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**Dialogue on key future challenges faced by
the Montreal Protocol on Substances that
Deplete the Ozone Layer**
Nairobi, 2–3 June 2007

**Decision XVIII/36 of the Eighteenth Meeting of the Parties to the
Montreal Protocol on Substances that Deplete the Ozone Layer***

**Key challenges to be faced by the Parties in protecting the ozone
layer over the next decade**

Note by the Secretariat

1. The annex to the present note contains the comments from the European Union and the European Community in response to the request of the Parties at their twenty-sixth Meeting of the Open-ended Working Group on the key challenges to be faced by the Parties in protecting the ozone layer over the next decade. These comments, among others, were presented to the Parties at their Eighteenth Meeting in document UNEP/OzL.Pro.18/INF/5.
2. The comments attached are circulated pursuant to the request of the European Union and the European Community and have not been formally edited by the Secretariat

* UNEP/OzL.Pro.18/10.

Annex

Joint submission by the European Union and the European Community

During the last Open Ended Working Group, Canada submitted a non-paper on the future of the Montréal Protocol with a view to initiate discussions on how to best ensure that the Protocol adapts to new realities and challenges. The EU very much welcomes this initiative, which is all the more welcome as we approach the 20th Anniversary of the Protocol.

The Protocol is widely and rightly recognized as one of the most successful international environmental agreements: its almost universal membership together with all the information and implementing tools at its disposal, being scientific, technical or financial in nature, have undoubtedly been instrumental in its success and effectiveness. Much progress has been achieved but the ozone layer is still very fragile and the "job is not done yet". Considering this, together with the fact that the Protocol has been in operation since more than twenty years, time is ripe for Parties to consider its future evolution, taking account of the need to progress the collective work of the Parties in an efficient, effective and economic manner.

Any review of the Protocol would need to take due account of the latest information of the ozone layer, what has been achieved so far and what remains to be done.

State of the ozone layer and predictions:

The ozone layer remains fragile and under threat. As we know, the ozone hole that formed in the Southern hemisphere in 2005 was among the biggest ever recorded. Most recently, the scientific information about the state of the ozone layer, as assessed by UNEP and the World Meteorological Organisation in their 2006 joint report, tells us that the ozone layer recovery will be delayed by 5 to 15 years compared to previous estimations, depending on latitude.

All this militates in favour of caution and modesty: while it is clear that a lot has been done, we must undoubtedly maintain and even, in some instances, increase our efforts. This also means that a close scientific monitoring of the effects of our decisions and actions remains essential so as to best decide how to tackle remaining and new challenges.

All Parties need to continue ensuring the best and timely implementation and enforcement of existing control schedules and associated measures.

Also, we must bear in mind new and emerging developments in the use of ODS. In this connection, the EC considers that the following issues are of particular concern :

- Production and consumption of HCFCs in A5 countries has increased sharply despite the forthcoming agreed freeze in 2016 and the full phase out of consumption by 2040. In this regard, and considering linkages between the ozone layer and climate change, any action and policy development would need to consider both the ozone and climate perspectives. This also means that synergies between the two international agreements need to be stepped up to ensure coordinated and mutually supportive action.
- The production and use of methyl bromide has declined significantly for a number of controlled uses, but there is mounting evidence that its use is steadily growing for Quarantine and Pre-shipment purposes, which may well undermine efforts achieved through control measures and would make it necessary to consider collective action;
- Further, a number of final phase-out dates are approaching in A5 countries (e.g CFCs, CTCs), making it necessary to step up efforts, where necessary, to ensure full and timely compliance. In this regard, proper stock management is of particular relevance. Furthermore, non-A5 Parties should continue to assist A5 Parties in their efforts to implement the Protocol's requirements and in this regard put particular emphasis on capacity building.
- Illegal trade is likely to become a major problem and options at various levels will need to be considered in order for illegal flows not to undermine the results achieved so far.

The above list is illustrative of particularly challenging and pressing issues. However, it does not exhaust the list of all issues that need to be further considered by Parties collectively and individually for the benefit of the recovery of the ozone layer (e.g banks and associated recovery, feedstocks or new ODS).

The EU believes that the basic structure and institutions of the Protocol have served the Parties very well and are accordingly recognized as having played a decisive role in the effectiveness of the Protocol. For instance, the scientific and technical bodies have clearly been instrumental in the Protocol's decision-making process and have allowed Parties to take well-informed and scientifically sound decisions.

In the light of above policy and implementation needs and challenges, the case for possible changes or adaptations of the present institutional framework needs to be carefully thought through in order to make sure that any adaptation would eventually serve the challenges ahead of us.

Against these considerations, the EU is ready to engage in discussions about the best institutional structure or other institutional aspects that would allow Parties to be best equipped to meet the remaining challenges.

The international framework has considerably evolved since the adoption of the Montréal Protocol which needs to be taken into account.

A number of Multilateral Environmental Agreements have been adopted and have entered into force in the chemical area (e.g the Basel Convention on the control of trans-boundary 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, the Stockholm convention on Persistent Organic Pollutants or the SAICM process) or in the field of climate change (UNFCCC/Kyoto Protocol).

In the same vein, one should also refer to the International Plant Protection Convention which operates under the remit of the FAO and which is evidently relevant as far as the use of methyl bromide for quarantine and pre-shipment is concerned.

The challenge is now to ensure appropriate co-ordination and synergies between these instruments in order to secure coherence and mutually supportive results while avoiding duplication and making the best use of scarce - human and financial - resources. Whereas enhanced co-ordination is vital at national level, further co-operation is also necessary at the international level, both at the level of secretariats and/or for technical bodies who should be increasingly invited and tasked by Parties to conduct joint activities. This is undoubtedly a major challenge for the coming years and is particularly relevant and urgent in relation to climate change, considering up-coming or ongoing discussions both under the Montreal Protocol and under the UNFCCC/Kyoto Protocol on cross-cutting issues.

While recognizing that the issue is multifaceted and challenging, the EU welcomes further discussions on the future of the Protocol at MOP-18. One year ahead of the 20th Anniversary, we believe that time is ripe to initiate such a process.

The EU is therefore interested in discussing how to take the process forward and is ready to consider different options, such as organizing a specific workshop and/or convening an inter-sessional working-group with a view to assessing where we stand and defining policy issues and challenges ahead. In the light of those discussions, one could then consider the need for more specific work and studies to inform Parties on the best way forward.