-hand experience. With respect to (i), (ii), (iii) and (vi) above, preference should be given to candidates who have experience in the implementation of more than one alternative.

13. With a view to supporting a timely review process and ensuring additional expertise that may be required for a particular critical-use nomination, MBTOC may seek assistance from additional experts who, at the request of MBTOC, should provide written input and assist in the review of MBTOC documents. These consulting experts can be invited by the MBTOC co-chairs, on an exceptional basis, to be heard personally at a meeting of MBTOC. For reasons of transparency and accountability, the role and type of input of these consulting experts should be clearly set out.

14. Candidates should be willing to undertake an evaluation of a proportion of the nominations before arriving at the meeting in order to take advantage of all the local resources available (library, internet, reports); and to undertake any work after the meeting necessary to finalize the report.

15. An annual work plan will enhance the transparency of, and insight in, the operations of MBTOC. Such a plan should indicate, among other things:

(a) Key events for a given year;

(b) Envisaged meeting dates of MBTOC, including the stage in the nomination and evaluation process to which the respective meetings relate;

(c) Tasks to be accomplished at each meeting, including appropriate delegation of such tasks;

(d) Timing of interim and final reports;

(e) Clear references to the timelines relating to nominations;

(f) Information related to financial needs, while noting that financial considerations would still be reviewed solely in the context of the review of the Secretariat's budget;

(g) Changes in the composition of MBTOC, pursuant to the criteria for selection;

(h) Summary report of MBTOC activities over the previous year, including matters that MBTOC did not manage to complete, the reasons for this and plans to address these unfinished matters;

(i) Matrix with existing and needed skills and expertise; and

(j) Any new or revised standards or presumptions that MBTOC seeks to apply in its future assessment of critical-use nominations, for approval by the Meeting of the Parties.

16. The annual work plan should be drawn up by MBTOC (supported by the Ozone Secretariat) in consultation with TEAP, which shall submit it to the Meeting of the Parties each year.

Further guidance on the criteria for the evaluation of nominations for critical uses of methyl bromide

[Source: Annex I of the report of the Sixteenth Meeting of the Parties]

1. On the availability of technically and economically feasible alternatives, and economic feasibility

17. Pending further consideration by the Meeting of the Parties, MBTOC shall continue to define:

(a) "Alternatives" as any practice or treatment that can be used in place of methyl bromide;

(b) "Existing alternatives" as those alternatives in present or past use in some regions; and

(c) "Potential alternatives" as those alternatives in the process of investigation or development.

18. Understanding of the concept of "availability" shall be primarily guided by the alternative's market presence in sufficient quantities and accessibility, taking into account, among other things, regulatory constraints.

19. To the factors already listed in annex I, part B, paragraph 4 of the report of the Extraordinary Meeting of the Parties, with regard to paragraphs 6 and 9 (c) of decision Ex.I/4, the following are added:

(a) The difference in purchasing costs between methyl bromide and the alternatives per treated areas, mass, or volume, and related costs such as new equipment, labour costs and losses resulting from closing the fumigated object for an extended period of time;

(b) Difference in yield per hectare, including its quality, and harvest time, between the alternative and methyl bromide;

(c) Percentage change in net revenue if alternatives are used.

20. In line with paragraph 4 above, in any case in which a Party makes a nomination which relies on the economic criteria of decision IX/6, MBTOC should, in its report, explicitly state the central basis for the Party's economic argument and explicitly explain how it addressed that factor, and, in cases in which MBTOC recommends a cut; MBTOC should also provide an explanation of its economic feasibility.

21. As regards significant market disruption, it is recalled that paragraph 1 (a) (i) of decision IX/6 provides that a use of methyl bromide should qualify as "critical" only if the nominating Party determines that the specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption. Parties are invited to include in their nominations, information on their determination referred to in paragraph 1 (a) (i) of decision IX/6.

2. On the duration of critical-use nomination of methyl bromide

22. It is recalled that the Sixteenth Meeting of the Parties adopted decision XVI/3, related to the duration of critical-use nominations of methyl bromide.

3. On aggregation of nominations

23. It is reaffirmed that applications shall be considered on a case-by-case basis. In that context, MBTOC shall continue its current approach as regards the level of aggregation or disaggregation.

4. On individual circumstances of nominations

24. In the interest of fair and equal treatment, nominations should be assessed in the light of compliance with the criteria of decision IX/6 and other relevant decisions, irrespective of the size or number of tonnes in the nomination. MBTOC is invited to propose a streamlined method for assessing small nominations to the degree that the method is consistent with the principle stated above.

25. If a particular product is not registered or subject to national or local regulatory restrictions, or if it becomes de-registered, MBTOC should recommend a critical-use exemption, provided there are no other feasible alternatives according to decision IX/6 for the specific situation. MBTOC should request written advice from the nominating Party, which may include advice from the manufacturer of an alternative.

26. In cases where alternatives are currently in the registration process, MBTOC should note this fact. It is acknowledged that a Party does not always have the capability to influence the registration of alternatives. A nominating Party should inform MBTOC when registration occurs and MBTOC should take this kind of information into account when recommending critical-use exemptions, as is already requested by the Parties in decision IX/6, paragraph 1 (b) (iii).

5. On the handbook on critical use nominations for methyl bromide

27. The handbook is a general reference for all those involved in the critical-use exemption process, in part owing to the convenience of using the handbook as a general reference volume for methyl bromide decisions, as well as the critical-use nomination procedure. Therefore, the handbook should be reframed to become a comprehensive “one-stop shop” that includes information on methyl bromide decisions, working procedures and terms of reference of MBTOC, the critical-use nomination process, agreed standard presumptions and other related topics. The text should be taken as far as possible, however, directly from decisions of the Meeting of the Parties or other language that has been approved by the Parties.

28. The onus remains on the nominating Party to provide sufficient information in order for MBTOC to be able to assess whether critical-use nominations comply fully with decision IX/6. The handbook should inform Parties which information requirements are needed.

29. TEAP and its MBTOC should be responsible for updating the handbook. TEAP and its MBTOC should not put any new proposals in the handbook which do not have a basis in a decision of the Meeting of the Parties. Factual updates of the handbook incorporating the specific language of the decisions of the Parties do not require prior approval from the Parties. Otherwise, updates require approval from the Parties.

6. On approach, assumptions and reasoning to be used in the evaluation

30. Decision IX/6 is the basis for the assessment of critical-use exemptions by MBTOC.

31. While the burden of proof remains with the nominating Party to justify the request for a critical-use exemption, MBTOC, in its report, should indicate whether the nominating Party has provided the information in order for MBTOC to determine that the Party has met the applicable criteria set out in decision IX/6 and related decisions.

32. Exemptions must fully comply with decision IX/6 and other relevant decisions, and are intended to be limited to the levels needed for critical-use exemptions, temporary derogations from the phase-out of

methyl bromide in that they are to apply only until there are technically and economically feasible alternatives that otherwise meet the criteria in decision IX/6. MBTOC should take a precise and transparent approach to the application of the criteria, having regard, especially, to paragraphs 4 and 20 above.

7. On similar circumstances

33. When MBTOC makes differentiated recommendations on nominations that cover the same use, it should clearly explain why one country's nomination is being treated differently than the nominations of other countries or the nominations of the same country, based on more information and citations of feasible alternatives relevant to these nominations, thus eliminating unjustified inconsistencies in assessments and ensuring equal treatment of nominations.

8. On market penetration of alternatives

34. When considering the market penetration of an alternative in a nominating Party, MBTOC should evaluate the critical-use nominations based on information provided by the Parties and other information, in accordance with the terms of reference of TEAP, and in the light of likely implementation time in the circumstances of the nomination, and provide recommendations. In evaluating, MBTOC should request written advice from the nominating Party, which may include further information from the manufacturer of an alternative.

35. In situations where MBTOC recommends a nomination on grounds that it is necessary to have a period for adoption of alternatives, the basis for calculating the time period must be explained fully in the TEAP report and take fully into account the information provided by the nominating Party, the supplier, the distributor or the manufacturer. Relevant factors for such a calculation include the number of enterprises that need to transition, e.g., the number of fumigation and pest control companies, estimated training time assuming full effort, opportunities for importing alternative equipment and expertise if not available locally, and costs involved.

36. A case-by-case approach by MBTOC for each specific nomination (on the basis of information provided according to paragraph 35 above) is necessary above a one-size-fits-all approach when considering penetration of alternatives and transition times.

9. On conflict of interest

37. The members of MBTOC should be required to declare any interest that they may have on the basis of a declaration, to be agreed by the Parties, and subject to any conditions attached to it.

38. It is recognized that the topic of conflict of interest, including the format of the declaration referred to in paragraph 37 above, needs further deliberations, taking fully into account the experience gained in this regard, the issue of confidentiality and the existing code of conduct contained in paragraph 5 of the terms of reference of TEAP.

Reporting accounting framework for critical uses of methyl bromide

[Source: Annex II of the report of the Sixteenth Meeting of the Parties]

Party: _____

A	B	C	D		E (C + D)	F (B - E)	G	H (E + G)	I	J	K	L (H – I – J - K)
Year of critical use	Quantity exempted for year of critical use[1]	Quantity acquired by production for critical use	Quantity acquired for critical use by import & countr(y)(ies) of Manufacture		Total quantity acquired for critical use	Quantity authorized but not acquired	Amount on hand at start of year[2]	Amount available for use in current year	Amount used for critical use	Amount exported	Amount destroyed	Amount on hand at end of year[3]
			Amount	Country(s)								

(All quantities expressed in metric tonnes)

1 Exempted by the Parties to the Montreal Protocol. Note that the critical use for a particular year may be the sum of quantities authorized by decision in more than one year.

2 Where possible, national Governments should include quantities on hand as of 1 January 2005 and for each year thereafter. National Governments that are not able to estimate quantities on hand as of 1 January 2005 can track the subsequent inventory of methyl bromide produced for critical uses (column L).

3 Carried forward as “Amount on hand at start of year” for next year.

Section 3.5

Non-Compliance procedure

Non-compliance procedure (1998)

[Source: Annex II of the report of the Tenth Meeting of the Parties]

The following procedure has been formulated pursuant to Article 8 of the Montreal Protocol. It shall apply without prejudice to the operation of the settlement of disputes procedure laid down in Article 11 of the Vienna Convention.

1. If one or more Parties have reservations regarding another Party's implementation of its obligations under the Protocol, those concerns may be addressed in writing to the Secretariat. Such a submission shall be supported by corroborating information.

2. The Secretariat shall, within two weeks of its receiving a submission, send a copy of that submission to the Party whose implementation of a particular provision of the Protocol is at issue. Any reply and information in support thereof are to be submitted to the Secretariat and to the Parties involved within three months of the date of the dispatch or such longer period as the circumstances of any particular case may require. If the Secretariat has not received a reply from the Party three months after sending it the original submission, the Secretariat shall send a reminder to the Party that it has yet to provide its reply. The Secretariat shall, as soon as the reply and information from the Party are available, but not later than six months after receiving the submission, transmit the submission, the reply and the information, if any, provided by the Parties to the Implementation Committee referred to in paragraph 5, which shall consider the matter as soon as practicable.

3. Where the Secretariat, during the course of preparing its report, becomes aware of possible non-compliance by any Party with its obligations under the Protocol, it may request the Party concerned to furnish necessary information about the matter. If there is no response from the Party concerned within three months of such longer period as the circumstances of the matter may require of the matter is not resolved through administrative action or through diplomatic contacts, the Secretariat shall include the matter in its report to the Meeting of the Parties pursuant to Article 12 (c) of the Protocol and inform the Implementation Committee, which shall consider the matter as soon as practicable.

4. Where a Party concludes that, despite having made its best, bona fide efforts, it is unable to comply fully with its obligations under the Protocol, it may address to the Secretariat a submission in writing, explaining, in particular, the specific circumstances that it considers to be the cause of its non-compliance. The Secretariat shall transmit such submission to the Implementation Committee which shall consider it as soon as practicable.

5. An Implementation Committee is hereby established. It shall consist of 10 Parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. Each Party so elected to the Committee shall be requested to notify the Secretariat, within two months of its election, of who is to represent it and shall endeavour to ensure that such representation remains throughout the entire term of office. Outgoing Parties may be re-elected for one immediate consecutive term. A Party that has completed a second consecutive two-year term as a Committee member shall be eligible for election again only after an absence of one year from the Committee. The Committee shall elect its own President and Vice-President. Each shall serve for one year at a time. The Vice-President shall, in addition, serve as the rapporteur of the Committee.

6. The Implementation Committee shall, unless it decides otherwise, meet twice a year. The Secretariat shall arrange for and service its meetings.

7. The functions of the Implementation Committee shall be:

(a) To receive, consider and report on any submission in accordance with paragraphs 1, 2 and 4;

(b) To receive, consider and report on any information or observations forwarded by the Secretariat in connection with the preparation of the reports referred to in Article 12 (c) of the Protocol and on any other information received and forwarded by the Secretariat concerning compliance with the provisions of the Protocol;

(c) To request, where it considers necessary, through the Secretariat, further information on matters under its consideration;

(d) To identify the facts and possible causes relating to individual cases of non-compliance referred to the Committee, as best it can, and make appropriate recommendations to the Meeting of the Parties;

(e) To undertake, upon the invitation of the Party concerned, information-gathering in the territory of that Party for fulfilling the functions of the Committee;

(f) To maintain, in particular for the purposes of drawing up its recommendations, an exchange of information with the Executive Committee of the Multilateral Fund related to the provision of financial and technical cooperation, including the transfer of technologies to Parties operating under Article 5, paragraph 1, of the Protocol.

8. The Implementation Committee shall consider the submissions, information and observations referred to in paragraph 7 with a view to securing an amicable solution of the matter on the basis of respect for the provisions of the Protocol.

9. The Implementation Committee shall report to the Meeting of the Parties, including any recommendations it considers appropriate. The report shall be made available to the Parties not later than six weeks before their meeting. After receiving a report by the Committee the Parties may, taking into consideration the circumstances of the matter, decide upon and call for steps to bring about full compliance with the Protocol, including measures to assist the Parties' compliance with the Protocol, and to further the Protocol's objectives.

10. Where a Party that is not a member of the Implementation Committee is identified in a submission under paragraph 1, or itself makes such a submission, it shall be entitled to participate in the consideration by the Committee of that submission.

11. No Party, whether or not a member of the Implementation Committee, involved in a matter under consideration by the Implementation Committee, shall take part in the elaboration and adoption of recommendations on that matter to be included in the report of the Committee.

12. The Parties involved in a matter referred to in paragraphs 1, 3 or 4 shall inform, through the Secretariat, the Meeting of the Parties of the results of proceedings taken under Article 11 of the Convention regarding possible non-compliance, about implementation of those results and about implementation of any decision of the Parties pursuant to paragraph 9.

13. The Meeting of the Parties may, pending completion of proceedings initiated under Article 11 of the Convention, issue an interim call and/or recommendations.

14. The Meeting of the Parties may request the Implementation Committee to make recommendations to assist the Meeting's consideration of matters of possible non-compliance.

15. The members of the Implementation Committee and any Party involved in its deliberations shall protect the confidentiality of information they receive in confidence.

16. The report, which shall not contain any information received in confidence, shall be made available to any person upon request. All information exchanged by or with the Committee that is related to any recommendation by the Committee to the Meeting of the Parties shall be made available by the

Secretariat to any Party upon its request; that Party shall ensure the confidentiality of the information it has received in confidence.

Indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance with the Protocol

[Source: Annex V of the report of the Fourth Meeting of the Parties]

A. Appropriate assistance, including assistance for the collection and reporting of data, technical assistance, technology transfer and financial assistance, information transfer and training.

B. Issuing cautions.

C. Suspension, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, of specific rights and privileges under the Protocol, whether or not subject to time limits, including those concerned with industrial rationalization, production, consumption, trade, transfer of technology, financial mechanism and institutional arrangements.

Section 3.6

The Multilateral Fund

Terms of reference for the Multilateral Fund

[Source: Annex IX of the report of the Fourth Meeting of the Parties]

A. Establishment

1. A Multilateral Fund is established.

B. Roles of the implementing agencies

2. Under the overall guidance and supervision of the Executive Committee in the discharge of its policy-making functions:

   (a) Implementing agencies shall be requested by the Executive Committee, in the context of country programmes developed to facilitate compliance with the Protocol, to cooperate with and assist the Parties within their respective areas of expertise; and

   (b) Implementing agencies shall be invited by the Executive Committee to develop an inter-agency agreement and specific agreements with the Executive Committee acting on behalf of the Parties.

3. Implementing agencies shall apply only those considerations relevant to effective and economically efficient programmes and projects which are consistent with any criteria adopted by the Parties.

4. Specifically:

   (a) The United Nations Environment Programme shall be invited by the Executive Committee to cooperate and assist in political promotion of the objectives of the Protocol, as well as in research, data gathering and the clearing-house functions;

   (b) The United Nations Development Programme and such other agencies which, within their areas of expertise, may be able to assist shall be invited by the Executive Committee to cooperate and assist in feasibility and pre-investment studies and in other technical assistance measures;

   (c) The World Bank shall be invited by the Executive Committee to cooperate and assist in administering and managing the programme to finance the agreed incremental costs;

   (d) Other agencies, in particular regional development banks, shall also be invited by the Executive Committee to cooperate with and assist it in carrying out its functions.

5. The Executive Committee shall draw up reporting criteria and shall invite the implementing agencies to report regularly to it in accordance with those criteria.

6. The Executive Committee shall invite the implementing agencies, in fulfilling their responsibilities in respect of the Multilateral Fund, to consult each other regularly. It shall also invite the heads of the agencies or their representatives to meet at least once a year to report on their activities and consult on cooperative arrangements.

7. The implementing agencies shall be entitled to receive support costs for the activities they undertake, having reached specific agreements with the Executive Committee.

C. Budget and contributions

8. The Multilateral Fund shall be financed in accordance with Paragraph 6 of Article 10 of the amended Protocol. In addition, contributions may be made by countries not Party to the Protocol, and by other governmental, intergovernmental, non-governmental and other sources.

9. The contributions referred to in paragraph 6 of Article 10 of the amended Protocol are to be based on the scale of contributions decided by the annual Meeting of the Parties. Bilateral and, in particular cases, regional cooperation by a country not operating under paragraph 1 of Article 5 may, according to criteria adopted by the Parties, be considered as a contribution to the Multilateral Fund up to a total of twenty per cent of the total contribution by that Party as decided by the annual Meetings of the Parties.

10. All contributions other than the value of bilateral and agreed regional cooperation referred to in paragraph 9 above shall be in convertible currency or, in certain circumstances, in kind and/or in national currency.

11. Contributions from States that become Parties not operating under paragraph 1 of Article 5 after the beginning of the financial period of the mechanism shall be calculated on a *pro rata* basis for the balance of the financial period.

12. Contributions not immediately required for the purposes of the Multilateral Fund shall be invested under the authority of the Executive Committee and any interest so earned shall be credited to the Multilateral Fund.

13. Budget estimates, setting out the income and expenditure of the Multilateral Fund prepared in United States dollars, shall be drawn up by the Executive Committee and submitted to the regular meetings of the Parties to the Protocol.

14. The proposed budget estimates shall be dispatched by the Fund Secretariat to all Parties to the Protocol at least sixty days before the date fixed for the opening of the regular meeting of the Parties to the Protocol at which they are to be considered.

15. Resources remaining in the Interim Multilateral Fund shall be transferred to the Multilateral Fund established under the financial mechanism.

D. Administration

16. The World Bank shall be invited by the Executive Committee to cooperate with and assist it in administering and managing the programme to finance the agreed incremental costs of Parties operating under paragraph 1 of Article 5. Should the World Bank accept this invitation, in the context of an agreement with the Executive Committee, the President of the World Bank shall be the Administrator of this programme, which shall operate under the authority of the Executive Committee.

17. The Executive Committee shall encourage the involvement of other agencies, in particular the regional development banks, in carrying out its functions effectively in relation to the programme to finance the agreed incremental costs.

18. The Fund Secretariat operating under the Chief Officer, co-located with the United Nations Environment Programme (UNEP) at Montreal, Canada, shall assist the Executive Committee in the discharge of its functions. The Multilateral Fund shall cover Secretariat costs, based on regular budgets to be submitted for decision by the Executive Committee.

19. In the event that the Chief Officer of the Fund Secretariat anticipates that there may be a shortfall in resources over the financial period as whole, he shall have discretion to adjust the budget approved by the Parties so that expenditures are at all times fully covered by contributions received.

20. No commitments shall be made in advance of the receipt of contributions, but income not spent in a budget year and unimplemented activities may be carried forward from one year to the next within the financial period.

21. At the end of each calendar year, the Chief Officer of the Fund Secretariat shall submit to the Parties accounts for the year. The Chief Officer shall also, as soon as practicable, submit the audited accounts for each period so as to coincide with the accounting procedures of the implementing agencies.

22. The Fund Secretariat and the implementing agencies shall cooperate with the Parties to provide information on funding available for relevant projects, to secure the necessary contacts and to coordinate, when requested by the interested Party, projects financed from other sources with activities financed under the Protocol.

23. The financing of activities or other costs, including resources channelled to third party beneficiaries, shall require the concurrence of the recipient Governments concerned. Recipient Governments shall, where appropriate, be associated with the planning of projects and programmes.

24. Nothing shall preclude a beneficiary Party operating under paragraph 1 of Article 5 from applying for its requirements for agreed incremental costs solely from the resources available to the Multilateral Fund.

Indicative list of categories of incremental costs

[Source: Annex VIII of the report of the Fourth Meeting of the Parties]

The evaluation of requests for financing incremental costs of a given project shall take into account the following general principles:

(a) The most cost-effective and efficient option should be chosen, taking into account the national industrial strategy of the recipient Party. It should be considered carefully to what extent the infrastructure at present used for production of the controlled substances could be put to alternative uses, thus resulting in decreased capital abandonment, and how to avoid deindustrialization and loss of export revenues;

(b) Consideration of project proposals for funding should involve the careful scrutiny of cost items listed in an effort to ensure that there is no double-counting;

(c) Savings or benefits that will be gained at both the strategic and project levels during the transition process should be taken into account on a case-by-case basis, according to criteria decided by the Parties and as elaborated in the guidelines of the Executive Committee;

(d) The funding of incremental costs is intended as an incentive for early adoption of ozone protecting technologies. In this respect the Executive Committee shall agree which time scales for payment of incremental costs are appropriate in each sector.

Incremental costs that once agreed are to be met by the financial mechanism include those listed below. If incremental costs other than those mentioned below are identified and quantified, a decision as to whether they are to be met by the financial mechanism shall be taken by the Executive Committee consistent with any criteria decided by the Parties and elaborated in the guidelines of the Executive Committee. The incremental recurring costs apply only for a transition period to be defined. The following list is indicated:

(a) Supply of substitutes

(i) Cost of conversion of existing production facilities:

cost of patents and designs and incremental cost of royalties;

capital cost of conversion;

cost of retraining of personnel, as well as the cost of research to adapt technology to local circumstances;

(ii) Costs arising from premature retirement or enforced idleness, taking into account any guidance of the Executive Committee on appropriate cut-off dates:

of productive capacity previously used to produce substances controlled by existing and/or amended or adjusted Protocol provisions; and

where such capacity is not replaced by converted or new capacity to produce alternatives;

(iii) Cost of establishing new production facilities for substitutes of capacity equivalent to capacity lost when plants are converted or scrapped, including:

cost of patents and designs and incremental cost of royalties;

capital cost;

cost of training, as well as the cost of research to adapt technology to local circumstances;

(iv) Net operational cost, including the cost of raw materials;

(v) Cost of import of substitutes;

(b) Use in manufacturing as an intermediate good

(i) Cost of conversion of existing equipment and product manufacturing facilities;

(ii) Cost of patents and designs and incremental cost of royalties;

(iii) Capital cost;

(iv) Cost of retraining;

(v) Cost of research and development;

(vi) Operational cost, including the cost of raw materials except where otherwise provided for;

(c) End use

(i) Cost of premature modification or replacement of user equipment;

(ii) Cost of collection, management, recycling, and, if cost effective, destruction of ozone-depleting substances;

(iii) Cost of providing technical assistance to reduce consumption and unintended emission of ozone-depleting substances.

Terms of reference of the Executive Committee (1997)

[Source: Annex V of the report of the Ninth Meeting of the Parties, as modified by the Sixteenth Meeting of the Parties in Decision XVI/38]

1. The Executive Committee of the Parties is established to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund under the Financial Mechanism.

2. The Executive Committee shall consist of seven Parties from the group of Parties operating under paragraph 1 of Article 5 of the Protocol and seven Parties from the group of Parties not so operating. Each group shall select its Executive Committee members. Seven seats allocated to the group of Parties operating under paragraph 1 of Article 5 shall be allocated as follows: two seats to Parties of the African region, two seats to Parties of the region of Asia and the Pacific, two seats to Parties of the region of Latin America and the Caribbean, and one rotating seat among the regions referred, including the region of Eastern Europe and Central Asia. The members of the Executive Committee shall be formally endorsed by the Meeting of the Parties.

2 *bis*. The members of the Executive Committee whose selection was endorsed by the Eighth Meeting of the Parties shall remain in office until 31 December 1997. Thereafter, the term of office of the members of the Committee shall be the calendar year commencing on 1 January of the calendar year after the date of their endorsement by the Meeting of the Parties.

3. The Chairman and Vice-Chairman shall be selected from the fourteen Executive Committee members. The office of Chairman is subject to rotation, on an annual basis, between the Parties operating under paragraph 1 of Article 5 and the Parties not so operating. The group of Parties entitled to the chairmanship shall select the Chairman from among their members of the Executive Committee. The Vice-Chairman shall be selected by the other group from within their number.

4. Decisions by the Executive Committee shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be taken by a two-thirds majority of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 and a majority of the Parties not so operating present and voting.

5. The meetings of the Executive Committee shall be conducted in those official languages of the United Nations required by members of the Executive Committee. Nevertheless, the Executive Committee may agree to conduct its business in one of the United Nations official languages.

6. Costs of Executive Committee meetings, including travel and subsistence of Committee participants from Parties operating under paragraph 1 of Article 5, shall be disbursed from the Multilateral Fund as necessary.

7. The Executive Committee shall ensure that the expertise required to perform its functions is available to it.

8. The Executive Committee shall hold three meetings a year while retaining the flexibility to take advantage of the opportunity provided by other Montreal Protocol meetings to convene additional meetings where special circumstances make this desirable.

9. The Executive Committee shall adopt other rules of procedure on a provisional basis and in accordance with paragraphs 1 to 8 of the present terms of reference. Such provisional rules of procedure shall be submitted to the next annual meeting of the Parties for endorsement. This procedure shall also be followed when such rules of procedure are amended.

10. The functions of the Executive Committee shall include:

    (a) To develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources;

    (b) To develop the plan and budget for the Multilateral Fund, including allocation of Multilateral Fund resources among the agencies identified in paragraph 5 of Article 10 of the Amended Protocol;

    (c) To supervise and guide the administration of the Multilateral Fund;

    (d) To develop the criteria for project eligibility and guidelines for the implementation of activities supported by the Multilateral Fund;

(e) To review regularly the performance reports on the implementation of activities supported by the Multilateral Fund;

(f) To monitor and evaluate expenditure incurred under the Multilateral Fund;

(g) To consider and, where appropriate, approve country programmes for compliance with the Protocol and, in the context of those country programmes, assess and where applicable approve all project proposals or groups of project proposals where the agreed incremental costs exceed $500,000;

(h) To review any disagreement by a Party operating under paragraph 1 of Article 5 with any decision taken with regard to a request for financing by that Party of a project or projects where the agreed incremental costs are less than $500,000;

(i) To assess annually whether the contributions through bilateral cooperation, including particular regional cases, comply with the criteria set out by the Parties for consideration as part of the contributions to the Multilateral Fund;

(j) To report annually to the meeting of the Parties on the activities exercised under the functions outlined above, and to make recommendations as appropriate;

(k) To nominate, for appointment by the Executive Director of UNEP, the Chief Officer of the Fund Secretariat, who shall work under the Executive Committee and report to it; and

(l) To perform such other functions as may be assigned to it by the Meeting of the Parties.

Rules of procedure for meetings of the Executive Committee of the Multilateral Fund

[Source: Annex VI of the report of the Third Meeting of the Parties]

Applicability

Unless otherwise provided for by the Montreal Protocol or by the decision of the Parties, or excluded by the Rules of Procedure hereunder, the Rules of Procedures for meetings of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer shall apply *mutatis mutandis* to the proceedings of any meeting of the Executive Committee.

Rule 1

These Rules of procedure shall apply to any meeting of the Executive Committee for the Interim Multilateral Fund under the Protocol on Substances that Deplete the Ozone Layer convened in accordance with Article 11 of the Protocol.

Definitions Rule 2

For the purposes of these rules:

1. “Executive Committee” means the Executive Committee for the Interim Multilateral Fund as established by decision II/8 at the Second Meeting of the Parties to the Montreal Protocol.

2. “Committee members” means Parties selected as members of the Executive Committee for the Interim Multilateral Fund.

3. “Meeting” means any meeting of the Executive Committee for the Interim Multilateral Fund.

4. "Chairman" means the Committee member selected Chairman of the Executive Committee.

5. "Secretariat" means the Multilateral Fund Secretariat.

6. "Fund" means the Interim Multilateral Fund.

Place of meetings **Rule 3**

The meetings of the Executive Committee shall take place at the seat of the Fund Secretariat, unless other appropriate arrangements are made by the Fund Secretariat in consultation with the Executive Committee.

Dates of meetings **Rule 4**

1. Meetings of the Executive Committee shall be held at least twice every year.

2. At each meeting, the Executive Committee shall fix the opening date and duration of the next meeting.

Rule 5

The Secretariat shall notify all Committee members of the dates and venue of meetings at least six weeks before the meeting.

Observers **Rule 6**

1. The Secretariat shall notify the President of the Bureau and the implementing agencies – *inter alia* UNEP, UNDP and the World Bank – of any meeting of the Executive Committee so that they may participate as observers.

2. Such observers may, upon invitation of the Chairman, participate without the right to vote in the proceedings of any meeting.

Rule 7

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in the field related to the work of the Executive Committee, that has informed the Secretariat of its wishes to be represented, of any meeting so that it may be represented by an observer subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting. However, the Executive Committee may determine that any portion of its meetings involving sensitive matters may be closed to observers. Non-governmental observers should include observers from developing and developed countries and their total number should be limited as far as possible.

2. Such observers may, upon invitation of the Chairman and if there is no objection from the Committee members present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency which they represent.

Agenda **Rule 8**

In agreement with the Chairman and the Vice-Chairman, the Secretariat shall prepare the provisional agenda for each meeting.

Rule 9

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least twenty-four hours after the meeting has received the Secretariat's report on the administrative and financial implications.

Rule 10

Any item of the agenda of any meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next meeting, unless otherwise decided by the Executive Committee.

Representation and credentials **Rule 11**

The Executive Committee shall consist of seven Parties from the group of Parties operating under paragraph 1 of Article 5 of the Protocol and seven Parties from the group of Parties not so operating. Each group shall select its Executive Committee members. The members of the Executive Committee shall be formally endorsed by the Meeting of the Parties.

Rule 12

Each Committee member shall be represented by an accredited representative who may be accompanied by such alternate representatives and advisers as may be required.

Officers **Rule 13**

If the Chairman is temporarily unable to fulfil the obligation of the office, the Vice-Chairman shall in the interim assume all the obligations and authorities of the Chairman.

Rule 14

If the Chairman or Vice-Chairman is unable to complete the term of office the Committee members representing the group which selected that officer shall select a replacement to complete the term of office.

Rule 15

1. The Secretariat shall:

   (a) Make the necessary arrangements for the meetings of the Executive Committee, including the issue of invitations and preparation of documents and reports of the meeting;

   (b) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as secretariat of the Convention; and

   (c) Generally perform all other functions that the Executive Committee may require.

Rule 16

The Chief Officer of the Secretariat shall be the Secretary of any meeting of the Executive Committee.

Voting **Rule 17**

Decisions of the Executive Committee shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be taken by a two-thirds majority of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 and a majority of the Parties not so operating present and voting.

Languages **Rule 18**

The meeting of the Executive Committee shall be conducted in those official languages of the United Nations required by members of the Executive Committee. Nevertheless the Executive Committee may agree to conduct its business in one of the United Nations official languages.

Amendments to rules of procedure **Rule 19**

These rules of procedure may be amended according to Rule 17 above and formally endorsed by the Meeting of the Parties to the Montreal Protocol.

Overriding authority of the Protocol **Rule 20**

In the event of any conflict between any provision of these rules and any provision of the Protocol, the Protocol shall prevail.

Section 3.7

Finance

Terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer*

[Source: Annex II of the report of the First Meeting of the Parties, as amended by Decision XIV/41]

1. A Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer (hereinafter referred to as the Trust Fund) shall be established to provide financial support to the Protocol.

2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP and the Secretary-General of the United Nations, shall establish the Trust Fund for the administration of the Protocol.

3. The Trust Fund shall be established for an initial period of three and one half years beginning 1 October 1989 and ending 31 March 1993. The appropriations of the Trust Fund for this period shall be financed from:

   (a) Voluntary contributions made by the Parties to the Protocol including contributions from any new Parties;

   (b) Voluntary contributions from States not party to the Protocol, other governmental, intergovernmental and non-governmental organizations and other sources.

4. The voluntary contributions referred to in Article 3 (a) above, are to be based on the United Nations scale of contributions for the apportionment of the expenses of the United Nations (adjusted to provide that no one contribution shall exceed 22 per cent of the total and no contributions shall be required when the United Nations scale provides for a contribution of less than 0.1 per cent).

5. The budget estimates prepared in United States dollars, covering the income and expenditure for the Protocol, shall be submitted to the ordinary meetings of the Parties to the Protocol.

6. The proposed budget shall be dispatched by the Secretariat to all Parties to the Protocol at least ninety days before the date fixed for the opening of the ordinary meeting of the Parties to the Protocol.

7. The Parties shall make every effort to reach agreement on the budget by consensus. If all efforts at consensus have been exhausted and no agreement reached, the budget shall, as a last resort, be adopted by two-thirds majority vote of the Parties present and voting representing at least 50 per cent of the total consumption of the controlled substances of the Parties.

8. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, he shall have discretion to adjust the budget so that expenditures are at all times fully covered by contributions received.

9. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income. No commitments shall be made in advance of the receipt of contributions.

10. The Executive Director of UNEP may make transfers from one budget line to another within the budget in accordance with the Financial Regulations and Rules of the United Nations. At the end of a calendar year of a financial period, the Executive Director may transfer any uncommitted balance of appropriations to the following calendar year.

11. All contributions are due to be paid in the year immediately preceding the year to which the contributions relate.

12. All contributions are to be paid in United States dollars into the following account: Account No. 485-000326, UNEP Trust Funds and Counterpart Contributions, JP Morgan Chase, International Agencies Banking, 1166 Avenue of the Americas, 17th Floor, New York, N.Y. 10036-2708, United States.

13. Contributions from States that become Parties after the beginning of the financial period shall be made on a *pro rata* basis for the balance of the financial period.

14. Contributions not immediately required for the purposes of the Fund shall be invested at the discretion of the United Nations and any interest so earned shall be credited to the Fund.

15. The Executive Director shall deduct from the income of the Trust Fund an administrative support charge equal to 13 per cent of other expenditures recorded during any accounting period in order to meet the cost of administrative activities financed from the Trust Fund and providing services relating to personnel, accounting, audit, etc.

16. At the end of the first calendar year of a financial period, the Executive Director shall submit to the Parties the accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.

17. The General Procedures governing the Operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations shall govern the financial operations of the Protocol.

18. In the event that the Parties wish the Trust Fund to be extended beyond 31 March 1993, the Executive Director of UNEP shall be so requested by the Parties at least six months earlier. Such extension of the Trust Fund shall be subject to the approval of the UNEP Governing Council and the United Nations Secretary-General.

* *The Vienna Convention Trust Fund has the same terms of reference.*

UN scale of assessments (2006)

[Source: Annex V of the report of the Seventeenth Meeting of the Parties]

[Will become applicable to contributions to the Trust Funds for the Vienna Convention and the Montreal Protocol, and the Trust Fund for the Multilateral Fund according to adopted decisions.

The contributions to the Trust Funds of the Vienna Convention and the Montreal Protocol are based on the UN scales, adjusted to provide that no one contribution exceeds 22 per cent of the total and no contribution shall be required when the UN Scale provides a contribution of less than 0.1 per cent. The contributions to the Multilateral Fund are in accordance with paragraph 6 of Article 10 of the amended Protocol.]

Name of Party	UN scale of assessment for year 2004–2006	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered
Afghanistan	0.002	0.000	0.000
Albania	0.005	0.000	0.000
Algeria	0.076	0.000	0.000
Angola	0.001	0.000	0.000
Antigua and Barbuda	0.003	0.000	0.000
Argentina	0.956	0.956	0.951

Name of Party	UN scale of assessment for year 2004–2006	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered
Armenia	0.002	0.000	0.000
Australia	1.592	1.592	1.583
Austria	0.859	0.859	0.854
Azerbaijan	0.005	0.000	0.000
Bahamas	0.013	0.000	0.000
Bahrain	0.030	0.000	0.000
Bangladesh	0.010	0.000	0.000
Barbados	0.010	0.000	0.000
Belarus	0.018	0.000	0.000
Belgium	1.069	1.069	1.063
Belize	0.001	0.000	0.000
Benin	0.002	0.000	0.000
Bhutan	0.001	0.000	0.000
Bolivia	0.009	0.000	0.000
Bosnia and Herzegovina	0.003	0.000	0.000
Botswana	0.012	0.000	0.000
Brazil	1.523	1.523	1.515
Brunei Darussalam	0.034	0.000	0.000
Bulgaria	0.017	0.000	0.000
Burkina Faso	0.002	0.000	0.000
Burundi	0.001	0.000	0.000
Cambodia	0.002	0.000	0.000
Cameroon	0.008	0.000	0.000
Canada	2.813	2.813	2.798
Cape Verde	0.001	0.000	0.000
Central African Republic	0.001	0.000	0.000
Chad	0.001	0.000	0.000
Chile	0.223	0.223	0.222
China	2.053	2.053	2.042
Colombia	0.155	0.155	0.154
Comoros	0.001	0.000	0.000
Congo	0.001	0.000	0.000
Cook Islands	-	0.000	0.000
Costa Rica	0.030	0.000	0.000
Cote d' Ivoire	0.010	0.000	0.000
Croatia	0.037	0.000	0.000
Cuba	0.043	0.000	0.000
Cyprus	0.039	0.000	0.000
Czech Republic	0.183	0.183	0.182
Democratic People's Republic of Korea	0.010	0.000	0.000

Name of Party	UN scale of assessment for year 2004–2006	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered
Democratic Republic of the Congo	0.003	0.000	0.000
Denmark	0.718	0.718	0.714
Djibouti	0.001	0.000	0.000
Dominica	0.001	0.000	0.000
Dominican Republic	0.035	0.000	0.000
Ecuador	0.019	0.000	0.000
Egypt	0.120	0.120	0.119
El Salvador	0.022	0.000	0.000
Eritrea	0.001	0.000	0.000
Estonia	0.012	0.000	0.000
Ethiopia	0.004	0.000	0.000
European Community	2.500	2.500	2.486
Fiji	0.004	0.000	0.000
Finland	0.533	0.533	0.530
France	6.030	6.030	5.997
Gabon	0.009	0.000	0.000
Gambia	0.001	0.000	0.000
Georgia	0.003	0.000	0.000
Germany	8.662	8.662	8.614
Ghana	0.004	0.000	0.000
Greece	0.530	0.530	0.527
Grenada	0.001	0.000	0.000
Guatemala	0.030	0.000	0.000
Guinea	0.003	0.000	0.000
Guinea-Bissau	0.001	0.000	0.000
Guyana	0.001	0.000	0.000
Haiti	0.003	0.000	0.000
Honduras	0.005	0.000	0.000
Hungary	0.126	0.126	0.125
Iceland	0.034	0.000	0.000
India	0.421	0.421	0.419
Indonesia	0.142	0.142	0.141
Iran (Islamic Republic of)	0.157	0.157	0.156
Ireland	0.350	0.350	0.348
Israel	0.467	0.467	0.464
Italy	4.885	4.885	4.858
Jamaica	0.008	0.000	0.000
Japan	19.468	19.468	19.361
Jordan	0.011	0.000	0.000
Kazakhstan	0.025	0.000	0.000

Name of Party	UN scale of assessment for year 2004–2006	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered
Kenya	0.009	0.000	0.000
Kiribati	0.001	0.000	0.000
Kuwait	0.162	0.162	0.161
Kyrgyzstan	0.001	0.000	0.000
Lao People's Democratic Republic	0.001	0.000	0.000
Latvia	0.015	0.000	0.000
Lebanon	0.024	0.000	0.000
Lesotho	0.001	0.000	0.000
Liberia	0.001	0.000	0.000
Libyan Arab Jamahiriya	0.132	0.132	0.131
Liechtenstein	0.005	0.000	0.000
Lithuania	0.024	0.000	0.000
Luxembourg	0.077	0.000	0.000
Madagascar	0.003	0.000	0.000
Malawi	0.001	0.000	0.000
Malaysia	0.203	0.203	0.202
Maldives	0.001	0.000	0.000
Mali	0.002	0.000	0.000
Malta	0.014	0.000	0.000
Marshall Islands	0.001	0.000	0.000
Mauritania	0.001	0.000	0.000
Mauritius	0.011	0.000	0.000
Mexico	1.883	1.883	1.873
Micronesia (Federated States of)	0.001	0.000	0.000
Monaco	0.003	0.000	0.000
Mongolia	0.001	0.000	0.000
Morocco	0.047	0.000	0.000
Mozambique	0.001	0.000	0.000
Myanmar	0.010	0.000	0.000
Namibia	0.006	0.000	0.000
Nauru	0.001	0.000	0.000
Nepal	0.004	0.000	0.000
Netherlands	1.690	1.690	1.681
New Zealand	0.221	0.221	0.220
Nicaragua	0.001	0.000	0.000
Niger	0.001	0.000	0.000
Nigeria	0.042	0.000	0.000
Niue	-	0.000	0.000
Norway	0.679	0.679	0.675
Oman	0.070	0.000	0.000

Name of Party	UN scale of assessment for year 2004–2006	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered
Pakistan	0.055	0.000	0.000
Palau	0.001	0.000	0.000
Panama	0.019	0.000	0.000
Papua New Guinea	0.003	0.000	0.000
Paraguay	0.012	0.000	0.000
Peru	0.092	0.000	0.000
Philippines	0.095	0.000	0.000
Poland	0.461	0.461	0.458
Portugal	0.470	0.470	0.467
Qatar	0.064	0.000	0.000
Republic of Korea	1.796	1.796	1.786
Republic of Moldova	0.001	0.000	0.000
Romania	0.060	0.000	0.000
Russian Federation	1.100	1.100	1.094
Rwanda	0.001	0.000	0.000
Saint Kitts and Nevis	0.001	0.000	0.000
Saint Lucia	0.002	0.000	0.000
Saint Vincent and the Grenadines	0.001	0.000	0.000
Samoa	0.001	0.000	0.000
Sao Tome and Principe	0.001	0.000	0.000
Saudi Arabia	0.713	0.713	0.709
Senegal	0.005	0.000	0.000
Serbia and Montenegro	0.019	0.000	0.000
Seychelles	0.002	0.000	0.000
Sierra Leone	0.001	0.000	0.000
Singapore	0.388	0.388	0.386
Slovakia	0.051	0.000	0.000
Slovenia	0.082	0.000	0.000
Solomon Islands	0.001	0.000	0.000
Somalia	0.001	0.000	0.000
South Africa	0.292	0.292	0.290
Spain	2.520	2.520	2.506
Sri Lanka	0.017	0.000	0.000
Sudan	0.008	0.000	0.000
Suriname	0.001	0.000	0.000
Swaziland	0.002	0.000	0.000
Sweden	0.998	0.998	0.993
Switzerland	1.197	1.197	1.190
Syrian Arab Republic	0.038	0.000	0.000
Tajikistan	0.001	0.000	0.000

Name of Party	UN scale of assessment for year 2004–2006	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered
Thailand	0.209	0.209	0.208
The Former Yugoslav Republic of Macedonia	0.006	0.000	0.000
Togo	0.001	0.000	0.000
Tonga	0.001	0.000	0.000
Trinidad and Tobago	0.022	0.000	0.000
Tunisia	0.032	0.000	0.000
Turkey	0.372	0.372	0.370
Turkmenistan	0.005	0.000	0.000
Tuvalu	0.001	0.000	0.000
Uganda	0.006	0.000	0.000
Ukraine	0.039	0.000	0.000
United Arab Emirates	0.235	0.235	0.234
United Kingdom	6.127	6.127	6.093
United Republic of Tanzania	0.006	0.000	0.000
United States of America	22.000	22.000	21.879
Uruguay	0.048	0.000	0.000
Uzbekistan	0.014	0.000	0.000
Vanuatu	0.001	0.000	0.000
Venezuela	0.171	0.171	0.170
Viet Nam	0.021	0.000	0.000
Yemen	0.006	0.000	0.000
Zambia	0.002	0.000	0.000
Zimbabwe	0.007	0.000	0.000
Total	**102.473**	**100.554**	**100.000**

Section 3.8
Declarations

Helsinki Declaration on the protection of the ozone layer (1989)

[Source: Appendix I of the report of the First Meeting of the Parties]

The Governments and the European Communities represented at the First Meetings of the Parties to the Vienna Convention and the Montreal Protocol

Aware of the wide agreement among scientists that depletion of the ozone layer will threaten present and future generations unless more stringent control measures are adopted

Mindful that some ozone depleting substances are powerful greenhouse gases leading to global warming

Aware also of the extensive and rapid technological development of environmentally acceptable substitutes for the substances that deplete the ozone layer and the urgent need to facilitate the transfer of technologies of such substitutes especially to developing countries

Encourage all states that have not done so to join the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol

Agree to phase out the production and the consumption of CFCs controlled by the Montreal Protocol as soon as possible but not later than the year 2000 and for that purpose to tighten the timetable agreed upon in the Montreal Protocol taking due account of the special situation of developing countries

Agree to both phase out halons and control and reduce other ozone-depleting substances which contribute significantly to ozone depletion as soon as feasible

Agree to commit themselves, in proportion to their means and resources, to accelerate the development of environmentally acceptable substituting chemicals, products and technologies

Agree to facilitate the access of developing countries to relevant scientific information, research results and training and to seek to develop appropriate funding mechanisms to facilitate the transfer of technology and replacement of equipment at minimum cost to developing countries.

Helsinki, 2 May 1989

Declaration on chlorofluorocarbons (1990)

[Source: para 49 of the report of the Second Meeting of the Parties]

by Australia, Austria, Belgium, Canada, Denmark, Finland, Federal Republic of Germany, Liechtenstein, Netherlands, New Zealand, Norway, Sweden and Switzerland

The Heads of Delegations of the above governments represented at the Second Meeting of the Parties to the Montreal Protocol,

Concerned of the recent scientific findings on severe depletion of ozone layer of both Southern and Northern Hemispheres,

Mindful that all CFCs are also powerful greenhouse gases leading to global warming,

Convinced of the availability of more environmentally suitable alternative substances or technologies, and

Convinced of the need to further tighten control measures of CFCs beyond the Protocol adjustments agreed by the Parties to the Montreal Protocol,

Declare

Their firm determination to take all appropriate measures to phase-out the production and consumption of all fully halogenated chlorofluorocarbons controlled by the Montreal Protocol, as adjusted and amended, as soon as possible but not later than 1997.

London, 27–29 June 1990

Resolution on ozone-depleting substances (1990)

[Source: Annex VII of the report of the Second Meeting of the Parties]

The Governments and the European Communities represented at the Second Meeting of the Parties to the Montreal Protocol

Resolve:

I. Other halons not listed in Annex A, Group II, of the Montreal Protocol ("Other halons")

1. To refrain from authorizing or to prohibit production and consumption of fully halogenated compounds containing one, two or three carbon atoms and at least one atom each of bromine and fluorine, and not listed in Group II of Annex A of the Montreal Protocol (hereafter called "other halons"), which are of such a chemical nature or such a quantity that they would pose a threat to the ozone layer;

2. To refrain from using other halons except for those essential applications where other more environmentally suitable alternative substances or technologies are not yet available; and

3. To report to the Secretariat to the Protocol estimates of their annual production and consumption of such other halons;

II. Transitional substances

1. To apply the following guidelines to facilitate the adoption of transitional substances with a low ozone-depleting potential, such as hydrochlorofluorocarbons (HCFCs), where necessary, and their timely substitution by non-ozone depleting and more environmentally suitable alternative substances or technologies:

   (a) Use of transitional substances should be limited to those applications where other more environmentally suitable alternative substances or technologies are not available;

   (b) Use of transitional substances should not be outside the areas of application currently met by the controlled and transitional substances, except in rare cases for the protection of human life or human health;

   (c) Transitional substances should be selected in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations;

   (d) Emission control systems, recovery and recycling should, to the degree possible, be employed in order to minimize emissions to the atmosphere;

   (e) Transitional substances should, to the degree possible, be collected and prudently destroyed at the end of their final use;

2. To review regularly the use of transitional substances, their contribution to ozone depletion and global warming, and the availability of alternative products and application technologies, with a view to their replacement by non-ozone depleting and more environmentally suitable alternatives and as the scientific evidence requires: at present, this should be no later than 2040 and, if possible, no later than 2020;

III. 1,1,1–trichloroethane (methyl chloroform)

1. To phase out production and consumption of methyl chloroform as soon as possible;

2. To request the Technology Review Panel to investigate the earliest technically feasible dates for reductions and total phase-out; and

3. To request the Technology Review Panel to report their findings to the preparatory meeting of the Parties with a view to the consideration by the Meeting of the Parties, not later than 1992;

IV. More stringent measures

1. To express appreciation to those Parties that have already taken measures more stringent and broader in scope than those required by the Protocol;

2. To urge adoption, in accordance with the spirit of paragraph 11 of Article 2 of the Protocol, of such measures in order to protect the ozone layer.

London, 27–29 June 1990

Statement on control measures (1991)

[Source: para 60 of the report of the Third Meeting of the Parties]

made by the Heads of Delegations representing the governments of Sweden, Finland, Norway, Switzerland, Austria, Germany and Denmark at the Third Meeting of the Parties

We, the heads of delegations of Sweden, Finland, Norway, Switzerland, Austria, Germany and Denmark, believe that the recent analysis of the state of the stratospheric ozone layer calls for the adoption of more stringent control measures at the Fourth Meeting of the Parties in 1992.

We are also of the opinion that the substitution of the controlled substances with transitional substances must be as moderate and temporary as possible.

We note that the London resolution urges the adoption, in accordance with the spirit of the paragraph 11 of Article 2 of the Protocol, of more stringent measures in order to protect the Ozone Layer.

Because of this we express our firm determination to phase-out the production and the consumption of CFCs, halons and carbon tetrachloride controlled by the Montreal Protocol, as soon as possible but not later than the year 1997 and to phase-out 1,1,1–trichloromethane (methyl chloroform) as soon as possible but not later than the year 2000. We also think it is necessary to tighten the timetable agreed upon in the Montreal Protocol taking due account of the special situation of developing countries.

We are also determined to limit by no later than 1995 the use of transitional substances (HCFCs) to specific key applications where other more environmentally suitable alternative substances or technologies are not available, and to phase-out their use in those areas as soon as technically feasible."

Nairobi, 19–21 June 1991

Resolution on methyl bromide (1992)

[Source: Annex XV of the report of the Fourth Meeting of the Parties]

The Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer

Resolve in the light of serious environmental concerns raised in the scientific assessment, to make every effort to reduce emissions of and to recover, recycle and reclaim, methyl bromide. They look forward to receiving the full evaluations to be carried out by the UNEP Scientific Assessment Panel and the Technology and Economic Assessment Panel, with a view to deciding on the basis of these evaluations no later than at their Seventh Meeting, in 1995, a general control scheme for methyl bromide, as appropriate, including concrete targets beginning, for Parties not operating under paragraph 1 of Article 5, with, for example a 25 per cent reduction as a first step, at the latest by the year 2000, and a possible phase-out date.

Copenhagen, 25 November 1992

Question of Yugoslavia (1992)

[Source: Annex XVI of the report of the Fourth Meeting of the Parties]

Statement by the representative of the United Kingdom on behalf of the European Community. (This statement was supported by the representatives of Australia, Austria, Hungary, Malaysia, Switzerland, Turkey and the United State of America.)

"As we have already made clear on a number of occasions, the European Community and its member States do not accept that the Federal Republic of Yugoslavia is the automatic continuation of the Socialist Federal Republic of Yugoslavia.

"In this context, we take note of General Assembly resolution 47/1, adopted on 22 September 1992, in which the Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should therefore apply to join the United Nations and shall not participate in the work of the General Assembly.

"The European Community and its member States have also noted the United Nations Legal Counsel's advice on the applicability of the General Assembly resolution to other United Nations bodies. We regard General Assembly resolution 47/1 as a model for action in the specialized agencies and other United Nations bodies in due course, as appropriate.

"We do not accept that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) may validly represent Yugoslavia in this meeting. The presence of the representative in question is without prejudice to future action which the Community and its member States may take."

Statement by the representative of Yugoslavia

"We are sorry about the statements of some countries raising the question of the status of the Federal Republic of Yugoslavia. We would like to stress that this approach as well as the imposed sanctions against Yugoslavia are essentially contrary to the basic premises of both the Vienna Convention and the Montreal Protocol.

"This conference is devoted to the protection of the ozone layer, a question of global character and raising political issues does not help in reaching the goals of this meeting.

"Yugoslavia respects the resolutions of the United Nations. Yugoslavia does not participate, we hope temporarily, in the meetings of the General Assembly, but Yugoslavia is not expelled from the United Nations and its bodies and works intensively to fulfil their goals.

"At the same time we would like to give our positive contribution to the work of this conference, aware of the fact that it is of global and our own interest."

Memorandum on partly halogenated chlorofluorocarbons (HCFCs) (1993)

[Source: Annex V of the report of the Fifth Meeting of the Parties]

Memorandum issued by the ministers responsible for environmental matters in Germany, Liechtenstein, Switzerland and Austria on further measures to protect the ozone layer from partly halogenated chlorofluorocarbons [HCFCs]

In the face of the decisions reached by the Parties to the Montreal Protocol on 25 November 1992 at Copenhagen, and

Being concerned about the most recent measurements indicating once again a clear reduction in the protective ozone layer above the northern hemisphere, and

Being aware of the great progress being made in the development of alternative technologies that are less harmful to the environment,

The Ministers of the Environment of Germany, Liechtenstein, Switzerland and Austria declare the following:

– In many areas complete substitution of fully halogenated CFCs can already be achieved today without using partly halogenated chlorofluorocarbons (HCFCs);

– The phase-out schedule for HCFCs as agreed upon in Copenhagen should start immediately instead of in 2004; and

– The phase-out programme for HCFCs should be completed earlier than by the year 2030. The target of the year 2015 set by the European Community for the phase-out of HCFCs is an absolute minimum.

The Parties to the Montreal Protocol are therefore called upon to undertake all measures to phase out all ozone-depleting substances as quickly as possible.

Bangkok, 19 November 1993

Declaration on hydrochlorofluorocarbons (HCFCs) (1993)

[Source: Annex VI of the report of the Fifth Meeting of the Parties]

by Austria, Belgium, Botswana, Denmark, European Economic Community, Finland, Germany, Iceland, Italy, Liechtenstein, Malta, Netherlands, Norway, Sweden, Switzerland, United Kingdom and Zimbabwe

The above Parties present at the Fifth Meeting of the Parties to the Montreal Protocol,

Concerned about the continuing depletion of the ozone layer of both the northern and southern hemispheres,

being aware that reductions in the emissions of HCFC will have a beneficial effect on the ozone layer, especially in the coming 10 years where chlorine concentrations in the atmosphere will reach a critical maximum,

being also aware that more environmentally sound alternative substances and technologies are already existing or are rapidly being developed and that in various areas a complete substitution of CFCs can already be achieved today without using HCFCs,

stress the need to strengthen further the control measures decided at the Fourth Meeting of the Parties to the Protocol,

declare their firm determination to take all appropriate measures to limit the use of HCFC to absolute necessary applications and to phase out the consumption of HCFCs as soon as possible but not later than the year 2015.

Bangkok, 17–19 November 1993

Declaration on methyl bromide (1993)

[Source: Annex VII of the report of the Fifth Meeting of the Parties]

by Austria, Belgium, Denmark, Finland, Germany, Iceland, Israel, Italy, Liechtenstein, Netherlands, Sweden, Switzerland, United Kingdom, United States and Zimbabwe

The above Parties present at the Fifth Meeting of the Parties to the Montreal Protocol,

Concerned about the continuing depletion of the ozone layer of both the northern and southern hemispheres, partly due to methyl bromide,

Being aware that reductions in the emissions of methyl bromide will have a beneficial effect on the ozone layer, especially in the coming 10 years where chlorine concentrations in the atmosphere will reach a critical maximum,

Being also aware that in many cases more environmentally sound alternative substances, methods and technologies are already available and others are rapidly being developed,

Stress the need to strengthen the control measures decided at the Fourth Meeting of the Parties to the Protocol,

Declare their firm determination to reduce their consumption of methyl bromide by at least 25 per cent at the latest by the year 2000, and to phase out totally the consumption of methyl bromide as soon as technically possible.

Bangkok, 17–19 November 1993

Declaration by countries with economies in transition (1993)

[Source: Annex VIII of the report of the Fifth Meeting of the Parties]

by the Heads of the Delegations representing the governments of: Belarus, Bulgaria, Romania, Russian Federation, and Ukraine at the Fifth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer

We, the heads of the delegations of the group of countries with economies in transition and Parties to the Montreal Protocol attending the Meeting, namely: Belarus, Bulgaria, Romania, Russian Federation and Ukraine, have discussed the state of affairs regarding the fulfilment of our countries' obligations under the Montreal Protocol,

Proceeding from a fundamental position in favour of the development of mutually advantageous, equitable and effective international co-operation on the protection of the ozone layer on the basis of a spirit of mutual understanding and good will,

Promoting, to the utmost of our efforts and available possibilities, the achievement of the goals of the Vienna Convention and Montreal Protocol,

Endeavouring to preserve the consensus among the Parties to the Vienna Convention and the Montreal Protocol on all matters under consideration,

Understanding that the majority of countries of the world community support the political and socio-economic changes taking place in the Eastern European countries and recognize the fact that the process of restructuring socio-economic relations takes a prolonged and difficult period of time and requires massive financial expenditure, and also cannot occur without political, economic and moral support of other countries.

We request the Parties to the Montreal Protocol to decide at the Sixth Meeting of the Parties to the Montreal Protocol on the question of the special status of countries with economies in transition, which would provide for concessions and a certain flexibility in the fulfilment of their obligations under the Montreal Protocol.

Bangkok, 18 November 1993

Declaration on the Multilateral Fund (1994)

[Source: Annex V of the report of the Sixth Meeting of the Parties]

from the delegations of Argentina, Brazil, Chile, China, Colombia, India, Malaysia, Peru, Philippines and Uruguay

The above Article 5 countries, Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer:

Calling upon the spirit of global partnership, with common but differentiated obligations among developed and developing countries, established at the Rio Conference,

Recognizing the positive contribution of the Multilateral Fund for the encouragement of the phase-out of ODS in Article 5 countries,

Concerned about the critical financial situation of the Multilateral Fund,

Concerned also about new restrictions on the access to the already scarce resources of the Fund to Article 5 countries based on policy considerations,

Fully aware of the fact that such tendency could have a very negative impact on Article 5 countries' commitment to phase-out ODS,

Acknowledging the need to channel the resources of the Multilateral Fund according to the industrial strategy adopted by Article 5 countries, *inter alia*, in their country programmes,

Finding the need to provide the domestic industries with elements of credibility, reliability and predictability as regards financial support from the Fund to cover incremental costs,

Urge:

(a) Article 2 Parties to fulfil their financial pledges to the Multilateral Fund for the Implementation of the Montreal Protocol, in order to assure adequate resources for Article 5 Parties to meet their obligations under the Protocol in the fastest feasible timeframe and the most environmentally safe manner;

(b) Parties to assess properly the need for a new replenishment of the Multilateral Fund in order to cover the financial and technological need of article 5 countries;

(c) Parties to reiterate that, for all sectors and sub-sectors for the phase-out projects in Article 5 countries are presented to the Multilateral Fund for financing, a period of up to four years should be considered during the calculation of incremental operational costs, on the basis of costs prevailing at the time of implementation of projects; this calculation should take place on a case-by-case basis according to the specific characteristics of the projects;

(d) Parties to consider the need to assure adequate financing from the Multilateral Fund for all projects that, according to the respective industrial strategies and specific social, environmental and economic characteristics of article 5 countries, aim at phasing out ODS;

(e) Parties to reiterate the need to assure that Article 5 countries engaged in the phasing out of ODS do not suffer loss of export revenues;

(f) Parties to confirm that companies that may export ODS-free products will be fully supported by the Multilateral Fund, taking into account, *inter alia*, the benefit of the exchange of technologically advanced products between Article 5 countries and the overall interest in the protection of the ozone layer;

(g) Article 2 countries to ensure the transfer of the best available and environmentally safe alternative technologies to Article 5 countries under fair and most favourable conditions;

(h) Parties to ensure that the alternative technologies financed by the Multilateral Fund for industrial reconversion are adequate and predictable and will not be subject to restrictions in the forthcoming years;

(i) Parties to consider collectively and in the most democratic manner the need to halt the tendency to selectivity and restrictiveness of the Multilateral Fund, for the sake of preserving the commitments of the Montreal Protocol and for the protection of the ozone layer.

Nairobi, 6–7 October, 1994

Declaration on hydrochlorofluorocarbons (HCFCs) (1995)

[Source: Annex IX of the report of the Seventh Meeting of the Parties]

by Argentina, Austria, Belgium, Botswana, Chile, Costa Rica, Denmark, El Salvador, Finland, Germany, Iceland, Liechtenstein, Luxembourg, Malawi, Mexico, Netherlands, Norway, Paraguay, Peru, Portugal, Sweden, Switzerland, United Kingdom and Uruguay

The above Parties present at the Seventh Meeting of the Parties to the Montreal Protocol,

Concerned about the continuing depletion of the ozone layer of both the northern and southern hemispheres,

Being aware that further significant reductions in the emissions of hydrochlorofluorocarbons would have a beneficial effect on the ozone layer, especially in the coming ten years where chlorine concentrations in the atmosphere will reach a critical maximum,

Being also aware that more environmentally sound alternative substances and technologies are commercially available for almost any applications and are being increasingly used,

1. *Emphasize the fact* that a complete substitution of chlorofluorocarbons need not rely on the use of hydrochlorofluorocarbons;

2. *Stress the need* to strengthen further the control measures decided at the Seventh Meeting of the Parties to the Protocol in countries operating under Articles 2 and 5;

3. *Will take all appropriate measures* to limit the use of hydrochlorofluorocarbons as soon as possible.

Vienna, 7 December 1995

Declaration on methyl bromide (1995)

[Source: Annex X of the report of the Seventh Meeting of the Parties]

by Australia, Botswana, Canada, Iceland, Mauritius, Netherlands, New Zealand, Norway, Sweden, Switzerland, United Kingdom, United States of America, and Venezuela

The above Parties present at the Seventh Meeting of the Parties to the Montreal Protocol,

Commend the international community for taking constructive steps in strengthening controls on methyl bromide,

Being aware that faster movement towards phasing out methyl bromide would reduce the human and environmental impacts of ozone depletion,

Being aware that some Parties are able to adopt alternatives at an earlier stage, and that several Parties have adopted domestic policies to largely phase out methyl bromide in the next few years,

Declare their firm determination, at the national level:

(a) To encourage the widespread adoption of alternatives;

(b) To take all appropriate measures to limit the consumption of methyl bromide to those applications that are strictly necessary, and to phase out the consumption of methyl bromide as soon as possible.

Vienna, 7 December 1995

Declaration on hydrochlorofluorocarbons (1997)

[Source: Annex XI of the report of the Ninth Meeting of the Parties]

by Argentina, Austria, Belgium, Botswana, Czech Republic, Denmark, European Community, Finland, France, Georgia, Germany, Ghana, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Namibia, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Uganda, and the United Kingdom

The above Parties present at the Ninth Meeting of the Parties to the Montreal Protocol,

Concerned about the effects of HCFCs on the ozone layer,

Being aware that scientific data indicate the need for further consumption controls as well as for the introduction of production controls on HCFCs,

Being also aware that environmentally sound and economically viable alternative substances and technologies are or are rapidly becoming available,

Concerned by the absence of any results on HCFCs at the tenth anniversary meeting of the Parties to the Montreal Protocol,

Declare their position that the Parties should, at their Eleventh Meeting, decide, on the basis of scientific evidence, the next steps to control the consumption of HCFCs, including phase-out date, reduction of the cap and use restrictions, and production controls for HCFCs.

Montreal, 17 September 1997

Declaration regarding methyl bromide (1997)

[Source: Annex XII of the report of the Ninth Meeting of the Parties]

by Bolivia, Burundi, Canada, Chile, Colombia, Denmark, Ghana, Iceland, Namibia, Netherlands, New Zealand, Romania, Switzerland, Uruguay and Venezuela

Whereas, the World Meteorological Organization has concluded that methyl bromide is highly destructive to the ozone layer, and that the 1994 Scientific Assessment Panel concluded that the elimination of methyl bromide is the single most significant step Governments can take to reduce future ozone loss,

Whereas, it is also clear that methyl bromide is highly toxic to workers, public health, and the global ecosystem,

Whereas, TEAP 1994 and 1997 reports have identified a wide range of economically viable alternatives to methyl bromide in both industrialized and developing countries,

Whereas, a recent report by Environment Canada has estimated the global economic benefits associated with reduced UV-B exposure to be $459 billion by 2060,

Whereas, the tenth anniversary Meeting of the Parties to the Montreal Protocol failed to adopt a phase-out schedule which will adequately protect public health and the environment from increased UV-B radiation,

Be it resolved that:

Urgent action is needed on the national and international level to phase-out methyl bromide as soon as possible.

Therefore, the undersigned countries pledge to promote sustainable alternatives to methyl bromide in their own nations and worldwide.

Montreal, 17 September 1997

Declaration on hydrochlorofluorocarbons (HCFCs), hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) (1998)

[Source: Annex V of the report of the Tenth Meeting of the Parties]

by Austria, Azerbaijan, Belgium, Bolivia, Botswana, Bulgaria, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Estonia, European Community, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and Uzbekistan

The above Parties present at the Tenth Meeting of the Parties to the Montreal Protocol,

Concerned about the continuing depletion of the ozone layer of both the northern and southern hemispheres,

Mindful of the scientific indications that global warming could delay the recovery of the ozone layer,

Being aware that further reductions in the emissions of hydrochlorofluorocarbons (HCFCs) would have a beneficial effect on the ozone layer, especially in the coming years when chlorine concentrations in the stratosphere will reach a critical maximum,

Being also aware that more environmentally sound alternative substances and technologies are commercially available for virtually all HCFC applications and are being increasingly used,

Noting that Annex A to the Kyoto Protocol includes hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) in view of their high global-warming potential,

Concerned that a large number of projects using HCFCs, in particular HCFC-141b, have been funded by the Multilateral Fund, where other, more environmentally friendly, alternatives or technologies are available,

1. *Call upon* all bodies of the Montreal Protocol not to support the use of transitional substances (HCFCs) where more environmentally friendly alternatives or technologies are available;

2. *Urge* all Parties to the Montreal Protocol to consider all ODS replacement technologies, taking into account their total global-warming potential, so that the use of alternatives with a high contribution to global warming should be discouraged where other, more environmentally friendly, safe and technically and economically feasible alternatives or technologies are available.

Cairo, 24 November 1998

Beijing Declaration on renewed commitment to the protection of the ozone layer (1999)

[Source: Annex I of the report of the Eleventh Meeting of the Parties]

We, the Ministers of the Environment and heads of delegations of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer,

Having participated, at the invitation of the Government of the People's Republic of China, in the fifth meeting of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Eleventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, from 29 November to 3 December 1999, in Beijing, China,

Having held in-depth discussions on important issues relating to the protection of the ozone layer and the implementation of the Convention and the Protocol,

Recalling the achievements made to date in this field while earnestly seeking to address the challenges we will face in the future,

Reaffirming, at the threshold of a new millennium, our commitment to the protection of the ozone layer through a serious implementation of the Vienna Convention and the Montreal Protocol in order to achieve the phasing-out of ozone-depleting substances to protect the environmental security of present and future generations,

Declare:

1. That we are pleased to note that major progress has been achieved in the implementation of the Montreal Protocol in the past decade since the Helsinki Declaration was adopted, as testified by the fact that the Parties not operating under paragraph 1 of Article 5 ceased the production and consumption of CFCs from 1 January 1996, while the Parties operating under paragraph 1 of Article 5 committed themselves to freezing their production and consumption of CFCs at the average level of the period 1995-1997, from 1 July 1999;

2. That we are further pleased to note that the reduction and phase-out of other ozone-depleting substances are also proceeding in line with or in some cases faster than the control measures we have agreed upon in the past Meetings of the Parties and welcome the further progress agreed upon at this Meeting of the Parties;

3. That we take this opportunity to express our sincere appreciation for the efforts made towards this progress by Governments, international organizations, industry, experts and other relevant groups;

4. That we are fully aware, however, that we cannot afford to rest on our laurels, since scientists have informed us that the ozone hole has reached record proportions and the ozone layer recovery is a long way from being achieved;

5. That we are keenly aware that the Parties will have to face new challenges, as we have now entered a new period of substantive reduction of ozone-depleting substances from 1 July 1999 and, therefore, must ensure the continuation and development of our significant financial and technical cooperation under paragraph 1 of Article 10 of the Montreal Protocol, to enable all countries to take full advantage of benefits offered by the latest technological advances, including the continuation of the initiatives to ensure funding for the low-volume-consuming countries;

6. That we therefore appeal to all of the Parties to demonstrate a stronger political will and take more effective action to fulfil the obligations under the Vienna Convention and the Montreal Protocol, and to urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments;

7. That we also appeal to the relevant Parties to take all appropriate measures to address illegal trade in ozone-depleting substances and to safeguard the achievements attained to date;

8. That we call upon the Parties not operating under paragraph 1 of Article 5 to continue to maintain adequate funding and to promote the expeditious transfer of environmentally sound technologies, under the Montreal Protocol, to the Parties operating under paragraph 1 of Article 5, to help them fulfil their obligations; and also call upon Parties operating under paragraph 1 of article 5 to take all appropriate measures necessary to secure the efficient use of the resources provided by the Parties not operating under paragraph 1 of Article 5;

9. That we further appeal to the international community to demonstrate more concern for the issues of ozone layer protection and for the protection of the global atmosphere in general, taking into account the need to promote social and economic development in all countries.

Beijing, 3 December 1999

Ouagadougou Declaration at the Twelfth Meeting of the Parties to the Montreal Protocol

[Source: Annex IV of the report of the Twelfth Meeting of the Parties]

We, Ministers of Environment and head of delegations of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

Having accepted the invitation of the Government of Burkina Faso to the high-level segment of the Twelfth Meeting of the Parties to the Montreal Protocol in Ouagadougou, from 13 to 14 December 2000;

Having noted the progress made by all the Parties in the phase-out of ozone-depleting substances;

Taking note of the cooperation between the Montreal Protocol and the Basel Convention that was called for at this meeting.

Fully appreciating the important work carried out by national Governments, the Multilateral Fund and various agencies in the areas of dissemination of information, awareness-raising and capacity-building;

Reaffirming, at the beginning of the new millennium, our commitment to protect the ozone layer by ensuring the effective implementation of the Montreal Protocol and, where possible, accelerating our efforts to phase out the production and consumption of ozone-depleting substances;

Taking into account the importance of national action and international cooperation to address the differentiated situation of developing countries in the implementation of the Montreal Protocol;

Noting, however, that much more work remains to be done to ensure the protection of the ozone layer;

Declare the following:

1. We highly appreciate the important progress made in the implementation of the Montreal Protocol over the last decade since the adoption of the Helsinki Declaration, as demonstrated by the virtual elimination of the production and consumption of CFCs since 1 January 1996 by the Parties not operating under paragraph 1 of Article 5, and the significant aggregate reductions in ozone-depleting substances achieved to date by Parties operating under paragraph 1 of Article 5;

2. We express our profound gratitude to the governments and the international organizations, the industrial sector, experts and groups involved who have contributed to this progress;

3. We encourage all Parties to take the necessary steps to prevent illegal production and consumption, and trade in ozone-depleting substances and equipment and products containing them;

4. We encourage strong international cooperation and national action in the areas of:

- transfer of technology;
- know-how and capacity-building, and
- harmonized of customs codes;

5. We appeal for the timely payment of agreed national contributions to the Multilateral Fund for the implementation of the Montreal Protocol;

6. We encourage all Parties to ratify and implement in full the amendments to the Montreal Protocol;

7. We invite the Parties to integrate ozone layer protection into socio-economic development programmes;

8. We encourage all Parties to adopt and apply regulations and pursue awareness-raising campaigns for the public and all stakeholders who use ozone-depleting substances, and encourage the adoption of more environmentally sound alternatives.

9. We encourage regional ozone networks to continue to assist National Ozone Units.

Colombo Declaration on renewed commitment to the protection of the ozone layer to mark the forthcoming World Summit on Sustainable Development, in 2002, the 15th anniversary of the Montreal Protocol and the 10th anniversary of the establishment of the Multilateral Fund

[Source: Annex V of the report of the Thirteenth Meeting of the Parties]

We Ministers of the Environment and Heads of Delegations at the 13th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held in Colombo from 16 to 19 October 2001,

Having participated, at the invitation of the Government of the Democratic Socialist Republic of Sri Lanka, in the high-level segment, held on 18 and 19 October 2001, of that Meeting of the Parties,

Having noted the 10th anniversary of the establishment of the Multilateral Fund and its achievements to date for the protection of the ozone layer,

Recalling the progress made by all the Parties in phasing out ozone depleting substances,

Fully appreciating the efforts by national Governments, the Multilateral Fund, the United Nations Environment Programme and the various implementing agencies to make the Montreal Protocol the most successful multilateral environmental agreement and to achieve universal ratification,

Recognizing the interconnectedness of environmental issues such as climate change and ozone-layer depletion,

Recalling that the year 2002 will be the 10th anniversary of the Rio Conference on Environment and Development, the Earth Summit, and the 15th anniversary of the Montreal Protocol,

Recognizing the importance of sharing the experience gained under the Montreal Protocol with other multilateral environmental agreements in order to achieve the same progress under those agreements;

Declare:

1. That we are pleased to note the significant contributions made by the Multilateral Fund during the last 10 years in the implementation of the Montreal Protocol, that has made possible significant progress in compliance by Article 5 countries;

2. That we express our sincere gratitude to the Governments, international organizations, non-governmental organizations, experts and individuals that have contributed to that progress;

3. That we urge Governments and all stakeholders to take due care in using new substances that may have an ODP, and to take informed decisions on the use of transitional substances;

4. That we appeal to the Article 5 Parties to sustain the permanent phase-out of ODS and comply with their phase-out obligations by establishing the necessary domestic policy and legal regimes;

5. That we appeal to all Parties to cooperate in ensuring that the Multilateral Fund receives the necessary replenishment for its next triennium, 2003 – 2005;

6. That we appeal to all non-Article 5 Parties to continue their efforts to contribute to the Multilateral Fund;

7. That we urge Parties to identify and use available, accessible and affordable alternative substances and technologies that minimize environmental harm while protecting the ozone layer;

8. That we are fully aware that much work remains to be done to ensure the protection of ozone layer;

9. That we decide to share the successful experience of the Montreal Protocol at the World Summit on Sustainable Development to be held in Johannesburg, South Africa, in 2002.

Declaration by the Pacific Island countries attending the 13th Meeting of the Parties to the Montreal Protocol

[Source: Annex VI of the report of the Thirteenth Meeting of the Parties]

We, the Governments of Fiji, Kiribati, Niue, Papua New Guinea and Samoa, are conscious of the serious threat that ozone-depleting substances present to the environment and to the global population.

We note the valuable progress that has been achieved in addressing ozone-depletion by Parties to the Montreal Protocol regarding substances that deplete the ozone layers.

Pacific Island Countries are among the smallest consumers of ozone depleting substances in the world. These are used in areas that the critical to our economic development which includes fishing, tourism and food storage.

We declare our intention to continue working towards the fulfillment of the goals of the Convention and the Protocol at the national, regional and global level.

We acknowledge the initial assistance provided by the Multilateral Fund, the Government of Australia and the Government of New Zealand through the United Nations Environment Programme Division of Technology, Industry and Economics (UNEP-DTIE) and South Pacific Regional Environment Programme (SPREP) for the preparation of national compliance action plans (NCAPs).

In this context, we recognise that regional cooperation has been identified as an effective means to complement national programmes in implementing environmental programmes in Pacific Island Countries. Regarding our intention to continue working for its successful fulfillment at the global as well as regional scale, we undertake to work together in the context of a regional strategy for the Pacific region that all Pacific Island Countries shall:

(a) ratify the Montreal Protocol and its amendments where applicable;

(b) urgently adopt import and export controls of ozone-depleting substances, particularly for the use of licensing systems and appropriate legislation;

(c) take all the necessary measures to comply with the plans to reduce and eliminate the consumption and production of ozone-depleting substances;

(d) ensure effective fulfillment of Article 7 regarding the need to report on the consumption of ozone-depleting substances;

(e) commit the accelerated phase-out of CFCs, preferably to year 2005.

We request the Executive Committee of the Multilateral Fund to financially support the Pacific Island Countries, taking into account their specific needs to implement national programmes and regional cooperation mechanism to enable them to comply with the Montreal Protocol.

We urge all to take account of the unique circumstances of the Pacific Island Countries when they consider the levels of replenishment for the Multilateral Fund during the triennium 2003 to 2005.

Declaration on methyl bromide

[Source: Annex VIII of the report of the Fifteenth Meeting of the Parties]

Austria, Belgium, the Czech Republic, Denmark, Estonia, the European Community, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland,

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide, and noting that Parties have made substantial progress in the adoption of effective alternatives;

Mindful that exemptions must comply fully with decision IX/6, and are intended to be limited, temporary derogations from the phase-out of methyl bromide;

Resolved that each Party's methyl bromide use should decrease each year, targeting the closure of the critical-use exemption as soon as possible in non-Article 5 Parties;

Taking account of the recommendation by the Technology and Economic Assessment Panel that critical-use exemptions should not be authorized in cases where feasible options are registered, available locally and used commercially by similarly situated enterprises;

Declare their firm determination at the national level:

To take all appropriate measures to limit the consumption of methyl bromide to those strictly necessary applications that are in keeping with the spirit of the Protocol and will not lead to an increase in consumption after phase-out.

Declaration on limitations on the consumption of methyl bromide

[Source: Annex IV of the report of the First Extraordinary Meeting of the Parties]

by Austria, Belgium, Costa Rica, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, India, Indonesia, Italy, Jamaica, Japan, Jordan, Kiribati, Lebanon, Luxembourg, Malaysia, Mexico, Mozambique, Netherlands, Norway, Poland, Portugal, Saint Lucia, Serbia and Montenegro, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom and the European Community

The above Parties present at the first Extraordinary Meeting of the Parties.

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide, and noting that Parties have made substantial progress in the adoption of effective alternatives,

Mindful that exemptions must comply fully with decision IX/6 and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Resolved that each Party's methyl bromide use should decrease, targeting the closure of the critical-use exemption as soon as possible in non-Article 5 Parties,

Declare their firm intention at the national level to take all appropriate measures to strive for significantly and progressively decreasing production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide whenever technically and economically feasible alternatives are available.

Montreal, 26 March 2004

Prague Declaration on enhancing cooperation among chemicals-related multilateral environmental agreements

[Source: Annex V of the report of the Sixteenth Meeting of the Parties]

We, the ministers of the environment and heads of delegation of the following Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer attending the Sixteenth Meeting of the Parties of the Montreal Protocol in the city of Prague:

Algeria, Armenia, Austria, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Congo, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Egypt, Estonia, European Community, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mozambique, Nepal, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Viet Nam, Zambia

Recognizing the need to continue the momentum of unique and successful cooperation among the world communities in negotiating and implementing the Montreal Protocol,

Aware of the need to maintain the integrity of the Montreal Protocol to continue on the road to the recovery of the ozone layer and to its subsequent sustainable preservation,

Conscious of the Plan of Implementation of the World Summit on Sustainable Development and the need successfully to implement the Montreal Protocol in order to attain sustainable development objective,

Cognizant of the findings of the Scientific Assessment Panel of the Montreal Protocol and the Intergovernmental Panel on Climate Change on interlinkages between ozone layer depletion and climate change,

Recognizing also that the mainstreaming of the environmental dimension into national strategies for sustainable development and poverty reduction remains an important challenge to all countries,

Aware of the efforts of the world community to develop a strategic approach to international chemicals management,

1. *Reaffirm* their commitment to continue their efforts to protect the global environment and the ozone layer, bearing in mind in particular the Rio Principles, including the principle of common but differentiated responsibilities;

2. *Stress* the need in particular, to implement the relevant elements of the Plan of Implementation of the World Summit on Sustainable Development concerning the sound management of chemicals, including the prevention of international illegal trade in ozone-depleting substances, hazardous chemicals and hazardous wastes;

3. *Emphasize* the need for developing countries to implement multilateral environmental agreements and mainstream environmental considerations in their sustainable development and poverty reductions strategies to maximise the efficiency of the technical and financial support provided;

4. *Reiterate* the need to help provide support for the implementation of chemicals-related multilateral environmental agreements to developing countries and countries with economies in transition, for the Montreal Protocol including through an adequate replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol and the Global Environment Facility and enhanced cooperation between these funds;

5. *Enhance* the collaborative efforts towards technological development, in particular those related to the protection of the ozone layer and the mitigation of climate change, and transfer technology to the countries that need it;

6. *Seek* alliance with other multilateral instruments like the Basel, Rotterdam and Stockholm conventions to contribute to an effective strategic approach to international chemicals management; and

7. *Declare* the willingness of the Parties assembled in this City of Bridges to contribute to building bridges between the relevant multilateral environmental agreements and to help them draw inspiration from the success of the Montreal Protocol while, in turn, drawing inspiration from them in meeting future challenges.

Prague, 26 November 2004

Section 4

Rules of Procedure

Rules of procedure for meetings of the Conference of the Parties to the Vienna Convention and Meetings of the Parties to the Montreal Protocol

Introduction

The Rules of procedure for both the Montreal Protocol and the Vienna Convention are substantially the same except for Rules 1 and 2 which are printed separately. Elsewhere in these Rules, specific reference to the Vienna Convention is indicated in brackets at each respective place.

Purposes

Rule 1

These rules of procedure shall apply to any meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer convened in accordance with article 11 of the Protocol.

[*Vienna Convention*

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer convened in accordance with Article 6 of the Convention].

Definitions

Rule 2

For the purposes of these rules:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985;

2. "Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987;

3. "Parties" means, unless the text otherwise indicates, Parties to the Protocol;

4. "Conference of the Parties" means the Conference of the Parties established in accordance with Article 6 of the Convention;

5. "Meeting of the Parties means the meeting of the Parties convened in accordance with Article 11 of the Protocol;

6. "Regional economic integration organization" means an organization defined in Article 1, paragraph 6, of the Convention;

7. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

8. “Secretariat” means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with paragraph 2 of Article 7 of the Convention;

9. “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties.

[*Vienna Convention*

For the purposes of these rules:

1. “Convention” means the Vienna Convention for the Protection of the ozone Layer, adopted on 22 March 1985;

2. “Parties” means, unless the text otherwise indicates, Parties to the Convention;

3. “Conference of the Parties” means the Conference of the Parties established in accordance with Article 6 of the Convention;

4. “Regional economic integration organization” means an organization defined in Article 1, paragraph 6, of the Convention;

5. “President” means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

6. “Secretariat” means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with Article 7, paragraph 2 of the Convention;

7. “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties.]

Place of meetings

Rule 3

The meetings of the [Conference of the] Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Ordinary meetings of the Parties shall be held once every [two] year[s], unless the Parties decide otherwise. In years when there is an ordinary meeting of the Conference of the Parties to the Vienna Convention, that meeting and the meeting of the Parties to the Protocol shall be held in conjunction.

2. At each ordinary meeting, the Parties [Conference] shall fix the opening date and duration of its next ordinary meeting.

3. Extraordinary meetings of the [Conference of the] Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of meetings at least two months before the meeting.

Observers

Rule 6

1. The Secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State not party to the Protocol [Convention] of any meeting so that they may be represented by observers.

2. Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting.

Rule 7

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the Secretariat of its wish to be represented, of any meeting so that they may be represented by observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.

2. Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent.

Agenda

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include:

1. Items specified in article 11 of the Protocol [6 of the Convention];

2. Items the inclusion of which has been decided at a previous meeting;

3. Items referred to in rule 15 of the present rules of procedure;

4. Any item proposed by a Party before the agenda is circulated;

5. The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed by the Secretariat to the Parties at least two months before the opening of the meeting.

Rule 11

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplement to the provisional agenda, which the meeting shall examine together with the provisional agenda.

Rule 12

The meeting when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after it has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the meeting [Conference] of the Parties.

Representation and credentials

Rule 16

Each Party participating in the meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the meeting if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The officers of any meeting shall examine the credentials and submit their report to the meeting.

Rule 20

Pending a decision of the meeting upon their credentials representatives shall be entitled to participate provisionally in the meeting.

Officers

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the officers of the meeting. In electing its officers the Meeting [Conference] of the Parties shall have due regard to the principle of equitable geographical representation [distribution]. The offices of the President and Rapporteur of the Meeting of the Parties shall normally be subject to rotation among the five groups of States referred to in Section 1, paragraph 1, of General Assembly resolution 2997 (XXVI) of 15 December 1972, by which the United Nations Environment Programme was established. *[This paragraph was subject to amendment at the second meeting of the Parties – see Section 2]*

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. On occasion, one or more of these officers may be re-elected for one further consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the meeting [Conference] of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

2. The President, in the exercise of his functions, remains under the authority of the meeting [Conference] of the Parties.

Rule 23

If the President is temporarily absent from a session or any part thereof, he shall designate a Vice-President to act as President. *[This paragraph was subject to amendment at the third meeting of the Parties – see Section 2.]*

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate. *[This paragraph was subject to amendment at the third meeting of the Parties – see Section 2.]*

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the meeting.

Committees and working groups

Rule 26

1. The meeting may establish such committees or working groups as may be required for the transaction of its business.

2. The meeting may decide that such committees or working groups may meet in the period between ordinary meetings.

3. Unless otherwise decided by the meeting, the chairman for each such committee or working group shall be elected by the meeting. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the chairman of a committee or working group, to adjust the allocation of work.

4. Without prejudice to paragraph 3 of this rule, each committee or working group shall elect its own officers.

5. A majority of the Parties designated by the meeting to take part in the committee or working group shall constitute a quorum, but in the event of the committee or working group being open-ended one quarter of the Parties shall constitute a quorum.

6. Unless otherwise decided by the meeting, these rules shall apply mutatis mutandis to the proceedings of committees and working groups, except that:

   (a) The chairman of a committee or working group may exercise the right to vote; and

   (b) Decisions of committees or working groups shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

Secretariat

Rule 27

1. The head of the international organization designated as Secretariat of the Convention shall be the Secretary-General of any meeting. He may delegate his functions to a member of the Secretariat. He, or his representative, shall act in that capacity in all sessions of the meeting and in all sessions of committees or working groups of the meeting.

2. The Secretary-General shall appoint an Executive Secretary of the meeting and shall provide and direct the staff required by the meeting and the committees or working groups of the meeting.

Rule 28

The Secretariat shall, in accordance with these rules:

   (a) Arrange for interpretation at the meeting;

   (b) Receive, translate, reproduce and distribute the documents of the meeting;

(c) Publish and circulate the official documents of the meeting;

(d) Make and arrange for keeping of sound recordings of the meeting;

(e) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as secretariat of the Convention; and

(f) Generally perform all other work that the meeting may require.

Conduct of business

Rule 29

Sessions of the meeting, and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.

Rule 30

The President may declare a session of the meeting open, and permit the debate to proceed and have any decision taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the meeting without having previously obtained the permission of the President. Without prejudice to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The meeting may, on a proposal from the President, or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favor of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 32

The chairman or rapporteur of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to

delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

2. Proposals of amendments to the Protocol [Convention], including its annexes, and of additional annexes to the Protocol [Convention] shall be communicated to the Parties by the Secretariat at least six months before the meeting at which they were proposed for adoption.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

   (a) To suspend a session;

   (b) To adjourn a session;

   (c) To adjourn the debate on the question under discussion; and

   (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favor of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the meeting, by a two-thirds majority of the Parties present and voting, decides in favor of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

Voting

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 40

1. Unless otherwise provided by the [Convention] or by the Protocol, decisions of a meeting on all matters of substance shall be taken by a two-thirds majority vote of the Parties present and voting, except as otherwise provided in the Terms of Reference for the administration of the Trust Fund.

2. Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

If two or more proposals relate to the same question, the meeting, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favor of and the other against the motion, after which shall be put immediately to the vote.

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revise parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of the voting on the amendments under this rule.

Rule 46

Except for elections, voting shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The President may permit the Parties to explain

their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the meeting.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter, shall be unrestricted, and so on until all the places have been filled.

Languages

Rule 52

The Official languages of the meeting shall be Arabic, Chinese, English, French, Russian, and Spanish.

Rule 53

1. Statements made in an official language of the meeting shall be interpreted in the official languages.

2. A representative may speak in a language other than an official language of the meeting, if he provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Sound records of the meeting

Rule 55

Sound records of the meeting, and whenever possible of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

Ad hoc meetings

Rule 56

1. A meeting may recommend to the Secretariat, taking duly into account the financial implications, the convening of *Ad Hoc* meetings, either of representatives of the Parties or of experts nominated by the Parties, in order to deal with matters which, because of their specialized nature, or for other reasons, cannot be adequately discussed during the normal session of a meeting.

2. The terms of reference of these *Ad Hoc* meetings and the questions to be discussed shall be determined by a meeting.

3. Unless otherwise decided by the meeting, each *Ad Hoc* meeting shall elect its own officers.

4. These rules of procedure shall apply *mutatis mutandis* to such *Ad Hoc* meetings.

Amendments to rules of procedure

Rule 57

1. These rules of procedure may be amended by consensus by a meeting [the Conference] of the Parties.

2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

Overriding authority of the Convention or the Protocol

Rule 58

1. In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

2. In the event of any conflict between the provisions of these rules and any provision of the Protocol, the Protocol shall prevail.

Section 5

Sources of Further Information

Sources of further information

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Ozone Secretariat Web Site

The Ozone Secretariat web site, http://ozone.unep.org plays a key role in the dissemination of up-to-date information regarding the activities of the Secretariat.

It has grown tremendously over the years and continues to act as a catalyst for increasing awareness on the progress towards the protection of the ozone layer. It also serves as an effective tool for easy access and archiving of important information including:

1. Meeting reports and other related documents from 1989 to date
2. Data reporting tools
3. Publications and press releases
4. Other relevant information for the Parties e.g.
   a) Information on current and upcoming events
   b) Current status of ratification of ozone treaties
   c) Data on production and consumption of ozone depleting substances
   d) Texts of ozone treaties and amendments

The web site provides links to other relevant sites such as the Multilateral Fund Secretariat, (http://www.multilateralfund.org), UNEP OzonAction Programme (http://www.uneptie.org/ozonaction), the Technology and Economic Assessment Panel, TEAP (http://ozone.unep.org/teap) and other UN / Government Organizations.

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