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BUREAU OF THE THIRTEENTH MEETING OF THE
PARTIES TO THE MONTREAL PROTOCOL
ON SUBSTANCES THAT DEplete THE
OZONE LAYER

First meeting
Montreal, 22 July 2002

REPORT OF THE FIRST MEETING OF THE BUREAU OF THE THIRTEENTH MEETING
OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER

Introduction

1. The first meeting of the Bureau of the Thirteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the headquarters of the International Civil Aviation Organization in Montreal, Canada, on 22 July 2002.

I. OPENING OF THE MEETING

2. The meeting was opened at 10.10 a.m. on Monday, 22 July 2002 by the Hon. Mr. Joseph Kamotho (Kenya), President of the Thirteenth Meeting of the Parties.

3. It was attended by the following members of the Bureau, who had been elected to their respective posts by the Thirteenth Meeting of the Parties, held in Colombo from 16 to 19 October 2001, or nominated by their Governments in accordance with rule 24 of the rules of procedure:

President: Hon. Mr. Joseph Kamotho (Kenya)

Vice-Presidents: Mr. Jiří Hlavaček (Czech Republic)
Hon. Mr. Rukman Senanayake (Sri Lanka)

Rapporteur: Mrs. Laurence Musset (France)

4. Mr. Bishnunarine Tulsie, Vice-President, (Saint Lucia) did not attend the meeting.

5. A list of participants is annexed.

II. ADOPTION OF THE AGENDA

6. The Bureau adopted the agenda on the basis of the following provisional agenda contained in document UNEP/OzL.Pro.13/Bur.1/1:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Action taken on the decisions of the Thirteenth Meeting of the Parties to the Montreal Protocol held in Colombo, Sri Lanka, 16 to 19 October 2001.
4. Overview of the working documents for the Twenty-second Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol, Montreal, 23-25 July 2002.
5. Arrangements for the Fourteenth Meeting of the Parties to the Montreal Protocol, to be held in Rome, Italy, 25-29 November 2002.
6. Other matters.
7. Adoption of the Report.
8. Closure of the meeting.

III. ACTION TAKEN ON THE DECISIONS OF THE THIRTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL HELD IN COLOMBO, SRI LANKA, 16 TO 19 OCTOBER 2001

7. Mr. Marco González, the Executive Secretary of the Ozone Secretariat, introduced document UNEP/OzL.Pro.13/Bur.2/3, listing the actions taken. With regard to decision XIII/1, on the “Terms of reference for the study on the 2003-2005 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol,” he said that the assessment report prepared by the Technology and Economic Assessment Panel on the funding requirement for the 2003-2005 replenishment of the Multilateral Fund was contained in volume 2 of the April 2002 TEAP report. According to that report, the total funding requirement for the 2003-2005 replenishment to enable the Article 5(1) Parties to comply with the control schedules under the Montreal Protocol was estimated at US\$ 574.5 million \pm US\$ 26.7 million. The uncertainty regarding the additional US\$ 26.7 million was due to the fact that the Task Force on replenishment had not been able to derive a one-point estimate for the funding requirement in the CFC consumption sector. The report had been communicated to all Parties and would be discussed at the forthcoming meeting of the Open-ended Working Group.

8. With regard to decision XIII/2, on the “Ad hoc working group on the 2003-2005 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol,” he reported that the ad hoc Working Group would meet on July 26, following the meeting of the Open-ended Working Group, to provide initial feedback to TEAP as well as advice on sensitivity analyses of the proposed replenishment amount.

9. With regard to decision XIII/3, on the “Evaluation study on the managing and implementing bodies of the financial mechanism of the Montreal Protocol,” he recalled that previous evaluations had praised very highly the financial practices of the Multilateral Fund.

10. Mr. Omar El Arini, Chief Officer of the Multilateral Fund Secretariat, said that the first review of the functioning of the financial mechanism, pursuant to decision IV/18 taken at the 4th Meeting of the Parties, had resulted in 21 actions in accordance with Decision VII/22. The Executive Committee of the Multilateral Fund reported annually to the Meeting of the Parties on the fulfilment of those actions, of which only a few

remained to be completed. At the 15th Meeting of the Parties, the terms of reference and modalities of the study called for in decision XIII/3 would be considered.

11. With regard to decision XIII/4, on the “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,” he recalled that following an interim report which had been submitted to the Open-ended Working Group the previous year and subsequently to the Thirteenth Meeting of the Parties in Colombo, the final report on the review of the fixed-exchange-rate mechanism prepared by the Treasurer and the Secretariat of the Multilateral Fund was contained in document UNEP/OzL.Pro/WG.1/22/5. The report would be considered by the Open-ended Working Group at its forthcoming meeting.

12. The study indicated that some US\$ 18 million had been lost to the Multilateral Fund by the use of the fixed-exchange-rate-mechanism, a loss which had been somewhat compensated for by interest received. The consultant who had drawn up the report had recommended that consideration be given to the use of Special Drawing Rights to calculate the contributions to the Multilateral Fund for the coming triennium, which would be a decision to be made by the Parties. He noted that that system was already in use at the Global Environment Facility.

13. With regard to decision XIII/5, on “Procedures for assessing the ozone-depleting potential of new substances that may be damaging to the ozone layer,” Mr. González said that the Secretariat had circulated for the information of the Parties and in advance of the meeting of the Open-ended Working Group, a list of six new substances that might have the potential to damage the ozone layer, pursuant to paragraph 1 of the decision.

14. With regard to decision XIII/6, on “Expedited procedures for adding new substances to the Montreal Protocol,” he said the Secretariat had compiled, in document UNEP/OzL.Pro/WG.1/22/3, precedents in other Conventions regarding the procedures for adding new substances to a treaty.

15. With regard to decision XIII/7, on “n-propyl bromide,” Volume 1 of the 2002 assessment report by the Technology and Economic Assessment Panel provided the most recent available data on the evolution of use and emissions of n-propyl bromide, as requested by the Parties. This information would be presented to the Parties by TEAP at the twenty-second meeting of the Open-ended Working Group. Mr. González noted that a correction had to be made to the TEAP report, which had listed the consumption as 60 tonnes, whereas it had subsequently been found to be 66,000 tonnes.

16. With regard to decision XIII/8, on “Essential-use nominations for non-Article 5 Parties for controlled substances for the year 2002 and beyond,” the Secretariat in November 2001 had notified those eight Parties whose essential use of ozone-depleting substances were approved by the meeting of the Parties.

17. With regard to decision XIII/9, “Metered-dose inhaler (MDI) production,” the Chief Officer of the Multilateral Fund Secretariat said that the Executive Committee had authorized funding for preparation of transitional strategies to move away from CFC-based MDIs, and project proposal for MDI conversion. The Executive Committee had considered at its 37th Meeting, held the previous week in Montreal a study prepared by the Fund Secretariat on draft guidelines for MDI projects. At the same time, the Executive Committee had requested its members to submit comments to the Fund Secretariat in time for a further discussion at its 40th Meeting, and had also decided to allow consideration of MDI projects on a case-by-case basis, taking into account the relative need of the country to have an MDI project to ensure compliance, the relative cost-effectiveness of the project and the possibility that essential use applications for MDIs might be considered by the Parties as early as 2008.

18. With regard to decision XIII/10, on “Further study of campaign production of CFCs for metered-dose inhalers (MDIs),” Mr. González recalled that the decision had requested the Technology and Economic Assessment Panel (TEAP) to analyse the current essential-use decisions and procedures to identify whether

changes were 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 was used only in the manufacture of MDIs for the treatment of asthma and chronic obstructive pulmonary disease or that any excess was destroyed. The decision had further requested the Technology and Economic Assessment Panel to present its findings to the Open-ended Working Group in 2002.

19. The Technology and Economic Assessment Panel believed that no changes to the Montreal Protocol or to the existing decision were required at present in order to permit final campaign production. Nonetheless, if final campaign production was to be undertaken in 2005, requiring a decision to be taken at the Sixteenth Meeting of the Parties to the Montreal Protocol, to be held in 2004, to approve the multiple-year nominations, TEAP recommended that: Parties might wish to take a decision now that clarified the timeline of submission of future projections of CFC requirements, for which final campaign production might be required; Parties might wish to consider a new decision requiring annual reporting of the use of any stockpile of CFCs created in a final production campaign; and furthermore, Parties might need to change national regulations in order to permit final campaign production. Such changes might require a significant time period to come into effect.

20. With regard to decision XIII/11, on “Procedures for applying for critical-use exemption for methyl bromide,” Mr. González reported that the Technology and Economic Assessment Panel had finalized the “Handbook on Critical Use Nominations for Methyl Bromide” in May 2002. It had been posted on the website of the Secretariat as requested by the Parties. The Handbook provided the framework information on critical use process for methyl bromide with steps leading to a critical use exemption and instructions for critical use nomination as well as schedule for submissions for nominations.

21. With regard to decision XIII/12, on “Monitoring of international trade and prevention of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances (ODS),” he said that the study on monitoring of international trade and prevention of illegal trade in ozone-depleting substances requested by the Parties was contained in document UNEP/OzL.Pro/WG/22/4. It had been prepared by the Secretariat, with assistance from the Royal Institute of International Affairs of the United Kingdom. The decision requested the Ozone Secretariat, in consultation as appropriate with TEAP, the World Customs Organization, the United Nations Environment Programme – Division of Technology, Industry and Economics and the World Trade Organization, to undertake a study and present a report with practical suggestions on the issues in decision XII/10 to the Open-ended Working Group at its Twenty-second Meeting, in 2002, for consideration by the Parties in 2002. The report contained an analysis of the problem of illegal trade in ozone-depleting substances, identification and tracking of illegal trade in ODS and enforcement measures at the national and international level. It also provided practical suggestions on how to deal with illegal ozone-depleting substances and tightening consumption and production controls of ODS.

22. With regard to decision XIII/13, on “Request to the Technology and Economic Assessment Panel for the final report on process agents,” he recalled that the decision had requested TEAP to finalize its evaluation on process agents (previously requested in decision X/14) and to report to the Twenty-second Meeting of the Open-ended Working Group. TEAP had prepared a supplement to the April 2001 report of the Task Force and to its October 2001 supplement to the April 2001 Task Force Report. Following the review, TEAP had (a) updated table A of decision X/14 with an improved four-part presentation; (b) improved the technical evaluation of table B of decision X/14; and (c) secured sponsorship for a periodic workshop where experts from process agents users and Governments could collaborate on further reductions and more accurate emissions reporting, including technological cooperation between Article 5 and Article 2 Parties to the Montreal Protocol.

23. The revised table A contained 44 processes identified for use as process agents. TEAP recommended considering or reconsidering annually the use of ozone-depleting substances (ODS) as feedstock or process

agents. Regarding table B, TEAP recommended that the Parties require national Governments to certify that process agents emissions were negligible pending the development of harmonized practices for accurately estimating and reporting emissions from process agents inputs and process agents generated within chemical processes.

24. TEAP also recommended holding periodic workshops on reducing and more accurately reporting process agent emissions. The workshops would serve as a forum (a) to collaborate on monitoring and estimating emissions; (b) to share best practices to minimize emissions; and (c) to present not-in-kind alternatives to the use of process agents or products made with process agents.

25. With regard to decision XIII/14, on "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," he said that the Secretariat had sent a letter on 14 February 2002 to each country and the European Community urging them to become a Party to any of the ozone agreements that they had not yet ratified. Efforts were being made to pursue universal ratification of the Montreal Protocol. Only 12 countries had not yet ratified. Any progress would be reported to the forthcoming Meeting of the Parties.

26. With regard to decision XIII/15, on "Data and information provided by the Parties to the 13th Meeting of the Parties in accordance with Article 7 of the Montreal Protocol," he reported that the Secretariat had addressed a letter to all Parties that had not yet reported data for the relevant years, requesting them to do so as soon as possible. The data reported by the Parties as of 15 June 2002 had been placed before the Implementation Committee for consideration at its meeting on 20 July 2002.

27. Mr. Gilbert Bankobeza of the Ozone Secretariat reported that by the end of the preceding week, 152 Parties out of 175 had reported for 2000. For the year 2001, Parties had until the end of September of the current year to report and information would be given to the Meeting of the Parties in Rome.

28. With regard to decision XIII/16, on "Potential non-compliance with the freeze on CFC consumption in Article 5 Parties in the control period 1999-2000," Mr. González reported that the Secretariat had conveyed the decision to the Parties whose compliance with the CFC consumption freeze for the control period 1 July 1999 to 30 June 2000 had not yet been fully determined. The Implementation Committee had met on 20 July 2002 to review the status of compliance with this decision by the Parties concerned.

29. With regard to decisions XIII/17-25, on "Compliance with the Montreal Protocol by a number of Parties," he said that the Secretariat had conveyed those decisions to the Governments of the Parties concerned for necessary action. The Implementation Committee at its meeting on 20 July 2002 had reviewed among other things, the status of compliance with these decisions and made appropriate recommendations. Of the 26 countries covered by compliance-related decisions, it was expected that at least the majority would come back into compliance by the provision of the necessary clarification, by the time of the Meeting of the Parties in Rome. Argentina and Peru had significantly reduced their consumption of CFCs and were in compliance. In the case of some of the other countries, the progress reports were being reviewed, but some additional information was still needed. The Russian Federation by December 2000 had closed all its CFC production facilities and a World Bank mission had been undertaken to confirm this closure. The Secretariat had requested the Russian Federation to report data for the year 2001 that would confirm whether closure of CFC production facilities have had an impact on the reduction of CFC production consistent with the requirements of the Montreal Protocol.

30. With regard to decision XIII/26, on "Membership of the Implementation Committee," decision XIII/27 on "Membership of the Executive Committee of the Multilateral Fund" and decision XIII/28 on "Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol," the Secretariat had notified all new selected members as appropriate.

31. With regard to decision XIII/29 on “Recognizing the preparations for the World Summit on Sustainable Development 2002,” it was felt that it was important to have a presence at the WSSD. A side event was planned at the Summit, at which three new books on ozone subjects would be presented.

32. With regard to decision XIII/30 on “Financial matters: Financial reports and budgets,” the Treasurer reported that the approved revised budget for the Montreal Protocol Trust Fund for the year 2002 was US\$ 3,907,646. The contribution pledged by the Parties was set at US\$ 2,492,646. As at 30 June 2002 contributions paid by the Parties amounted to US\$790,743. The outstanding contributions for prior years amounted to US\$ 3,647,329 as at 30 June 2002. The Secretariat was preparing a working document for consideration by the Parties at their 14th Meeting, on 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.

33. With regard to decision XIII/31, on “Appointment of the Executive Secretary of the Ozone Secretariat,” Mr. González reported that following the completion of the appointment process by the United Nations Environment Programme and United Nations Headquarters in April 2002, he had assumed his functions as Executive Secretary in June 2002.

34. Regarding decision XIII/32, on the Colombo Declaration, on renewed commitment to the protection of the Ozone Layer to mark the forthcoming World Summit on Sustainable Development later in the current year, the 15th anniversary of the Montreal Protocol and the tenth anniversary of the establishment of the Multilateral Fund, he said that the Declaration had been circulated by the Secretariat to all Parties to the Montreal Protocol after its adoption by the Meeting of the Parties.

35. With regard to decision XIII/33, on “Fourteenth Meeting of the Parties to the Montreal Protocol,” he said that in February 2002 the Government of Italy had formally offered to host the 14th Meeting of the Parties to the Montreal Protocol in Rome and following the Secretariat’s consultations with the Parties the offer had been accepted. The next meeting of the Parties would take place in Rome during the week of 25 to 29 November 2002. A mission from the Ozone Secretariat and from UNON Conference Services had reviewed the conference facilities, hotels, logistics and so on. All preparations were on schedule.

36. He noted, too, that the next Bureau meeting would be held in Rome, as well as the meeting of the Bureau of the Vienna Convention. He suggested that it would be advantageous for the President of the Montreal Protocol Bureau to attend the Vienna Convention Bureau meeting, and vice versa.

37. The Chair thanked the Executive Secretary for his review on actions taken on the decisions and asked for comments from the members.

38. The representative of the Czech Republic sought clarification with regard to the forthcoming replenishment of the Multilateral Fund. Expressing concern at the scale of the planned increase, some 23 per cent, he asked whether unused funds from previous years could be transferred to the following replenishment period, as a way of lessening the burden on the contributors to the Fund.

39. The Chief Officer of the Multilateral Fund Secretariat responding to the question on whether there was a carry-over of unspent balance of funds in the proposed replenishment, pointed out that the Executive Committee was required by decision XI/7 to attempt to commit the entire budget of a triennium during that triennium. The budget always included any carryover from previous periods. He also pointed out that the replenishment originally forecast for the coming triennium had been much higher, at about US\$ 850 million. It had been revised downwards in the light of project approvals by the Executive Committee.

40. Regarding the Trust Fund for the Montreal Protocol, the representative of the Czech Republic asked for the present total in unspent reserves.

41. The Treasurer replied that as of the end of the year the reserve had US\$ 12.38 million, including pledges counted as income amounting to about US \$3.8 million the actual resources available amounts to about US \$8.6 million. He pointed out that when the budget was approved, an amount of some US\$ 1.5

million was withdrawn from the reserve as part of a draw-down requested by the Parties to reduce the increase in the reserve funds.

42. The representative of the Czech Republic also expressed the view that changing to Special Drawing Rights as part of a proposal for continued implementation of the fixed-exchange-rate mechanism under the Multilateral Fund was an interesting idea, which should certainly be considered by the Parties. An alternative might be to use the euro, or possibly a combination of euros and dollars.

43. He also commended the Ozone Secretariat for its excellent work on the study on illegal trade prepared for consideration by the Open-ended Working Group meeting, and suggested that the staff of the Ozone Secretariat should be augmented, particularly in the enforcement area. Not only was illegal trade a growing problem, but in addition there were now many more Parties than when the Ozone Secretariat had been set up.

44. Mr. González agreed that there was a need to improve the monitoring capacity within the Secretariat and within the system as a whole, and to strengthen the enforcement function of the Secretariat. The present phase of implementation of the Montreal Protocol was a crucial one with regard to monitoring and enforcement, with a need for improvements in labelling systems, customs codes, licensing systems, and so on.

45. The representative of France said that on illegal trade there was an emerging concern that there might be illegal production of ozone-depleting substances in countries such as India or China for consumption of ODS, which might be an even more serious problem than illegal trade.

46. The Chief Officer of the Multilateral Fund Secretariat agreed that there was always a risk of illegal production, particularly of CFC 12, but also pointed out that it was quite difficult to conceal the illegal production of such substances, which involved the use of dangerously toxic chemicals, with the attendant risks of spills, accidents, and so on.

IV. OVERVIEW OF THE WORKING DOCUMENTS FOR THE TWENTY-SECOND MEETING OF THE OPEN-ENDED WORKING GROUP OF THE PARTIES TO THE MONTREAL PROTOCOL, MONTREAL, 23-25 JULY 2002.

47. Mr. González gave an overview of the working documents which had been prepared for the Twenty-second Meeting of the Open-ended Working Group, which were listed in document UNEP/OzL.Pro.13/Bur.1/3. All of them had been mailed to Parties, translated into the United Nations official languages and posted on the Ozone Secretariat's website.

48. He noted that in addition to those listed in that document, there was one further information document, UNEP/OzL.Pro/WG.1/22/INF/3, listing the six new substances that might have the potential to damage the ozone layer.

V. ARRANGEMENTS FOR THE FOURTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL, TO BE HELD IN ROME, ITALY, 25-29 NOVEMBER 2002.

49. Mr. González reported that the arrangements for the Meeting of the Parties were proceeding in accordance with the programme. Due account was being taken of the experiences of the past. Invitation letters would be sent out in early September, in plenty of time to make travel and administrative arrangements. That would be followed by final preparation of all the documents for the meeting.

50. Additionally, an invitation to the President of the Vienna Convention to attend the Montreal Protocol Bureau meeting would be issued, and it was to be expected that the invitation would be reciprocated for the Vienna Convention Bureau meeting.

51. In response to a question, he said that the meeting of the Conference of the Parties to the Vienna Convention would precede the Meeting of the Parties to the Montreal Protocol. Approximately half of one day of the technical session would be devoted to Vienna Convention issues, and one or two hours in the ministerial segment.

VI. OTHER MATTERS

52. The representative of the Czech Republic reported that his country had prepared a booklet on its environmental official development assistance, including the area of phase-out of ozone depleting substances, for the World Summit on Sustainable Development.

53. The representative of Sri Lanka said that he was proud to report that Sri Lanka had successfully phased out more than 50 per cent of CFCs and was hopeful of phasing them completely out five years before the target date set by the Montreal Protocol. Methyl bromide was also being phased out, and alternatives were being sought for carbon tetrachloride.

VII. ADOPTION OF THE REPORT

54. The Bureau agreed to entrust to the Rapporteur and the Secretariat the finalization of its report.

VII. CLOSURE OF THE MEETING

55. The President declared the meeting closed at 12.20 p.m. on 22 July 2002.

Annex

LIST OF PARTICIPANTS
FIRST MEETING OF THE BUREAU OF THE THIRTEENTH MEETING
OF THE PARTIES TO THE MONTREAL PROTOCOL

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