

INFORMAL CONSULTATION  
Copenhagen, 16 November 1992

ISSUES FOR DISCUSSION

A. ADJUSTMENTS TO THE PROTOCOL

1. CFCs (Annex A, Group I and Annex B, Group I) (UNEP/OzL.Pro.4/10, para.7)
  - (a) 75% reduction by 1994; (b) 100% phase-out by 1996.
2. Halons (Annex A, Group II) (UNEP/OzL.Pro.4/10, para.8)
  - (a) 100% phase-out by 1994.
3. Carbon tetrachloride (Annex B, Group II) (UNEP/OzL.Pro.4/10, para.9)
  - (a) 85% phase-out by 1995; (b) 100% phase-out by 1996.
4. Methyl chloroform (Annex B, Group III) (UNEP/OzL.Pro.4/10, para.10)
  - (a) 50% reduction by 1994; (b) 100% phase-out by 1996.

B. AMENDMENTS

5. HBFCs (UNEP/OzL.Pro.4/10/Add.1, paras.1-4)
  - (a) 100% phase-out by 1996; (b) no time lag for Article 5 Parties.
6. HCFCs (UNEP/OzL.Pro.4/10/Add.1, paras.5-10)
  - (a) Limitations on the applications of HCFCs, applicable to all Parties, to be specified in the Protocol following the resolution on HCFCs adopted in London;

(Decision by the Parties: the Technology and Economics Panel to identify "allowable applications" by 31 March 1994; the Open-ended Working Group to consider; and the Parties to decide at the Sixth Meeting (1994) (UNEP/OZL.Pro.4/10/Add.1, para.12).
  - (b) base consumption = calculated level of HCFC consumption in 1989 + [2-4]% of calculated level of CFC consumption in 1989 ● percentage to be decided;
  - (c) freeze from 1996;
  - (d) 25% reduction from 2000;
  - (e) 50% reduction from 2010;
  - (f) 100% phase-out by 2020;
  - (g) phase-out schedule for Article 5 Parties to be decided in 1995.

7. Methyl bromide (UNEP/OzL.Pro.4/10, para.12)

- (a) base year 1992;
- (b) freeze at 1992 level by 1995;
- (c) 25% reduction by 2000 except for uses in quarantine fumigation;
- (d) Further decisions in 1994 upon completion of studies by the Scientific and the Technology and Economics Assessment Panels.

8. General understandings (UNEP/OzL.Pro.4/10, paras.3-6)

- Allowance for increased production to meet the needs of Article 5 countries - 10% in intermediate stages and 15% after the complete phase-out.
- Time lag of ten years for Article 5 countries.
- Excepting halons, the essential uses, if any, shall be provided for.

9. Relevant decisions

- **RECYCLING:** (i) Annul Decision 12 H (First Meeting); (ii) not to take into account the import/export of recycled substances as consumption except for calculating the base year consumption for Article 5 countries; (iii) urge Parties to encourage recycling and adopt appropriate policies for exporting recycled substances to Article 5 countries; (iv) request studies by 31 March 1994 by the Panels on the impact of recycled substances on the ozone layer, recycling technologies, quantities available for economical recycling and the scope for meeting the needs of Article 5 countries; and (v) request the Open-ended Working Group to consider the studies and make recommendations to the Sixth Meeting of the Parties (1994). (UNEP/OzL.Pro.4/10, para.15).
- **ESSENTIAL USES:** (i) criteria for applications to qualify as "essential uses"; (ii) request for each Party to nominate applications that it considers "essential"; (iii) request to the Technology and Economics Panel to develop by 31 March 1994, recommendations on the nominations submitted by the Parties; (iv) consideration of the Panel's recommendations by the Open-ended Working Group; and (v) decision by the Parties at the Sixth Meeting (1994) (UNEP/OzL.Pro.4/10, para.18).

10. Phase-out schedule for Article 5 Parties (UNEP/OzL.Pro.4/10/Add.1, para.13)

Option 1: speeding up the phase-out in line with Copenhagen adjustments for Articles 2A-2E, with a review in 1994 or 1995 (UNEP/OzL.Pro.4/2, page 21, Article 5, paragraph 8).

Option 2: to keep the phase-out schedule as agreed in London until the review (UNEP/OzL.Pro.4/2, pages 20-21, Article 5, paragraph 1).

Note: - Several country programmes indicate the willingness of the Article 5 countries to phase out by the year 2000 or earlier.

- The operation of the interim financial mechanism has been encouraging, and there is, so far, no reason to doubt the implementation of Articles 10 and 10A.

- At the time of review in 1994 or 1995, the Article 5 countries would be able to present their case. The phase-out schedule can be revised according to the outcome of the review.

11. Amendments regarding Parties with "economies in transition"  
(UNEP/OzL.Pro.4/10, paras.14, 15)

- (a) no amendment necessary.
- (b) any temporary difficulties to be considered by the Parties on case-by-case basis, keeping in mind the availability of assistance through GEF.

C. **FINANCIAL MECHANISM**

12. Establishment of the Financial Mechanism

Option 1: to establish the Financial Mechanism in accordance with Article 10 of the Amended Protocol (UNEP/OzL.Pro.4/5, paras.53-55).

Option 2: UNEP/OzL.Pro.4/CRP.1 - Proposal by France and Italy

to establish the Financial Mechanism with provisions for (i) an urgent examination of the operational issues by the Open-ended Working Group for Parties to take decisions in 1993; (ii) a review of all aspects of the mechanism in 1995, taking into account the experience gained under the Financial Mechanism and the restructured GEF; (iii) raising the fund to US \$ 240 over 1993 and requesting the Open-ended Working Group to recommend on the size of the future funds.

Note: - CRP.1 does not specifically state that the establishment of the financial mechanism should be delayed. It is assumed that the proposal means to establish the actual fund.

D. **NON-COMPLIANCE (UNEP/OzL.Pro/WG.3/3/3)**

13. Non-compliance Procedure

Two square brackets remain in the Non-compliance Procedure as revised by the Ad Hoc Working Group of Legal Experts:

para. 7 (e) (functions of the Implementation Committee)

[To maintain [, in particular for the purpose 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.]

para. 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.]

The square brackets could easily be removed (as indicated in Annex IV of UNEP/OzL.Pro.4/L.1, pages 13 and 14). The substance of paras. 7(e) and 16 are unexceptionable.

14. Indicative List of Possible Situations of Non-compliance with the Montreal Protocol

Two square brackets remain in the Indicative List:

Annex II, I (v)

[(v) Article 10 (after entry into force of the Amendment) - Non-payment of contributions to the financial mechanism;]

[(v) Article 10 (after entry into force of the Amendment) - Non-provision of contributions referred to in Article 10, paragraph 1, for the purpose of financing on a grant or concessional basis the incremental costs agreed upon in its paragraph 3, as well as what is provided for in Article 10A concerning substitute substances and the transfer of technology;]

Annex II, I (vii)

[(vii) Non-compliance with the obligations in decisions of the Parties to the Protocol.]

Note: - The Ad Hoc Working Group concluded that the Parties themselves are responsible for legal interpretation of the Protocol. The need for such a list may be discussed. If there is need for such a list, it may be appropriate to adopt only those items listed for which there is unanimity among the Parties.

**E. BUREAU OF THE FOURTH MEETING OF THE PARTIES**

The Government of Denmark, as the host of the Fourth Meeting of the Parties, wishes to be elected the President.

Rule 21 of the Rules of Procedure for the Meetings of the Parties to the Montreal Protocol states that:

" The offices of the President and the Rapporteur of the Meetings of the Parties shall normally be subject to rotation among the five groups of states referred to in section I of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which UNEP was established."

It is implicitly understood that the rotation among the states follows alphabetical rotation. Since the President of the Third Meeting was from Africa, the Presidency for the Fourth Meeting would be expected from Asia.

**F. NEW CO-CHAIRMAN FOR THE TECHNOLOGY AND ECONOMICS ASSESSMENT PANEL**

Mr. Steve Lee-Bapty who has co-chaired the Technology and Economics Assessment Panel for the second assessment (1991) is no longer able to continue this work.

The possible nominations for a new Co-Chairman may be discussed.