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**Fifteenth meeting of the Parties  
to the Montreal Protocol on  
Substances that deplete the  
Ozone Layer**  
Nairobi, 10-14 November 2003

**Report of the Fifteenth Meeting of the Parties to the Montreal  
Protocol on Substances that Deplete the Ozone Layer**

**Introduction**

1. The Fifteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the headquarters of the United Nations Environment Programme (UNEP), Nairobi, from 10 to 14 November 2003. It consisted of a preparatory segment, held from 10 to 12 November, and a high-level segment, held on 13 and 14 November.

**I. Opening of the preparatory segment of the Meeting**

2. The preparatory segment of the Meeting was opened at 10 a.m. on Monday, 10 November 2003 by its Co-Chair, Mr. Khaled Klaly (Syrian Arab Republic). Opening statements were made by Mr. Newton Kulundu, Minister for Environment, Natural Resources and Wildlife of Kenya, and Mr. Marco González, Executive Secretary of the Ozone Secretariat.

3. In his opening address, Mr. Newton Kulundu welcomed participants to Nairobi on behalf of the Government of Kenya. He described Kenya's continuing commitment to the phase-out of ozone-depleting substances and reviewed efforts undertaken to that end. Assistance to developing countries through the Multilateral Fund for the Implementation of the Montreal Protocol during the current compliance period was more critical than ever before. He noted that Kenya was committed to phasing out methyl bromide by 2010, on the understanding that the Meeting of the Parties would request the Technology and Economic Assessment Panel to institute procedures and modalities for critical-use exemptions for methyl bromide, as it related to developing countries, should the performance of alternatives fail to control targeted pests. He wished participants fruitful deliberations.

4. Mr. González welcomed participants on behalf of the Executive Director of UNEP, Mr. Klaus Töpfer, to the third meeting of the Parties to the Montreal Protocol to be held in Nairobi since 1989. He drew attention to major recent publications which detailed efforts and achievements within the framework of the Montreal Protocol and praised the participation by all stakeholders in International Ozone Day on 16 September 2003.

5. Among key issues on the Meeting's agenda, he highlighted the planned study of the management of the financial mechanism of the Montreal Protocol and the issue of critical use exemptions for methyl bromide. The Technology and Economic Assessment Panel and the Methyl Bromide Technical Options Committee would present their 2003 updated report on methyl bromide critical use nominations. The meeting would consider the issues of essential-use nominations for metered-dose inhalers, process agents and laboratory and analytical uses and would be briefed on the outcomes of the meeting of the contact group on the implication of entry into force of the Beijing Amendment, particularly concerning trade in HCFCs. Related to that issue was the possible application of Article 4, paragraph 8, of the Montreal Protocol by countries whose ratification of the Copenhagen and/or Beijing amendments could not be completed before 1 January 2004.

6. Commending the Parties, the Fund Secretariat, the implementing agencies and the Ozone Secretariat on the significant improvement in data reporting, with 161 out of the 184 Parties to the Protocol having already reported data for 2002, he highlighted the issue of potential non-compliance by many small countries and noted that, although non-compliance by those Parties represented only small quantities of ozone-depleting substances, a high number of countries in a state of non-compliance would detract from the excellent performance by the institutions of the Protocol thus far. He concluded by urging participants to decide in favour of the ozone layer when examining the difficult issues before it for decision.

## II. Organizational matters

### A. Attendance

7. The Fifteenth Meeting of the Parties to the Montreal Protocol was attended by representatives of the following Parties to the Montreal Protocol: Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, European Community, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Malaysia, Maldives, Mali, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, São Tomé and Príncipe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Slovakia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

8. The following non-Parties were represented: Bhutan and Holy See.

9. Representatives of the following United Nations bodies and specialized agencies also attended: secretariat of the Global Environment Facility (GEF), International Civil Aviation Organization (ICAO), Ozone Secretariat, UNEP Division of Policy Development and Law, UNEP Division of Technology, Industry and Economics, UNEP Regional Office for Africa, Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, United Nations Development Programme (UNDP), United Nations Office at Nairobi, United Nations Industrial Development Organization (UNIDO), World Bank, World Health Organization (WHO).

10. The following intergovernmental, non-governmental bodies and industry bodies were also represented: Alliance for Responsible Atmospheric Policy, California Strawberry Commission, Changshu 3F Fluorochemical Industry Co. Ltd., China Household Electrical Appliances Association, China Plastic Process Industrial Association, Dalian Hongxin Firefighting Equipment Co. Ltd., Dow AgroSciences LLC, Environmental Investigation Agency, Fumigation Service and Supply Inc., GlaxoSmithKline, Great Lakes Chemical Corporation, Guangdong Shengjie Fire Equipments Co. Ltd., Industrial Technology Research Institute, International Pharmaceutical Aerosol Consortium, Japan Fluorocarbon Manufacturers Association, Japan Industrial Conference for Ozone Layer Protection Japan Pharmaceutical Manufacturers' Association (JPMA), Korea Speciality Chemical Industry Association, Marten Barel BV, Natural Resources Defense Council, Otsuka Pharmaceutical Co. Ltd., R&M Consultancy Inc., Refrigerant Gas Manufacturers' Association, SAFE – European Soil Fumigators Association, Suzhou Xinye Chemistry Co. Ltd., Teijin Twaron, University of California, University of Nairobi, WEDOC Agencies, Zhejiang Chunhui Group Co. Ltd., Zhejiang Juhua Co. Ltd.

## **B. Officers**

11. Mr. Khaled Klaly (Syrian Arab Republic) and Ms. Maria Nolan (United Kingdom of Great Britain and Northern Ireland) served as co-chairs of the preparatory segment of the meeting.

## **C. Adoption of the agenda of the preparatory segment**

Ms. Maria Nolan (United Kingdom of Great Britain and Northern Ireland), Co-Chair, introduced the provisional agenda as contained in document UNEP/OzL.Pro.15/1. Following suggestions by the Co-Chair and representatives, the agenda of the preparatory segment was modified and adopted, as amended, on the basis of the provisional agenda which had been circulated as document UNEP/OzL.Pro.15/1.

1. Opening of the meeting:
  - (a) Statement by a representative of the Government of Kenya;
  - (b) Statement by the Executive Director of the United Nations Environment Programme.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work.
3. Discussion on the issues and on draft decisions:
  - (a) Terms of reference for a study on the management of the financial mechanism of the Montreal Protocol;
  - (b) Exemptions of quantities of ozone-depleting substances from the control measures:
    - (i) Conditions for granting critical-use exemptions for methyl bromide:
      - a. High-moisture dates, proposal by Algeria and Tunisia;
      - b. Draft decision proposed by the Dominican Republic;
    - (ii) Nominations for critical-use exemptions for methyl bromide:
      - a. Presentation by the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel;
      - b. Discussion;
    - (iii) Essential uses of controlled substances;
    - (iv) Promoting the closure of essential-use nominations for metered-dose inhalers;
    - (v) Review of additional exempted uses of controlled substances as process agents and adoption of a revised list of exempted processes in table A of decision X/14;
    - (vi) Laboratory and analytical uses;

- (c) Implications of entry into force of the Beijing Amendment, particularly in relation to trade in and supply of hydrochlorofluorocarbons (HCFCs);
  - (d) Adjustment of the Montreal Protocol regarding further specific interim reductions of methyl bromide for the period beyond 2005, applicable to Article 5 Parties;
  - (e) Amendment of the Montreal Protocol regarding the advancement of the deadline for annual data reporting;
  - (f) Status of destruction technologies for ozone-depleting substances and code of good housekeeping;
  - (g) Plan of action to modify regulatory requirements that mandate the use of halons in new airframes;
  - (h) Handling of ozone-depleting substances in foams and industrial plants;
  - (i) Update on the status of classification and labelling of controlled substances under the Montreal Protocol;
  - (j) Reporting of data;
  - (k) Ratification of the Convention and the Protocol and its amendments;
  - (l) Selection of:
    - (i) Members of the Implementation Committee;
    - (ii) Members of the Executive Committee of the Multilateral Fund;
    - (iii) Co-chairs of the Open-ended Working Group.
4. Non-compliance issues considered by the Implementation Committee: presentation by the President of the Committee.
  5. Application for technical and financial assistance from the Global Environment Facility by South Africa.
  6. Financial report on the Trust Funds for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and budget for the Montreal Protocol.
  7. Update on the observer status of the Ozone Secretariat at the meetings of the World Trade Organization.
  8. Other matters:
    - (a) Possible mid-year report by the Secretariat on budget matters (proposed by Canada);
    - (b) Production for basic domestic needs (proposed by Canada);

**D. Organization of work**

12. The Meeting agreed to follow its customary procedure and to establish contact groups as necessary.

**III. Discussion on the issues and on draft decisions**

**A. Terms of reference for a study on the management of the financial mechanism of the Montreal Protocol**

13. The Executive Secretary of the Ozone Secretariat introduced the draft terms of reference for a study on the management of the financial mechanism of the Montreal Protocol, as annexed to the report of the twenty-third meeting of the Open-ended Working Group of the Parties (UNEP/OzL.Pro.WG.1/23/5, annex I) and placed before the current Meeting in a conference room paper.

14. One representative voiced agreement with the draft terms of reference but noted that there had been a fundamental change in the financing of the work to be undertaken. When the matter had been discussed by the Open-ended Working Group, the assumption had been that the cost would be charged to the Multilateral Fund. The Executive Committee of the Multilateral Fund had addressed the matter and found

that, in the past, the cost of similar studies had been charged to the Trust Fund of the Montreal Protocol. He requested a clarification of expenditure that was expected to total \$500,000.

15. The representative of the Secretariat recalled that, at its twenty-third meeting, the Open-ended Working Group had had been informed that the Ozone Secretariat had funded the first study of the financial mechanism of the Montreal Protocol. The indicative figure of \$500,000 was largely based on advice provided by the official responsible for the first study. Provision had been made in the budget of the Secretariat to include that level of funding for the study. He noted that the process would be started as soon as the Parties had agreed on the terms of reference and the budget, and had selected a steering panel.

16. Introducing the conference room paper on the item, the representative of Italy, speaking on behalf of the European Union and acceding States, explained that the draft had been revised to incorporate a table setting out tentative milestones for the study, which was in accordance with the work that the Ozone Secretariat had already done on the subject. She commended the draft decision for submission to the Parties.

17. Following a discussion, during which one of the sponsors made a technical correction to the draft decision, the preparatory segment decided to forward the draft decision on the terms of reference for a study on the management of the financial mechanism of the Montreal Protocol, as orally revised, to the high-level segment for adoption.

## **B. Exemptions of quantities of ozone-depleting substances from the control measures**

### **1. Conditions for granting critical-use exemptions for methyl bromide**

#### **(a) High-moisture dates, proposal by Algeria and Tunisia**

18. The Co-Chair drew attention to paragraphs 46–49 of the report of the twenty-third meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/23/5), concerning the use of methyl bromide for stabilizing dates with a high moisture content. In the wide-ranging discussion which followed, there was general support for the view that non-compliance should not attach to countries which had made good-faith efforts to phase out the use of methyl bromide but had been unable to find alternatives. The product at issue was primarily fresh dates, but cotton was also mentioned as a critical use without alternative. It was also noted that, as countries grew types of cotton with differing fibre lengths, methyl bromide could be needed to fumigate imports of cotton to some cotton-growing countries to protect their domestic cotton crops, which would qualify as a non-agricultural use.

19. It was suggested that the Implementation Committee should also adopt that view, or at least defer any decision on non-compliance in such circumstances, and one delegation suggested that the Implementation Committee should be asked to recommend a solution in that regard.

20. There was general support for the suggestion that the Technology and Economic Assessment Panel should be asked to formulate recommendations on the question and, if possible, come up with practical solutions. The sponsors of the draft decision assured the Meeting that they would welcome any solution that enabled them to phase out the use of methyl bromide as soon as possible. A contact group was established, co-chaired by the representatives of Algeria and Tunisia.

21. The Co-Chair subsequently introduced a conference room paper containing a revision of the draft decision on methyl bromide, which had now gained several new sponsors. One representative of a Party that had sponsored the decision noted the discussions that were under way in other contact groups dealing with methyl bromide issues and expressed the hope that the current decision would join with the other decisions on methyl bromide currently under discussion, and would be able to go forward from the Meeting as a package of useful decisions on methyl bromide.

22. In reply to a concern expressed by one representative that the percentage of total methyl bromide consumption used for stabilizing high-moisture dates might not reach 80 per cent in his country, the Co-Chair explained that the draft decision was primarily directed at helping two specific Parties to comply with the 20 per cent reduction in methyl bromide consumption mandated for 2005. If a Party required assistance in phasing out its methyl bromide consumption for dates, it was free to apply to the

Multilateral Fund. The preparatory segment decided to forward the draft decision on methyl bromide to the high-level segment for adoption.

**(b) Draft decision proposed by the Dominican Republic**

23. The Executive Secretary drew attention to the draft decision on conditions for granting critical-use exemptions for methyl bromide set out in annex I to the report of the twenty-third meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/23/5), which had been proposed by the Dominican Republic. The text of that decision remained in square brackets. The sponsor announced that the draft decision would be further considered within the group of Latin American and Caribbean countries and would be re-presented in the light of those discussions.

24. In the ensuing discussion, it became apparent that countries which aimed to phase out the use of methyl bromide early, but encountered situations in which there was no viable alternative, could find themselves in difficulties not so much in terms of compliance with the Montreal Protocol as such, but with their contractual obligations towards the Multilateral Fund. There was some support for the view that, as for problems with compliance per se in critical-use situations, there must be an escape clause. The view was also expressed, however, that in such situations the Parties individually should approach the Multilateral Fund in order to negotiate a solution, and also that the Technology and Economic Assessment Panel should be called upon to make recommendations in the case of difficulties with alternatives. In that connection, one representative drew a clear distinction between the mandatory phase-out provisions of the Protocol and the early phase-out programmes agreed with the Multilateral Fund: agreements left room for negotiation.

25. It was also noted that, under the current regime, there were in fact disincentives for Article 5 Parties which inhibited them from going for early phase-out of methyl bromide; the view was also expressed, however, that a stampede to phase out the substance would have financial implications for the Multilateral Fund and might cause difficulties in ensuring equal treatment. The view was expressed that the Executive Committee of the Multilateral Fund should find an even-handed solution to that problem that would not discourage Article 5 Parties which wanted to phase out the use of methyl bromide early.

26. The general view was that the earlier the phase-out, the better. There was support in that connection for the recommendation of the Technology and Economic Assessment panel that critical-use exemptions should be on an annual basis; there were also significant objections in that regard, however. It was noted that, in the absence of stringent criteria for granting exemptions, there was a risk, indeed a high probability, that gains from phasing out the use of methyl bromide early in some countries would be offset by critical-use exemptions elsewhere.

27. The view was expressed that there was a need to disaggregate the proposals in the draft decision, so that their effects on non-Article 5 and on Article 5 Parties could be clarified; it was generally felt that the two groups must be on an equal footing. The need for objective economic criteria was also strongly felt in that regard. A specific call was made for the Technology and Economic Assessment Panel to study the question of the economic impacts of critical-use exemptions, and the dumping of stocks, and make the necessary recommendations on the future handling of critical-use exemptions.

28. One representative of an Article 5 Party in Africa made the observation that a multinational agrochemical company had been discovered testing genetically modified organisms in his country. That discovery had come as a surprise to his Government. He wondered what the situation would be in terms of the Montreal Protocol should such a company – it happened that his Government was engaging in a process of privatization under the auspices of the World Bank and the International Monetary Fund – come into his country, take over the operations of a former agricultural parastatal and decide that methyl bromide was the chemical of choice, even though his country had already phased out the use of methyl bromide. If that were to happen, his Government would be in a difficult position. He concluded that questions of environment and development must be considered together.

29. The preparatory segment agreed to set up an open-ended contact group, chaired by the Dominican Republic, to consider outstanding issues in the draft decision and to report to the plenary. It was subsequently decided that the matter would be referred to the extraordinary Meeting of the Parties (see paras. 52–61 below) for further consideration.

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**(c) Trade in products and commodities treated with methyl bromide**

30. The representative of Kenya introduced a conference room paper containing a draft decision on trade in products and commodities treated with methyl bromide. He explained that agriculture, particularly high-value cash crops, represented a major earner of foreign exchange for the Parties operating under Article 5, paragraph 1, and was a major source of employment. Crops for export to Parties not operating under Article 5, paragraph 1, had to meet very stringent quality standards. While the Parties operating under Article 5, paragraph 1, were aware of the damaging effects of methyl bromide and were committed to its phase-out, either at an accelerated rate or under the provisions of the Montreal Protocol, they wanted the Meeting of the Parties to consider the potentially harmful effects of anticipated trade restrictions on products treated with, or grown in soil treated with, methyl bromide. Such restrictions were unnecessary and were above and beyond the call of the Montreal Protocol.

31. One representative, while stating that he appreciated the problem, observed that bans or restrictions on commodities or products treated with, or grown in soil treated with, methyl bromide were often imposed by commercial operators, such as supermarkets, and in many countries there was little that the Government could do to prevent that. Several representatives requested, since they had not received notice that such a trade-related issue would be raised, that the consideration of the draft decision be postponed until such time as they had been able to undertake appropriate consultations.

32. The representative of Kenya subsequently introduced a revised draft of the decision on trade in products and commodities treated with methyl bromide. One representative suggested that this area of interest merited further investigation and work. He proposed that the draft decision should be discussed at the next meeting of the Open-ended Working Group. Another representative concurred on the need for further discussion with stakeholders and trade experts as the draft decision appeared to have implications with respect to the World Trade Organization (WTO). The draft decision had been circulated at the current meeting and representatives had not had time to confer on the matter.

33. The Co-Chair concluded that, Parties having taken due note of the draft decision, discussion on the topic would resume at the next meeting of the Open-ended Working Group.

**2. Nominations for critical-use exemptions for methyl bromide**

**(a) Presentation by the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel**

34. A presentation was given by Mr. Jonathan Banks, Co-Chair of the Methyl Bromide Technical Options Committee of the Technology and Economic Assessment Panel, in which he introduced the Panel's October 2003 supplementary report on critical use nominations. The report was available also on the Panel's web site ([www.teap.org](http://www.teap.org)).

35. Mr. Banks sought the Meeting's guidance in finding objective criteria for the economic viability of alternatives to methyl bromide; as such criteria had been lacking, the 2003 evaluation of critical-use exemption nominations had lacked stringency in the benchmarks used.

36. The Committee had introduced a new response to critical-use exemption nominations, "noted", which indicated that alternatives had been identified for the nominated use, but the nominating Party had stated that there were constraints that precluded their use and/or had provided specific reasons why methyl bromide was critical for a particular use. The category included methyl bromide uses with acknowledged alternatives that were considered by the nominating Party not to be feasible on economic grounds. The Committee and Panel accepted such statements as they recognized that in local circumstances acknowledged alternatives might not be appropriate for a number of reasons, including lack of commercialization, insufficient lead time and problems of registration and regulation.

37. In that connection, he called for suppliers of alternatives to methyl bromide to provide validated studies of their alternatives to show that the critical use of methyl bromide could be eliminated.

38. The “noted” response was not to be confused with nominations to which the Committee was unable to respond because the necessary information had not been provided by the nominating Party to enable it to evaluate the nomination in the terms of decision IX/6, where the response was “unable to evaluate”. Purely positive and negative responses in the terms of decision IX/6 were “recommended” and “unable to recommend”.

39. The Committee and Panel recommended that critical-use exemptions should be granted on an annual basis only as the situation in respect of the availability of alternatives was evolving rapidly and multi-year exemptions might therefore serve as a possible disincentive to making the change to alternatives as soon as they became available. That being the case, guidance was needed from the Meeting of the Parties to provide guidelines for accounting on an annual basis.

40. He sought guidance also on how the Committee and Panel should handle nominations for quantities greater than the historical use level or which lacked the required phase-out plan.

#### **(b) Discussion**

41. A number of Parties expressed reservations concerning the new category “noted” and concern was expressed that some critical-use exemptions, which had been “recommended” in the report of May 2003, had become “noted” in October 2003. The view was expressed that the Panel had gone beyond its mandate in recategorizing those nominations and that therefore they must be accepted as if they were “recommended”, while other Parties took the view that they must be considered as rejected, pending submission of further information to justify them. It was pointed out that Parties had two years in which nominations could be resubmitted and reconsidered by the Panel, whereas after 2006 they would have only two months.

42. One Party suggested that “noted” should be renamed “recommended with reservations” and called for patience to see how the system shook down over a year or two and lessons were learned from experience; that Party made the point also that nominators were being requested to prove that no viable alternatives were available, and proving a negative was always problematic. It was further pointed out that subparagraph 1 (a) (i) of decision IX/6 read: “The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption”. The “significant market disruption” criterion must be one for the nominating Party to decide. It was also stressed, however, that nominations must meet the necessary criteria to enable the Panel to come to a decision.

43. On the issue of multi-year versus annual exemptions, positions varied from an insistence on the right to make multi-year nominations to an insistence that nominations must be made on an annual basis. At the same time, all Parties which accepted the principal of annual nominations for critical-use exemptions insisted also that the paperwork must be streamlined.

44. A number of representatives expressed concern at the critical-use exemptions nominated by one non-Article 5 Party, which exceeded 30 per cent of the baseline consumption. That Party provided a legal opinion to the effect that the 30 per cent level was not binding in the case of critical-use exemptions; neither the provisions of decision IX/6 nor Article 2H of the Protocol placed any cap on the amounts of critical use exemptions.

45. One representative from a non-Article 5 Party proposed that the 30 per cent level should be reaffirmed by the Meeting as a mandatory cap, even in the case of critical-use exemptions, whereas the representative of another non-Article 5 Party expressed the view that 30 per cent was far too high a level and would send the wrong message to its own farmers and other users, who had made strenuous efforts to eliminate the use of methyl bromide.

46. There was a general view among Article 5 Parties that the very large critical-use exemptions in question negated their efforts to achieve an early phase-out and even penalized them for attempting it. Indeed, one representative called for compensation to be paid. Representatives of three non-governmental organizations from the Party in question were split on the issue, one upholding the critical-use exemptions which had been nominated and the others deploring what was described as a phase-in rather than a phase-out, and as penalizing that Party's stakeholders which had made significant efforts to phase out the use of methyl bromide in favour of those who had chosen to wait and see, and had done little.

47. The representative of the Party in question pointed out that although the nominations for 2005 and 2006 exceeded the baseline, it would strive to reduce the critical uses as it had done in the case of essential use exemptions for metered-dose inhalers.

48. The preparatory segment agreed to set up an open-ended contact group on critical-use exemptions for methyl bromide and to report to plenary on the outcome of its work. It was subsequently decided that the matter would be referred to the extraordinary Meeting of the Parties (see paras. 52-61 below) for further consideration.

49. The representative of Australia subsequently introduced a conference room paper on the critical-use exemption process: parameters for streamlined annual reporting. She explained that the draft decision followed the discussions held in a contact group at the twenty-third meeting of the Open-ended Working Group, and was intended as a basis for discussion by the contact group or groups operating at the current Meeting. The preparatory segment agreed to forward the paper to the contact group on critical-use exemptions as a basis for its deliberations, and to invite other relevant contact groups to also take advantage of the elements it contained. It was subsequently decided that the matter would be referred to the extraordinary Meeting of the Parties (see paras. 52-61 below) for further consideration.

50. The Co-Chair introduced a conference room paper containing a draft decision to permit levels of production or consumption necessary to satisfy critical uses for Parties not operating under Article 5, paragraph 1. The representative of Canada who, together with the representative of Mexico, had co-chaired the contact group on the issue, explained that, since consultations were still continuing and the contact group would be reconvened, it was not appropriate to consider the paper at the current time. The preparatory segment agreed to defer consideration of the paper, pending the outcome of the further deliberations in the contact group.

51. The representatives of Canada and Mexico subsequently reported on the progress made in the two contact groups which they had been chairing. Unfortunately, the groups had been unable to achieve any consensus.

52. The representative of the European Community then proposed that an extraordinary Meeting of the Parties should be held to resolve the outstanding issues related to methyl bromide, namely adjustment of the Montreal Protocol for specific interim reductions in methyl bromide production and consumption for Article 5 Parties beyond 2005; nominations for critical use exemptions; procedures for granting and reporting on critical use exemptions; and consideration of the working practices of the Methyl Bromide Technical Options Committee in evaluating nominations for critical-use exemptions. The timing of the extraordinary Meeting, however, had to allow Parties enough time to submit additional information on the critical use nominations currently placed by the Technology and Economic Assessment Panel in the "noted" category, for the Methyl Bromide Technical Options Committee to consider such additional information, for the Panel to issue a report of the outcome of its deliberations, and for Parties to consider that report before the extraordinary Meeting of the Parties. Collecting the additional technical information in support of the "noted" category could be an onerous task for many Parties with nominations in that category. In scheduling the extraordinary Meeting of the Parties, budgetary considerations were also important, and it could perhaps be held back-to-back either with the forty-second meeting of the Executive Committee, in March or April 2004, or with the meeting of the Open-ended Working Group in July 2004.

53. Several representatives thanked the European Community for its proposal and, while regretting the need for an extraordinary Meeting of the Parties, accepted that that would be the best way forward. One representative stated his belief that a meeting back-to-back with the Open-ended Working Group would be too late. Another observed that, under the rules of procedure, an extraordinary Meeting could be held only if at least one third of the Parties gave their support to the request within six months, and asked how such support should be communicated.

54. The Co-Chair observed that the proposal for an extraordinary Meeting of the Parties seemed to be supported by all Parties, but agreed that a final decision should be deferred until the wording of the draft decision from the European Community could be circulated. That would also allow more time for consultation over the timing of the extraordinary Meeting.

55. The representative of the European Community, speaking also on behalf of its acceding States, subsequently introduced two conference room papers. The first contained a draft decision on the categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide. The decision had become necessary because of the difficulties encountered at the current Meeting in considering the amounts of methyl bromide to be approved for critical-use exemptions. Informal consultations with a number of other Parties had resulted in several valuable amendments to the draft decision, and he enumerated the relevant changes to the text of the draft. Concerning the uncertainty about the date for the submission of supplementary information, he explained that a number of Parties were unsure whether they could accomplish the task of collating the data within the tight time frame imposed by the schedule of the Methyl Bromide Technical Options Committee.

56. The Co-Chair of the Technology and Economic Assessment Panel said that, in holding its meetings, the Panel would follow whatever schedule the Parties chose. The Panel regretted that the Parties had been unable to reach consensus on the basis of the information available from the Technology and Economic Assessment Panel and the Methyl Bromide Technical Options Committee. The Panel had listened carefully to Parties' concerns and understood that many Parties were frustrated with the category "noted". The Panel stood ready to further refine its assessment of nominations of critical-use exemptions in that category, in the light of the Parties' instructions. The Panel was confident that it could act promptly to convene any meeting of its experts that was deemed necessary, and that it could examine in depth the nominations under the category "noted" and reclassify them into decisive categories, as proposed in the draft decision.

57. The preparatory segment decided to forward the draft decision on the categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide, as revised, to the high-level segment for adoption.

58. The representative of the European Community, speaking also on behalf of its acceding States, introduced a second conference room paper, containing a draft decision on the convening of an extraordinary Meeting of the Parties. He pointed out that the decision left the date of the Meeting to be set at the discretion of the Ozone Secretariat and that funding for the Meeting, and for an additional meeting of the Methyl Bromide Technical Options Committee, was expected to be taken from the accumulated surplus of the Trust Fund. The appendix to the draft decision contained a provisional agenda for the extraordinary Meeting.

59. One representative, noting the fundamental need to reach agreement on the issue of critical-use exemptions for methyl bromide, invited Parties to reflect on their respective positions prior to the extraordinary Meeting of the Parties and seek a way out of the apparent impasse. Until a solution had been found, Parties submitting proposals for methyl bromide projects to the March 2004 meeting of the Executive Committee might be uncertain about the situation. It would thus be desirable to hold the extraordinary Meeting prior to that meeting of the Executive Committee.

60. The Co-Chair of the Technology and Economic Assessment Panel suggested that the deadline for Parties to submit supplementary information on the "noted" category of critical uses to the Ozone Secretariat should be 31 January 2004. The Methyl Bromide Technical Options Committee would meet and examine the issues of the category "noted" and would report thereon by 14 February 2004. Any new nominations for critical-use exemptions of methyl bromide to be decided by the Sixteenth Meeting of the

Parties would be submitted by 28 February 2004, instead of 31 January, as indicated in the Handbook on Critical Use Nominations for Methyl Bromide, to take account of the extraordinary Meeting of the Parties. That would be adequate for a 15 March 2004 meeting of the Methyl Bromide Technical Options Committee to review the new nominations. Concerning the category “noted”, both the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel wanted the discretion to be able to split a nomination, if appropriate, and divide into portions which could be “recommended”, “not recommended”, or “unable to assess”.

61. The preparatory segment decided to forward the draft decision on the convening of an extraordinary Meeting of the Parties, as revised, to the high-level segment for adoption, and to entrust the Secretariat with the task of amending the budget accordingly.

### **3. Essential uses of controlled substances**

62. Introducing the item, the Co-Chair drew attention to the relevant section of the report of the Executive Director to the Fifteenth Meeting of the Parties (UNEP/OzL.Pro.15/2, paragraphs 20-23), and to the relevant draft decision contained in the report of the Open-ended Working Group on the work of its twenty-third meeting (UNEP/OzL.Pro/WG/23/5, annex II). The Secretariat explained that the Open-ended Working Group had recommended to the Fifteenth Meeting of the Parties that it should approve the essential-use nominations recommended by the Technology and Economic Assessment Panel. Should the recommendations be approved, the total amount of ozone-depleting substances to be used for essential uses in 2004 would be 5,600 tonnes. The total amount recommended for approval in 2005 would be 3,268 tonnes. The Open-ended Working Group had also noted that 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 procedures of decision VII/9, paragraph 10. The preparatory segment was invited to consider the draft decisions on the subject, authorizing the levels of production and consumption of chlorofluorocarbons (CFCs) for metered-dose inhalers, as well as for laboratory and analytical use, and taking note of the emergency exemptions that had been granted.

63. The representative of the European Community, noting that Poland would join the European Community on 1 May 2004, requested that the Parties consider attributing to Poland four twelfths of the amount nominated for Poland as an essential-use exemption for 2004, i.e., 78 tonnes. Following Poland's accession to the European Community, the remaining eight twelfths, i.e., 158 tonnes, would be added to the European Community's essential-use nomination for 2004. The essential-use nomination for Poland in 2005, when the country would be a member of the European Community, i.e., 230 tonnes, should be attributed to the European Community, making its total nomination 1,030 tonnes for 2005.

64. Turning to the essential-use nomination for CFCs for metered-dose inhalers by the United States of America for 2005, which was more than its consumption of CFCs in 2002, he asked for clarification of the amount requested, as two non-CFC alternative products were available on the market. One other representative, stressing that he was not contesting the recommendation by the Panel, also sought clarification of the United States nomination. Noting that the metered-dose inhaler manufacturing industry in his own country had given an undertaking to cease production of CFC-based metered-dose inhalers, he wondered whether the United States could secure a similar commitment from its own industry.

65. In reply, the representative of the United States explained that it was not unusual for a Party to request an essential-use nomination that exceeded a prior year's consumption. Indeed, most of the countries that had requested such exemptions had done so at some stage. Calculating the amount of the nomination was an exceedingly complex affair, with an extraordinary degree of uncertainty. Yet it was necessary to ensure the health and safety of those citizens, particularly low-income groups, which relied on the availability of affordable and proven metered-dose inhalers. The United States had assumed a worst-case scenario, had factored into the calculation the estimated 10 per cent annual increase in cases of asthma in the country, had made a reduction to take into account market penetration by non-CFC alternatives, and had taken into account a margin of error. The United States was committed to phasing out CFCs under the Montreal Protocol and if, as he hoped, the assumed scenario did not materialize and the amount requested was not needed, then it would not be stockpiled.

66. The preparatory segment decided to forward the draft decision on essential use nominations for 2004-2005 for metered-dose inhalers and for laboratory and analytical uses in 2004 to the high-level segment for adoption.

#### **4. Promoting the closure of essential-use nominations for metered-dose inhalers**

67. The representative of the European Community introduced a conference room paper containing a draft decision on promoting the closure of essential-use nominations for metered-dose inhalers. The intention of the decision was to end exemptions for CFC-based metered-dose inhalers for Parties not operating under Article 5, paragraph 1. The Parties had intended the essential use exemption to be only a temporary derogation from the general phase-out of CFC use that went into effect in 1996, aiming to give manufacturers limited additional time to develop CFC-free alternatives. The Technology and Economic Assessment Panel had noted, however, that not all companies were actively reformulating CFC-free alternatives, and those that had done so were not actively seeking registration of their CFC-free alternatives on many markets. The vast majority of Parties not operating under Article 5, paragraph 1, had not yet developed transition strategies. Thus, more needed to be done to overcome the business-as-usual scenario. He drew attention to the explanatory note appended to the draft decision, which aimed to provide further information on the sponsors' intentions with respect to each paragraph of the draft decision, and highlighted elements of that note. He stressed that, in the draft decision, it was not the sponsors' intention to stand in the way of any Party that believed that some limited additional volumes of CFCs were indispensable to patient care, and paragraph 5 provided a most important and prudent escape hatch. The draft decision had been posted on the internet prior to the current meeting, and some comments on it had already been received, which could be taken into account in its further consideration.

68. A number of representatives, while expressing support for the intention to address the phase-out of CFC-based metered-dose inhalers and pointing to their own efforts to undertake the transition, questioned the appropriateness of the global approach taken by the draft decision and noted problems posed by the proposed 2007 deadline. Several expressed the view that, given the current lack of economically viable alternatives, particularly for the poor, it was unreasonable to compromise affordable health care for asthma and chronic obstructive pulmonary disease. Governments had differing systems for the delivery of health care, and where a Government could not control pharmaceutical prices, and low-income groups had no health insurance, eliminating essential uses of CFCs for metered-dose inhalers would result in removal of the cheapest, most popular metered-dose inhalers and would affect the poorest section of the population, since non-CFC-based metered-dose inhalers were considerably more expensive. One representative reserved his country's unconstrained right to make decisions on metered-dose inhaler purchasing in the light of national health needs.

69. One representative, recalling that the metered-dose inhaler manufacturing industry had made pledges to provide affordable alternatives to CFC-based metered-dose inhalers, expressed concern at the huge price divergence between CFC-based metered-dose inhalers and those using alternative substances. Several representatives pointed to the need for a realistic timetable within the framework of the phase-out. One of them questioned whether Parties operating under Article 5, paragraph 1, could accommodate the proposal to the effect that a CFC product should be withdrawn from a Party within 12 months of a manufacturer launching an alternative.

70. Several representatives expressed concern that constraints on Parties not operating under Article 5, paragraph 1, would have implications for supplies of CFCs to developing countries, which were dependent on such supplies. As long as no affordable alternatives existed, the supply of CFC-based metered-dose inhalers had to be ensured. Several representatives believed that any measures to phase out CFC-based metered-dose inhalers before the originally set deadlines should not apply to Parties operating under Article 5, paragraph 1, unless there was provision of additional funding to assist them. It was also observed that many manufacturers lacked the investment funds to convert their production to CFC-free alternatives. One representative from a Party operating under Article 5, paragraph 1, said that her Government had prepared a strategy for the phase-out of CFC-based metered-dose inhalers, but the Executive Committee of the Multilateral Fund was not looking to fund a project in that area.

71. The observer from a non-governmental organization representing the industry expressed strong support for the proposed draft decision, deeming its deadlines to be reasonable, and urged that it be adopted.

72. The preparatory segment decided to set up an informal contact group, comprising Argentina, Australia, Brazil, Canada (facilitator), China, Egypt, the European Community, Japan, New Zealand, Nigeria, the Russian Federation, Switzerland and the United States, to examine the draft decision on promoting the closure of essential-use nominations for metered-dose inhalers and to exchange opinions, with a view to achieving an acceptable draft of the text.

73. The representative of the European Community subsequently introduced a conference room paper containing a revised draft decision on promoting the closure of essential-use nominations for metered-dose inhalers, which, he explained, took into account the proposals for amendments made in the group. He outlined the changes that had been introduced to the draft. The main change from the original proposal was to require Parties that wished to continue to receive authorizations for quantities of CFCs for essential uses after the commencement of the Seventeenth Meeting of the Parties to submit a plan of action, in time for consideration by the Parties at the twenty-fifth meeting of the Open-ended Working Group, which would include a specific date by which that Party would cease making nominations for essential-use exemptions for CFCs for metered-dose inhalers where the sole active ingredient was salbutamol. The representative of the European Community noted that the understanding of the contact group was that the twenty-fifth meeting of the Open-ended Working Group would occur in July 2005.

74. One representative, supported by the Co-Chair, expressed thanks to those who had participated in the contact group and to the representative of Canada, who had acted as its facilitator.

75. The preparatory segment decided to forward the draft decision on promoting the closure of essential-use nominations for metered-dose inhalers to the high-level segment for adoption.

**5. Review of additional exempted uses of controlled substances as process agents and adoption of a revised list of exempted processes in table A of decision X/14**

76. Mr. Gary Taylor, member of the Technology and Economic Assessment Panel and Co-Chair of the Halons Technical Options Committee, presented the Panel's report on process agents. Over the years, a variety of the Panel working groups and task forces had produced reports on process agents, but the 2002 report produced in response to decision XIII/13 had not led to any further decision at the Fourteenth Meeting of the Parties. The list of approved process-agent uses had therefore not been updated since decision X/14, and there was a danger that firms depending on unclassified uses might face negative economic consequences as supplies of the relevant ozone-depleting substance dwindled.

77. The Technology and Assessment Panel was proposing the establishment of a new chemical technical options committee, which would classify newly identified feedstock and process-agent uses in response to instructions from Parties, and also provide updates on solvents, carbon tetrachloride, n-propyl bromide and other chemical topics. With regard to process agents, he suggested three options for the meeting to consider: classification of process-agent uses without formal recommendations by the Panel; the designation of pending uses as process agents for 2004, together with a request for an update by the Panel in 2004; or the maintenance of the current listing, plus a request for an update by the Panel in 2004, bearing in mind that that option could lead to requests for emergency uses.

78. The representative of the United States of America referred to the two draft decisions introduced by his country at the twenty-third meeting of the Open-ended Working Group, one designed to adopt a revised table of process agents, and the other to instruct the Technology and Economic Assessment Panel to carry out an annual review of requests for new uses. Discussions were still taking place on both issues. The representative of Argentina, introducing a conference room paper designed to add one new process-agent use, observed that she was prepared to wait until the revised draft decision could be discussed. Another representative stated that he would like to see more data on the impact of the use of process agents on ozone depletion.

79. The representative of the United States of America subsequently introduced two conference room papers containing revised draft decisions. The first was designed to update the list of process-agent uses contained in decision X/14 adopted in 1998, along the lines of the 2002 Technology and Economic Assessment Panel report, while the second established a procedure for the Panel to update annually the list of process-agent uses after considering Parties' applications for new uses against the criteria set forth in decision X/14. This decision also requested the Technology and Economic Assessment Panel to report, at regular intervals, on progress made in reducing emissions of controlled substances from process-agent uses. Those process-agent uses which resulted in non-negligible emissions, including two new uses not listed in decision X/14 (including the use put forward by Argentina), were to be reconsidered at the Seventeenth Meeting of the Parties in the light of information submitted in progress in reducing their emissions.

80. In response to a question about why two new uses were being included without any review by the Technology and Economic Assessment Panel, the representative of the United States of America stated that the Panel currently had no mandate to review process-agent uses, so there was no alternative to listing new uses in a decision for the Meeting of the Parties. Informal advice from the Technology and Economic Assessment Panel had also suggested that the new use put forward by the United States of America was almost identical to one of the existing uses. In any case, approval was only for the next two years, until the Panel could review them and report to the Seventeenth Meeting of the Parties. The representative of Argentina explained that the process-agent use put forward by her country, which involved the use of bromochloromethane, was necessary because Argentina had started the process of ratifying the Beijing Amendment, which would ban consumption of bromochloromethane.

81. A number of representatives commented on the urgent need for the two draft decisions, particularly given the approach of the 85 per cent reduction target for carbon tetrachloride for Article 5 Parties in 2005. If new process-agent uses were not approved, there was a danger that countries would treat them as feedstock, and make much less effort to reduce emissions. The adoption of the decisions would also make it easier for Article 5 Parties to access financial assistance from the Multilateral Fund.

82. Pointing out that the Technology and Economic Assessment Panel welcomed both of the new decisions, Mr. Gary Taylor also clarified that the Panel had not carried out any review, formal or informal, of new process-agent uses. To do this it required instructions from a meeting of the parties, which would be provided by the second of the new draft decisions. The representative of the United States of America accepted a proposed amendment to the new draft decisions, to use the terminology employed in decision X/14 when listing process-agent uses. On that basis, the preparatory segment decided to forward to the high-level segment for adoption both draft decisions on process-agent uses.

## **6. Laboratory and analytical uses**

83. The European Community introduced a conference room paper containing a draft decision on laboratory and analytical uses. The preparatory segment decided to forward the draft decision on laboratory and analytical uses to the high-level segment for adoption.

## **C. Implications of entry into force of the Beijing Amendment, particularly in relation to trade in and supply of hydrochlorofluorocarbons (HCFCs)**

84. At its twenty-third meeting, the Open-ended Working Group had conducted a preliminary consideration of the issue of the implications of the entry into force of the Beijing Amendment in relation to trade in and supply of hydrochlorofluorocarbons (HCFCs), and had established a contact group, with the representative of the United States as its coordinator, to examine the issue. Because the contact group had been unable to complete its work, it had been agreed that the group would be reconvened on 8 November 2003, and that by August 2003 the Parties would send their comments on the issue to the Ozone Secretariat, which would compile them for circulation to the Parties by the end of September 2003 (see UNEP/OzL.Pro./WG/1/23/5, paragraphs 176-179).

85. The representative of the United States of America, speaking as coordinator of the contact group, reported on the work of the group at its meeting on 8 November and presented a conference room paper containing a draft decision on the obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to HCFCs. He drew attention to the document prepared by the secretariat

on information provided by Parties on the implications of entry into force of the Beijing Amendment (UNEP/OzL.Pro.15/7) and to the paper containing the proposal he had submitted, as coordinator of the contact group, for the information of the current Meeting (UNEP/OzL.Pro.15/INF/10). He reiterated that the main issue in discussions had been how to interpret the term “State not party to this Protocol” in Article 4, paragraph 9 of the Montreal Protocol, particularly since for the first time under the Protocol, control measures for a single group of substances, namely HCFCs, had been imposed under two different Amendments – the Copenhagen Amendment, controlling consumption; and the Beijing Amendment, controlling production.

86. The contact group had tried to reach an agreement on the interpretation of the term “State not party to this Protocol” and to provide a clear understanding, since failure to reach agreement would leave it up to each State to interpret the term in its own way, which would have impacted significantly on trade in HCFCs. Noting that the group had reached a common understanding on the way forward, he outlined key elements of the draft decision.

87. First, the Parties would recognise that the term “State not Party to this Protocol” did not apply to Article 5 Parties until 2016, when they would have HCFC consumption and production control measures in effect, in accordance with the Copenhagen and Beijing amendments. Second, the term included all remaining Parties that had not agreed to be bound by the Beijing Amendment. To avoid being a “State not Party to the Protocol”, therefore, any non-Article 5 Party would need to have consented to both the Copenhagen and Beijing amendments.

88. Third, all the participants in the contact group recognised that the problem with the 1 January 2004 trade measures had not become evident until July 2003, and that the interpretation he had just laid out could cause difficulties for some countries which had previously operated under a different interpretation. To address that concern, he recommended that the Meeting of the Parties should acknowledge that if a State that had not consented to the Beijing Amendment took certain agreed steps, it would not fall within the definition of the term “State not party to this Protocol” until the conclusion of the Seventeenth Meeting of the Parties. To qualify, those States would need to indicate their intention to ratify the Beijing Amendment and certify their compliance with Copenhagen Amendment, accompanied by supporting data.

89. He was pleased to note that, despite the complexity of the task, all Parties involved in the work had shown a spirit of cooperation and flexibility, which had led to a positive outcome, and he expressed gratitude to all who had participated in its work. He made two editorial changes to the text of the draft decision and commended the paper for the approval of the preparatory segment.

90. Many representatives, as well as the Co-Chair of the preparatory segment, congratulated the contact group on the outcome of its deliberations, and expressed particular appreciation for the work of the coordinator of the group. Many representatives voiced their support for the draft decision, which was considered to be a balanced agreement on a very complex subject, providing the certainty and clarity that Governments and industry required for trade in HCFCs after 1 January 2004, as well as an incentive for Parties to ratify the Beijing Amendment.

91. One representative sought clarification on his understanding that, even though it was not spelled out, paragraph 1 (b) of the draft decision related to Parties not operating under Article 5, paragraph 1. In reply, the coordinator explained that the paragraph in question did refer to and include such Parties. The representative of the United Kingdom, speaking also on behalf of the European Community and its acceding States, said that operative paragraph 1 (b) of the draft decision clearly related to Parties not operating under Article 5, paragraph 1.

92. The representative of Mexico announced that his Government was in the final phase of ratifying the Beijing Amendment, and it was expected that the process would be completed in the very near future. The representative of Nigeria, speaking on behalf of the African Group, said that the members of the African Group wished to associate themselves with the interpretation that no consumption or production control measures for HCFCs would be in effect for Parties operating under Article 5, paragraph 1, of the Montreal protocol until 2016.

93. The preparatory segment decided to forward the draft decision on the obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to HCFCs, as editorially revised by the coordinator, to the high-level segment for adoption.

**D. Adjustment of the Montreal Protocol regarding further specific interim reductions of methyl bromide for the period beyond 2005, applicable to Article 5 Parties**

94. The representative of the European Community introduced a proposal for an adjustment to the control schedules for methyl bromide in Article 5 Parties. The proposal had been circulated as document UNEP/OzL.Pro.15/3, and document UNEP/OzL.Pro.15/3/Add.1 added supporting information on the feasibility of the proposal, as had been requested at the twenty-third meeting of the Open-ended Working Group. He explained that the proposal originated with decision IX/5, in 1997, which had resolved that the Meeting of the Parties in 2003 should consider interim reductions in methyl bromide consumption for Article 5 Parties beyond 2005. The European Community's proposal added three new steps, after the existing 20 per cent reduction by 2005: a 60 per cent reduction by 2007, a 75 per cent reduction by 2009, and a 95 per cent reduction by 2012; complete phase-out remained at 2015. The current exemption for quarantine and pre-shipment use remained unaffected.

95. Current baseline consumption for all Article 5 Parties was about 15,500 tonnes, of which almost half would be phased out by 2007 under existing projects supported by the Multilateral Fund. Given that additional projects were very likely to be approved shortly, including, in particular, phase-out projects in China, which had now ratified the Copenhagen Amendment, the further interim steps should certainly be achievable. In addition, of the 126 Article 5 Parties, almost half had no consumption of methyl bromide and a further 30 per cent had annual consumption below 60 tonnes, so only 27 countries posed a significant challenge. The advantages of the proposal to Article 5 Parties were that it would encourage the provision of financial assistance from the Multilateral Fund, maintain the momentum many countries had already achieved through early phase-out, and help prevent consumer boycotts of products treated with methyl bromide.

96. A number of representatives stated that the proposal had merit, particularly in terms of facilitating the provision of assistance from the Multilateral Fund. Concern was expressed, however, over the extent and speed of the proposed reductions, and the possibility that the resources of the Multilateral Fund might be overstretched as a result. It was also pointed out that the final step, a 95 per cent reduction by 2012, could lead to an anomalous situation, as after total phase-out in 2015 countries would become eligible for critical-use exemptions. Judging by the current experience of non-Article 5 Parties, the total of such exemptions could easily exceed 5 per cent, leading to Article 5 Parties' consumption levels increasing after phase-out.

97. Representatives of many Article 5 Parties expressed their concern over the lack of technically and economically feasible alternatives to methyl bromide, in contrast to the situation with CFCs and other substances. Many countries were still running demonstration projects, and were not yet ready to accelerate their phase-out schedules. Representatives also argued that it was essential to reach agreement on the procedure for critical-use exemptions before the matter of further phase-out measures could be discussed, though one representative of a non-Article 5 Party observed that the current discussion over critical-use exemptions related only to non-Article 5 Parties, and, in any case, many Article 5 Parties had already managed to achieve complete phase-out without great difficulty.

98. It was subsequently decided that the item should be considered by the extraordinary Meeting of the Parties (see paras. 52–61 above).

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## **E. Amendment of the Montreal Protocol regarding the advancement of the deadline for annual data reporting**

99. The representative of the European Community introduced the amendment contained in the annex to document UNEP/OzL.Pro.15/3 requiring Parties to report annual data by 30 June rather than 30 September. The proposed new date would enable the Implementation Committee to meet its obligations to the Parties in a timely and effective manner and allow more time for communication between the Ozone Secretariat and the Parties, and the provision of assistance in cases of potential or actual non-compliance.

100. A number of representatives agreed on the need to assist the Implementation Committee in its work, but did not agree that the amendment would necessarily be effective in that regard. Several representatives suggested that Parties should be requested to submit their data early on a voluntary basis rather than undertaking an amendment to the Protocol, and a number of Parties highlighted their respective difficulties in reporting annual data by 30 June.

101. In response to a question as to whether the proposal required an adjustment or an amendment to the Protocol, the representative of the European Community noted that, in such a case, an amendment was required. Acknowledging that a draft decision might be more appropriate at the current stage he proposed to submit a draft decision encouraging Parties to report their data early. He withdrew the proposed amendment until such time as a package of amendments could be presented.

102. The representative of the European Community subsequently introduced a conference room paper containing a draft decision on the amendment of the Montreal Protocol regarding the advancement of the deadline for annual data reporting.

103. One representative suggested that there was no consensus on the need for changing the deadline for data reporting, particularly in view of difficulties experienced by Article 5 countries in reporting for the present deadline. Many representatives from Article 5 countries, including a representative speaking on behalf of the African group, reiterated the problems their countries would experience in submitting data earlier than the present deadline. The representative of China indicated that it was very difficult for China to submit data three months before the 30 September deadline because of the auditing requirements of the procedures of the Executive Committee of the Multilateral Fund.

104. Several representatives requested further revision of the draft decision to reflect the fact that Parties were invited to submit data three months in advance of the current deadline on a voluntary basis. They emphasized the importance of facilitating the work of the Implementation Committee. Another representative asked whether a decision adopted by the Meeting of the Parties could overrule the obligation of the Parties under the provisions of the Protocol. He suggested that an amendment to the Protocol would be more suitable. The representative of the Secretariat, whilst noting that the Secretariat was not in a position to undertake legal interpretation, said that, according to the principle of hierarchy of the law, a multilateral agreement prevailed over a decision of the Meeting of the Parties in general terms.

105. One representative noted his Government's willingness to overcome difficulties resulting from the data submission deadline change. He suggested that the draft decision should provide for a transitional period of one or two years, during which Parties could submit data by the earlier deadline on a voluntary basis, following which the deadline of 30 June would become mandatory. Several representatives expressed their willingness to work with the representative of the European Community to revise the wording of the draft decision.

106. The representative of the European Community explained that the draft decision contained in the conference room paper under discussion was not an amendment. Its effect would be that Parties would enter into voluntary commitment to report in accordance with the decision and that would not override any provision in the Protocol. He thanked representatives who had submitted proposals which accommodated the views raised by the Meeting, and proposed to work with them on revising the draft decision.

107. The representative of the European Community subsequently presented a conference room paper containing a revised draft decision on the amendment of the Montreal Protocol regarding the advancement of the deadline for annual data reporting which incorporated suggestions made by the meeting. After further amendments to include suggestions made by representatives, the preparatory segment decided to forward the draft decision on the amendment of the Montreal Protocol regarding the advancement of the deadline for annual data reporting to the high-level segment for adoption.

#### **F. Status of destruction technologies for ozone-depleting substances and code of good housekeeping**

108. The representative of Australia introduced a conference room paper containing a draft decision on the status of destruction technologies for ozone-depleting substances and code of good housekeeping. She explained three minor changes highlighted in the text to address concerns raised by members of the contact group formed at the twenty-third meeting of the Open-ended Working Group.

109. A number of representatives expressed support for the draft decision and one also expressed support for the principle that regular reviews and updates of the lists should be prepared to follow the evolution of technology in years to come.

110. Responding to requests for clarification from several representatives of Article 5 countries on the cost implications of the draft decision for their countries, the sponsor of the draft decision drew attention to the April 2002 progress report by the Technology and Economic Assessment Panel (volume 3, report of the Task Force on Collection, Recovery and Storage and the report of the Task Force on Destruction Technologies) which contained information on the costs of the technologies in operation. She emphasized that the draft decision did not require Article 5 Parties to destroy ozone-depleting substances. A number of representatives of Article 5 Parties noted that the draft decision was in fact silent in that regard and requested explicit mention in the draft decision of the fact that Article 5 Parties were not required to destroy ozone-depleting substances.

111. A contact group consisting of Australia, El Salvador, Japan, Kenya and Pakistan was established to revise the language of the draft decision, and the representative of Australia subsequently introduced a revised draft decision on the status of destruction technologies for ozone-depleting substances and code of good housekeeping, noting that in informal consultations with the Parties concerned discussions she had sought to resolve the outstanding issues raised by delegates in the discussion.

112. One representative agreed to support the proposal on the understanding that the report of the Meeting would reflect his concern that, because of the prohibitive cost to the Parties operating under Article 5, paragraph 1, such Parties should be provided with assistance from the Multilateral Fund if they were to use any of the destruction technologies referred to in the decision and which proved to be available only outside the territory of that Party.

113. The preparatory segment decided to forward the draft decision on the status of destruction technologies for ozone-depleting substances and code of good housekeeping to the high-level segment for adoption.

#### **G. Plan of action to modify regulatory requirements that mandate the use of halons in new airframes**

114. The Co-Chair introduced the draft decision contained in annex I to the report of the twenty-third meeting of the Open-ended Working Group. The draft decision followed the Technology and Economic Assessment Panel findings on potential alternatives to the use of halons for commercial aircraft applications and the need to enter into discussions with airframe certification agencies and manufacturers on the issue.

115. One representative supported the initiative, noting the highly technical nature of the use of halons in commercial aircraft applications and the importance of ensuring public safety. Another representative requested a summary from the Technology and Economic Assessment Panel on the technical and economic aspects of the draft decision.

116. The Co-Chair of the Halons Technical Options Committee said that the International Civil Aviation Organization (ICAO) had agreed to cooperate with the recommendation that had been included in the latest report of the Halon Technical Options Committee. Airframe certification authorities must recognize that there was no longer a case for the use of halon-1301 and that the best option for safety would be to switch to an alternative agent. Almost all the plants that manufactured halon-1301 had shut down. It was very difficult to manufacture and the only possibility for future production would be at considerable cost in a small pilot plant. If airlines did not switch over to an alternative agent in a timely manner they would incur heavy costs for the manufacture of halon-1301 or even end up without adequate fire protection.

117. In response to requests for clarification, the Co-Chair of the Halons Technical Options Committee explained that a preliminary meeting would be planned at ICAO headquarters to discuss the best way to open up the dialogue. Involvement of the International Air Transport Association (IATA), which represented the airlines of the world, was envisaged at the meeting. The draft decision called for the Technology and Economic Assessment Panel to report on progress in its 2004 report. The original plan was expected to include a conference in which other aviation parties might want to participate. It was important that world aviation operators understood the situation. Airframe certification authorities should establish when the alternatives to halon-1301 would be in place. The first important step was for agreement to be reached on making the change and then for a plan to be drawn up with fixed time schedules.

118. The Secretariat clarified that the draft decision did not commit Parties to financial obligations but rather requested the Secretariat to work with the Technology and Economic Assessment Panel and ICAO to develop a plan of action which would include activities and costs to be forwarded for consideration to the Sixteenth Meeting of the Parties to the Montreal Protocol. On that basis, the preparatory segment decided to forward the draft decision on the use of halons on new airframes to the high-level segment for adoption.

## **H. Handling of ozone-depleting substances in foams and industrial plants**

119. The Co-Chair introduced two conference room papers containing draft decisions on the handling of ozone-depleting substances in foams. The proposal by Japan at the twenty-third meeting of the Open-ended Working Group was summarized in paragraphs 54-57 of document UNEP/OzL.Pro.15/2. Japan had worked with the European Community since the meeting to develop the terms of reference for a study to be carried out by the Technology and Economic Assessment Panel. The Co-Chair noted that the words "and industrial plants" should be deleted from the chapeau above the title in the two draft decisions.

120. The representative of Japan requested deferment of the discussion on this matter, noting that the draft decisions were being modified to accommodate suggestions from the Technology and Economic Assessment Panel. The Co-Chair of the Technology and Economic Assessment Panel recognized that important technical issues that were not entirely resolved in previous Panel reports had been raised in the draft decision. The Panel had recommended that the work could be carried out within its existing work structure for presentation to the Parties in its April 2005 report. The work was within the scope of the Rigid and Flexible Foams Technical Options Committee and that route would avoid the expense and other difficulties associated with establishing an additional task force.

121. The representative of Japan subsequently announced that his Government was withdrawing its proposed draft decision requesting a new, updated Technology and Economic Assessment Panel report on the handling and destruction of ozone-depleting substances in foams and introduced a conference room paper containing a revised proposal for a draft decision which requested the Panel to include issues of the handling and destruction of foams containing ozone-depleting substances in its regular report, scheduled to be published in April 2005.

122. The preparatory segment decided to forward the draft decision on handling and destruction of foams containing ozone-depleting substances to the high-level segment for adoption.

## **I. Update on the status of classification and labelling of controlled substances under the Montreal Protocol**

123. The Secretariat introduced an information note by the Secretariat (UNEP/OzL.Pro.15/INF/3), which contained two tables showing the World Customs Organization (WCO) Harmonized System (HS) codes applicable to pure ozone-depleting substances (table 1) and the HS codes currently applicable to mixtures containing ozone-depleting substances (table 2) together with amendments recommended by the Harmonized System Review Subcommittee for consideration by the WCO Council in 2004.

124. Noting that decision XIV/8, "Consideration of the use of the Globally Harmonized System for the Classification and Labelling of chemicals that deplete the ozone layer", requested the Ozone Secretariat to contact the Subcommittee of Experts of the Economic and Social Council to clarify whether ozone-depleting substances were included in its programme of work and, if they were not included, to evaluate the possibilities for and feasibility of including ozone-depleting substances on its work programme and to report to the twenty-third meeting of the Open-ended Working Group of the Parties, he explained that the scheduling of the relevant meetings had made it impossible for the Secretariat to attend the meeting of the Subcommittee of Experts and report to the Open-ended Working Group at its twenty-third meeting, but that it would attend the forthcoming meeting of the Subcommittee in Geneva in December 2003 and would report to the Open-ended Working Group at its twenty-fourth meeting.

125. In the ensuing discussion several Parties indicated their intention to make submissions to the Subcommittee of Experts and expressed the view that an agreed position endorsed by the Meeting of the Parties as a whole might be a more effective approach. Several representatives expressed concerns about the process in respect of the Subcommittee of Experts, which appeared to be developing without proper direction. The Meeting was informed, however, that the Secretariat's purpose in attending the forthcoming meeting was initially and primarily to evaluate possibilities and feasibility and consider technical details; no proposal to the forthcoming meeting had been prepared.

126. One representative emphasized that the need for proper HS classifications was pressing, particularly for mixtures of ozone-depleting substances, and warned that failing such a system, the benefits of phasing out pure ozone-depleting substances would be substantially offset by an increased trade in mixtures which could not be properly policed by customs officers. He added that trade in equipment which used ozone-depleting substances and mixtures must also be subject to control and classified under the Harmonized System. In practical terms, without HS classifications, national systems of classification must be used and such systems differed from nation to nation, causing significant bilateral problems in policing trade and opening the door to illegal trade on a scale which harmed Parties' efforts to implement the Protocol.

127. Emphasizing the problems of differing national classification systems, another representative expressed the view that the classifications reflected in the information document, though of course uniform, were insufficiently differentiated; as an example, he pointed out that HCFC-22 and HCFC-141b shared an HS code.

## **J. Reporting of data**

128. The Executive Secretary drew attention to the data reported by Parties, as given in document UNEP/OzL.Pro/15/4. He noted that there had been a record in the reporting of data, with only 23 Parties not reporting data for 2002. The Implementation Committee had considered and discussed the data in detail and would be submitting recommendations for the consideration of the Parties. The President of the Committee would be presenting his report to the preparatory segment under agenda item 4.

129. The representative of Islamic Republic of Iran, noting that the figures showing the Party's consumption of methyl chloroform were not correct, offered to provide accurate figures to the Secretariat.

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**K. Ratification of the Convention and the Protocol and its amendments**

130. The Secretariat introduced information paper UNEP/OzL.Pro/15/INF/1, which reported the status of ratification, accession, acceptance or approval of the agreements on the protection of the ozone layer, as at 1 November 2003. In the reporting period, five Parties had ratified the Beijing Amendments, bring the total to 57; four Parties had ratified the Montreal Amendment, bring the total to 137; four Parties had ratified the Copenhagen Amendment, bring the total to 154; and two Parties had ratified the London Amendment, bring the total to 166. In all, 11 members of the United Nations were still to ratify the Vienna Convention, and 12 had not ratified the Montreal Protocol. He announced that the Secretariat would be preparing a draft decision urging those that had not yet done so to ratify the appropriate instruments. The preparatory segment decided to forward the draft decision to the high-level segment for adoption.

**L. Selection of members of the Implementation Committee; members of the Executive Committee of the Multilateral Fund; and co-chairs of the Open-ended Working Group**

131. The Executive Secretary requested the Parties to meet in regional groups to propose nominations for the membership of the Implementation Committee and the Executive Committee, and to propose nominations also for the co-chairs of the Open-ended Working Group. The Parties subsequently decided on the membership of the Implementation Committee and the Executive Committee, and on the co-chairs of the Open-ended Working Group, as set forth in decisions XV/13, XV/46 and XV/55 respectively.

**IV. Non-compliance issues considered by the Implementation Committee: presentation by the President of the Committee**

132. The President of the Implementation Committee presented a summary of the report of the thirty-first meeting of the Implementation Committee, and the accompanying draft decisions. He drew attention to the improvement in the rate of data reporting, and congratulated all the parties involved, the implementing agencies and Ozone and Multilateral Fund secretariats, for their efforts and commitment. He also observed, however, that the volume of data reported posed the Committee a problem in terms of the work needed to collate and analyse the information in good time before the meeting, together with reports from the Fund Secretariat and the implementing agencies. He suggested that appointing a Programme Officer responsible for monitoring compliance within the Secretariat, and ensuring that the last meeting of the Committee each year took place longer after the data-reporting deadline, would both help.

133. The rate of reporting of base-year data, baseline data and the data needed to remove Parties from temporary classification as Article 5 Parties had all improved since last year. There still remained some Parties which had yet to report, and he called on them to do so as a matter of urgency, particularly with regard to baseline data, which was essential in assessing a Party's status of compliance with its obligations.

134. The Committee had spent much of its time discussing the question of revisions to baseline data. While wishing to do its utmost to facilitate Parties' ability to comply with the Protocol, equally the Committee recognized that changing baseline data was a serious matter and could only be accepted if the Committee was absolutely confident of the justification. The Committee had developed a methodology for future requests, set forth in a further proposed decision. Of the three requests for revisions of baseline data the Committee had considered at its last meeting, one had been withdrawn, and one Party was still in the process of gathering information. The Committee had approved the request of Uganda for a revised baseline for methyl bromide consumption, and thanked Uganda for its efforts in gathering and presenting a substantial volume of supporting documentation. Five other Parties had requested changes to their baseline data, but the Committee had concluded that they had not yet provided adequate information, and requested them to return to a future meeting of the Committee with documentation gathered in accordance with the new methodology.

135. After carefully examining the data submitted by Parties, and the explanations available for excess consumption or production, the Committee had concluded that a total of 16 Article 5 Parties and 2 non-Article 5 Parties, listed in five draft decisions, had failed to provide a satisfactory explanation for consumption data for 2001 and/or 2002 and were therefore presumed to be in a state of non-compliance with the Protocol. They were requested to provide explanations for the deviations from their consumption data, along with plans of action, with time-specific benchmarks, to bring them back into compliance, for the Committee to consider at its next meeting. Three further Article 5 Parties had not yet reported their CFC consumption for the control period from July 2001 to December 2002, and their state of compliance was therefore not clear. They had been requested to report the data as a matter of urgency.

136. In seven cases, the Parties reporting deviations in data had acknowledged their state of non-compliance, and had already provided the Committee with a plan of action for returning to compliance, which were described in the draft decisions. Such prompt action was very welcome. In a further four cases, Parties had acknowledged their state of non-compliance, but had not yet submitted plans of action, and the Committee looked forward to receiving the plans for consideration at its next meeting.

137. Another six draft decisions set out plans of actions from Parties which had been covered by previous decisions of the Parties. Two of those Parties, Bolivia and Namibia, had already returned to compliance under their plans of action. He congratulated them on their achievements, and looked forward to the remaining countries fulfilling their plans of action and returning to compliance in the near future.

138. In the case of Azerbaijan, the Party had agreed a plan of action with the Implementation Committee in 1998. The plan's benchmarks for phase-out of CFCs and halons in 2001 had not been met, but Azerbaijan had now committed itself to phase out CFCs by 2003. The discussion on the issue had helped to highlight a matter of concern regarding assistance from GEF to countries with economies in transition. Unlike the Multilateral Fund, the GEF made assistance with institutional strengthening available on a once-only basis, which meant that there was a danger that once the various investment projects had been completed, the institutional framework necessary for future monitoring of compliance within the country could disappear or be fatally weakened. The Committee had prepared a further draft decision requesting GEF to consider favourably applications from countries with economies in transition for institutional strengthening assistance, in line with its new capacity-building initiative.

139. Saint Vincent and the Grenadines was the only party, out of the many the Committee had considered, which had failed to provide a plan of action despite a request for it to do so last year. Continued non-compliance with the Protocol was a serious matter, but the Committee understood the pressing environmental problems faced by such small island States, and noted with appreciation the work done by UNEP in working with the country on a plan of action, which was anticipated next year.

140. The decision on Armenia noted the country's reclassification as an Article 5 country, a decision taken at the Fourteenth Meeting of the Parties, in Rome in 2003, (decision XIV/2) and called on it to complete its ratification of the London Amendment, after which it would become eligible for assistance from the Multilateral Fund.

141. A further draft decision congratulated Nepal on its seizure of a substantial shipment of illegally imported CFCs, and welcomed the reporting of the fact. Decision XIV/7 had provided that "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"; in that light, decision XIV/23 was in fact in error in reporting Nepal to be in non-compliance. If, however, Nepal should decide to release any of the seized CFCs into its domestic market, it would place the country in non-compliance, and the Committee would have to consider its situation very carefully.

142. The President of the Implementation Committee concluded by expressing his appreciation to his colleagues on the Committee, the Ozone Secretariat, the Multilateral Fund secretariat, the implementing agencies, and all the Parties who had attended the Committee's meeting. Observing that the draft decisions he had presented illustrated every stage of the Committee's work, he stated his belief that the compliance system of the Montreal Protocol was a flexible and sophisticated system, widely regarded as a model for other multilateral environmental agreements. With the support of all the Parties, he felt sure that it could continue to be improved in the future.

143. All the representatives who spoke expressed their thanks to the Implementation Committee for its hard work. The representative of Egypt stated that he had submitted data that morning which showed that Egypt was in fact in compliance with the methyl bromide consumption freeze. Similarly, the representatives of Thailand, Philippines and Nicaragua stated that they would soon be submitting data showing the same fact; in some cases, figures for quarantine and pre-shipment use had probably been wrongly included in the total consumption data.

144. The representative of Latvia reported that his country had submitted an explanation for its non-compliance with methyl bromide consumption limits in 2001. The 14.7 tonnes imported in 2001 for post-harvest use had not been authorized by the Ministry of Environment, but had been carried out on the basis of a license issued by the Ministry of Agriculture. Also, the shipment was expected to be used over the period 2001–2003; imports for post-harvest use had been zero in 2002 and were expected to be so in 2003 as well, so actual use in each of the three years was below the permitted consumption levels.

145. The representative of the Islamic Republic of Iran expressed regret that the Implementation Committee had not been able to consider his country's request for a revision in its baseline, and expressed his concern that the new methodology was being adopted too late, given that control measures were shortly to apply to methyl chloroform and carbon tetrachloride. Iran was already experiencing difficulty in accessing financial assistance from the Multilateral Fund, since it was requesting a change in its baseline data. His country strongly wished to avoid entering into a state of non-compliance, and hoped that the Implementation Committee could take up its request again at the current meeting.

146. The representative of Armenia provided the information that her country had now ratified the London Amendment and the Copenhagen Amendment, and had deposited the instruments of ratification with the United Nations. The representative of Jamaica, speaking on behalf of Saint Vincent and the Grenadines, apologized for its failure to submit its plan of action; correspondence had been sent, but had failed to reach the Committee before its meeting. The representative of the GEF secretariat observed that the GEF Council had yet to approve the capacity-building initiative referred to in the draft decisions dealing with institutional strengthening for countries with economies in transition, and suggested that the text could be suitably amended.

147. Responding to the questions, the President of the Implementation Committee thanked the Parties for their observations. The draft decision dealing with Latvia would be amended, as the Party had now submitted an explanation for its excess consumption, as would the draft decision dealing with institutional strengthening from GEF. The Committee looked forward to considering all the new data that Parties had mentioned at its next meeting. The preparatory segment decided to forward the draft decisions on compliance matters and data reporting, with the agreed revisions and amendments, to the high-level segment for adoption.

## **V. Application for technical and financial assistance from the Global Environment Facility by South Africa**

148. The Executive Secretary, recalling that decision XII/4 requested GEF to clarify its future commitments to providing continued assistance to the countries with economies in transition with respect to all ozone-depleting substances, reiterated that GEF had earmarked \$60 million to that end, of which \$12 million had been set aside for in its 2004–2006 business plan for methyl bromide phase-out projects in eligible countries. At its twenty-third meeting, the Open-ended Working Group had considered a proposal by South Africa to request assistance from GEF to phase out methyl bromide, and a draft decision on the subject for the consideration of the Parties was contained in the annex to the Working Group's report (UNEP/OzL.Pro/WG.1/23/5). The Executive Secretary said that, in a recent conference call with the new Chief Executive Officer/Chairman of GEF, he had learned that GEF was following up the matter and would consider it at the upcoming meeting of the GEF Council.

149. One representative said that, while her Government had first feared that any reallocation to South Africa of part of the sum earmarked by GEF for methyl bromide phase-out in 2004-2006 might be to the detriment of the countries with economies in transition, she had been assured by South Africa that the Party would limit its requirements for that period to achieving only a 20 per cent reduction, not a full phase-out, of methyl bromide use. It was necessary to stress that such a request for GEF funding would be supported by Parties to the Montreal Protocol only on an exceptional basis. In that connection, it was suggested that GEF might wish to consider providing such funding on an exceptional basis.

150. One representative, expressing support for the draft decision, pointed to the need to make a good case to GEF as to why such a request did not constitute a precedent for funding other Parties operating under Article 5, paragraph 1. Another representative, also expressing support for the draft decision, was concerned that the Meeting of the Parties was not seeking its own solution to the matter, and was entrusting the issue to a body that was not within its purview.

151. The preparatory segment decided to forward the draft decision on application for technical and financial assistance from GEF to South Africa to the high-level segment for adoption.

## **VI. Financial report on the Trust Funds for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and budget for the Montreal Protocol**

152. The Executive Secretary introduced the financial report on the Trust Funds for the Vienna Convention for the Protection of the Ozone Layer and the Montreal protocol on Substances that Deplete the ozone Layer for the first year of the biennium 2002-2003 and the expenditures for 2002 as compared to previous budgets (UNEP/OzL. Pro15/5) and the note by the Secretariat on approved 2003, revised proposed 2004 and proposed 2005 budgets for the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer (UNEP/OzL. Pro15/6). He explained that the Chair of the Budget Committee would report to the plenary on the outcome of its deliberations.

153. The Chair of the Budget Committee, the representative of the Czech Republic, subsequently introduced a conference room paper containing a draft decision reflecting the outcome of the intensive discussions in the committee. He commended the excellent management of the Trust Fund to date, and reported that in 2002, 94 per cent of budgeted expenditure had been spent, in line with the decision of the Fourteenth Meeting of the Parties. The committee's aims had been to keep the budget at acceptable levels, including no nominal increase in contributions, and a reduction in the accumulated surplus, which currently stood at \$7,792,012.

154. The budget for 2004 had therefore been set at \$4,511,873,<sup>1</sup> which included \$500,000 for the costs of the review of the Financial Mechanism. The budget for 2005 was set at \$3,746,861. About 30 per cent of the accumulated surplus would be drawn down in 2004, and another 15 per cent in 2005, to enable those figures to be met without increasing the level of contributions from the Parties. He observed that the level of unpaid commitments stood at \$3,781,939 as at 31 October 2003, and urged all Parties to pay their contributions promptly and in full.

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<sup>1</sup> Following the adoption of decision XV/56 regarding the extraordinary Meeting of the Parties to be held in March 2004 and the special meeting of the Methyl Bromide Technical Options Committee, the budget figures were revised, in decision XV/52, to reflect the additional costs of those meetings.

155. The representative of Brazil observed that the scale of assessments set by the United Nations General Assembly in resolution 55/5 of 23 December 2000 would expire at the end of 2003 and be replaced by a new scale, currently under discussion in the General Assembly. A discussion ensued about whether the new scale should be used for contributions in 2004, or whether the old, 2001–2003, scale should continue to be used. The problem with switching to the new scale straight away was that, since it would not be agreed until very late in 2003, it would delay the Secretariat in sending out requests for 2004 contributions. The Secretariat added that the normal practice of the United Nations agencies was to use the scale in effect at the time of adoption of budgets. In the case of the Vienna Convention and the Montreal Protocol, the 2004 contributions would be assessed on the 2001–2003 scale, and 2005 contributions on the 2004–2006 scale.

156. The preparatory segment decided to forward the draft decision on financial matters to the high-level segment for adoption. The preparatory segment also agreed to adopt the draft decision on the understanding that the Secretariat would make proposals to the Sixteenth Meeting of the Parties on which United Nations scale the Parties should adopt in the ensuing fiscal years of the Trust Fund, based upon research into the practice of contributions to other multilateral environmental agreements.

## **VII. Update on the observer status of the Ozone Secretariat at the meetings of the World Trade Organization**

157. The Executive Secretary reported on the question of the Ozone Secretariat's observer status at the Committee on Trade and Environment of WTO. The matter had been due for discussion at the WTO Ministerial Conference in Cancún, Mexico, in September 2003, but the conference had ended without agreement, and the question of observer status was therefore still pending. The Meeting took note of the information.

## **VIII. Other matters**

### **A. Possible mid-year report by the Secretariat on budget matters**

158. The representative of Canada announced that wide consultations were held with delegations on the draft decision on the matter but no consensus had been reached. Canada had therefore withdrawn its proposal for a draft decision.

### **B. Production for basic domestic needs**

159. The representative of Canada introduced a conference room paper containing a draft decision on production for basic domestic needs of Article 5 Parties. He observed that the decision of the European Community to cease production for basic domestic needs, which had been announced at the meeting of the Open-ended Working Group in July, had been welcomed by Canada and many other Parties. Low CFC prices and easy availability of the substances in Article 5 countries had for some time inhibited moves towards phase-out, a conclusion supported by evaluation of refrigeration management plans and recovery and recycling projects, which had failed to deliver as much of a reduction in consumption as had been anticipated. The European Community's action should result in a rise in prices and encourage an increased rate of phase-out.

160. It was important, however, not to proceed without a full analysis of likely supply and demand up to complete phase-out in 2010, and Canada was therefore proposing a study by the Technology and Economic Assessment Panel of the expected future requirements in Article 5 Parties, the extent to which they could be met by production in Article 5 and in non-Article 5 Parties, the likely impacts of training programmes and recovery and recycling projects, and an examination of price movements in the period 2001–2003, all of which should help prepare Article 5 Parties for the expected fall in availability of CFCs. He expressed the hope that the report could be presented to the Open-ended Working Group at its twenty-fourth meeting.

161. Several representatives welcomed Canada's initiative and observed that while it was important to widen the price differential between CFCs and their alternatives, the transition should be as smooth as possible. It was important to avoid interruptions in supplies and sudden price spikes, which could lead to economic disruption and even a possible backlash against the Montreal Protocol. The representative of the European Community provided the information that its member States had voluntarily agreed to end production for basic domestic needs in France, Greece, Italy, the Netherlands, Spain and the United Kingdom; the total volume of CFCs not produced, compared to the baseline set by the Beijing Amendment, would be 21,738 tonnes, representing a fall of 41 per cent. He added that some concern had been expressed about whether that would be too large a reduction for Article 5 Parties, and therefore welcomed the proposed decision.

162. Mr. Lambert Kuijpers, Co-Chair of the Technology and Economic Assessment Panel, also welcomed the draft decision and suggested some modifications to the text. It was difficult to know at that stage whether it would be possible to complete the study by the twenty-fourth meeting of the Open-ended Working Group, because the Fifteenth Meeting of the Parties was yet to complete its work, including deciding on all the issues that it would request the Technology and Economic Assessment Panel to undertake.

163. The representative of Canada subsequently introduced a revised draft decision, drawn up after consultation with several delegations. The changes from the original version were the inclusion of carbon tetrachloride in the analysis, new text to explain the reasoning behind the study, a clarification of the analyses which would be carried out, and the addition of a possible extension of the timetable for the study.

164. In response to a question about whether the Executive Committee of the Multilateral Fund already possessed the information requested in the study, the representative of the Multilateral Fund Secretariat clarified that although the Secretariat had indeed collected some of the information that would be needed for the study, it had not carried out the extensive analysis envisaged in the decision.

165. A representative of an environmental non-governmental organization observed that ozone-depleting substances produced in non-Article 5 Parties to meet the basic domestic needs of Article 5 Parties often ended up being traded illegally. He therefore warmly welcomed the European Community's voluntary action to cease such production, but noted that non-Article 5 Parties were still producing significant quantities of CFCs more than seven years after CFC production should have ceased. He called on all Parties to redouble their efforts to finish the phase-out of CFCs, and not to use the study called for in the draft decision as a pretext for inaction.

166. The preparatory segment decided to forward the draft decision on production for basic domestic needs to the high-level segment for adoption.

### **C. Terms of reference for the assessment panels**

167. The Executive Secretary explained that the terms of reference for the mandate for the members of the Scientific Assessment Panel, Environmental Effects Assessment Panel and Technology and Economic Assessment Panel, which were to prepare the assessments for 2006, had not yet been finalized and thus a decision on the subject had not yet been drafted for submission to the current Meeting. He asked whether any Party wished to assist the co-chairs in preparing a draft decision at the current Meeting, whether the Ozone Secretariat and the co-chairs should undertake that task, or whether a decision should be deferred until after the terms of reference had been discussed at the next meeting of the Open-ended Working Group and presented to the Sixteenth Meeting of the Parties.

168. The Co-Chair of the Technology and Economic Assessment Panel, speaking on behalf of the three assessment panels, said that, in order to prepare adequately for the composition of the group of experts in the Scientific Assessment Panel, and in the Environmental Effects Panel, they would appreciate having a decision on the issue during the current year, so that they would not have to wait until the Sixteenth Meeting of the Parties.

169. Noting the need to take action, one representative proposed that the Ozone Secretariat, in collaboration with the co-chairs, should prepare and submit to the current Meeting a preliminary draft decision on the subject.

170. The Executive Secretary introduced a conference room paper containing a draft decision on the terms of reference for the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel, which had been prepared by the Secretariat in close collaboration with the co-chairs of the assessment panels.

171. One representative expressed the view that operative paragraph 6, referring to the significance of ozone-depleting substance phase-out for sustainable development, represented a new element in the context of the Montreal Protocol. In reply, a Co-Chair of the Technology and Economic Assessment Panel said that Panel members had held discussions with the representative, and the concerns he had raised would be fully taken into account in the full assessment, as set forth in the terms of reference.

172. In answer to a query, a Co-Chair of the Environmental Effects Assessment Panel confirmed that the Panel's studies on environmental impacts also took into account impacts on human health. He also made an editorial revision to the draft decision and accepted an amendment proposed by one other representative to take into consideration also countries with economies in transition in the assessment of the significance of the phase-out of ozone-depleting substances for sustainable development.

173. The preparatory segment decided to forward the draft decision on the terms of reference for the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel, as amended, to the high-level segment for adoption.

#### **D. Draft decision on the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol**

174. The representative of Japan introduced a conference room paper containing a draft decision on the issue he had raised in his address to the Fifteenth Meeting of the Parties as Chair of the Executive Committee of the Multilateral Fund, namely, that there were defects and ambiguities in the current procedure for the selection and recruitment of the Chief Officer of the Multilateral Fund Secretariat. The Co-Chair agreed that the draft decision could be discussed by the preparatory segment, even though the issue had arisen from a report to the high-level segment.

175. The representative of Japan explained that as had been seen in the latest attempt at recruitment, the currently existing procedure for the recruitment of the Chief Officer had impacted negatively on the work of the Executive Committee, UNEP and the United Nations Secretariat, and had consumed enormous resources. Also, it had led to a vacuum in the leadership of the Secretariat of the Fund. Wishing to avoid a repetition of such a situation in the future, Japan was submitting a draft decision, which in its appendix contained a new qualification to the understanding of the terms of reference of the Executive Committee. He expressed the hope that the Parties would agree to amend those terms of reference along such lines at the Sixteenth Meeting of the Parties, and would request the Executive Committee to consult with the Executive Director of UNEP and the United Nations Secretariat, and report on the results of those consultations to the Sixteenth Meeting of the Parties.

176. Several representatives, expressing full support for the deserved appointment of Ms. Maria Nolan as the new Chief Officer of the Secretariat of the Multilateral Fund, said that there was merit in the proposal submitted by Japan. The terms of reference of the Executive Committee had not kept pace with the evolution of the Multilateral Fund, and the issues arising during the selection and recruitment of the Chief Officer were a source of concern, reflecting on the integrity and the credibility of the Executive Committee. While it was necessary to bring clarity into the situation, however, the draft decision did not represent the sole solution and other Parties needed to be given an opportunity to submit their own suggestions for amending the terms of reference. Since a new Chief Officer was now in place, there was adequate time to explore all the options.

177. The preparatory segment decided to forward the draft decision on the terms of reference of the Executive Committee of the Multilateral Fund, as revised by the sponsor, to the high-level segment for adoption.

## **E. International transit trade in ozone-depleting substances**

178. The representative of Sri Lanka, speaking on behalf of 21 Article 5 Parties in Asia, introduced a draft decision requesting the Secretariat to carry out a study into the feasibility of the development of a system of tracking and securing trans-shipment, re-export and transit trade in ozone-depleting substances. A recent meeting of the coordinating committee of two regional networks had concluded that almost all countries in their regions were facing problems with controlling illegal trade, and felt that means of controlling transit trade, which had been encouraged by decision XIV/7, would be helpful in tackling illegal imports.

179. One representative recalled, however, that the discussions over decision XIV/7 at the Fourteenth Meeting of the Parties had concluded that means of controlling transit trade would be excessively onerous. A number of other representatives observed that while the topic was certainly important, the draft decision had been submitted too late for proper consideration. On that basis, the preparatory segment agreed to defer consideration of the issue until the twenty-fourth meeting of the Open-ended Working Group.

## **IX. High-level segment**

### **A. Opening of the high-level segment**

180. The high-level segment of the Meeting was held on 13 and 14 November 2003, and was opened at 10.50 a.m. on Thursday, 13 November 2003 by the President of the Bureau of the Fourteenth Meeting of the Parties, Mr. Habeeb Mohamed Farook (Sri Lanka). The Meeting was honoured by the attendance of the Vice-President of Kenya, Mr. Moody Awori.

181. The Meeting of the Parties was entertained by pupils from the Aga Khan Nursery School, Nairobi, who sang songs and recited poems with an ozone-protection message. They alluded to the ozone layer umbrella and the need to stop using bad chemicals in refrigerators, on plants and in factories in order to preserve it.

### **B. Presentation of awards to outstanding national ozone units**

182. The President of the Bureau presented the Outstanding National Ozone Unit Awards for 2003. The award was organized by the UNEP Division of Technology, Industry and Economics Ozone Action Programme under the Multilateral Fund every three years to recognize the efforts of the national ozone units which confronted the daily challenges of implementing the Montreal Protocol in their countries. The award provided special recognition to those national ozone units which had stood out in terms of performance, commitment and enthusiasm. All Article 5 countries had been invited to submit nominations and the selection panel for the award had comprised representatives of the Multilateral Fund Secretariat, the Ozone Secretariat, the United Nations Development Programme (UNDP), UNEP, the United Nations Industrial Development Organization (UNIDO) and the World Bank. The heads of delegation of China, Fiji, Jamaica and Senegal were presented with the award for 2003 on behalf of their national ozone units, which would benefit from a study tour to Canada organized by UNEP and the Manitoba Ozone Protection Industry Association.

183. In presenting the awards, the President remarked that China, as the largest producer and consumer of ozone-depleting substances in the world, had made remarkable progress, through its national ozone unit, in phasing out production and consumption of the substances. By the end of 2002, China had phased out over 27,000 ODP tonnes of CFC consumption, resulting in a 47 per cent decrease compared to the baseline, and almost 15,000 ODP tonnes of CFC production, representing a 31 per cent decrease compared to the baseline. China had prepared more than 200 projects and nine sectoral phase-out plans, and a sectoral production plan that encouraged enterprises to phase out ozone-depleting substances ahead of time. China had also adopted innovative approaches to mainstream the Montreal Protocol in its national environmental policy and create nationwide awareness.

184. He pointed out that Fiji had been the first Article 5 country to achieve total CFC phase-out, in 2000, and had maintained zero consumption since then through refrigeration and customs training, and by establishing an industry association for refrigeration training, introducing a certification system and institutionalizing the Montreal Protocol in the curricula of local institutes. Fiji's National Ozone Unit had been one of the earliest members of the ODS Officers' Network of South-East Asia and the Pacific, supported by Sweden. Fiji had been proactive in the region and shown leadership in assisting other Pacific island States with phase-out activities for ozone-depleting substances.

185. Jamaica, he noted, had successfully implemented its national phase-out programme and its CFC consumption would be phased out by 2005 as a result of the implementation of a quota system. The National Ozone Unit had been a key partner in the production of awareness-raising materials and it had been very active in helping other countries in the region as a strong member of the Caribbean Regional Network of ODS Officers. Jamaica had undertaken innovative efforts in refrigerant management and methyl bromide alternatives, and had also made great efforts to control the illegal trade in ozone-depleting substances.

186. Finally, he observed that Senegal had implemented comprehensive policy-setting and an effective quota system. A reduction plan for ozone-depleting substances developed in 1996 had led to impressive reduction in ozone-depleting substances from 187 tonnes in 1997 to 60 tonnes in 2002. Senegal played a proactive role in conveying Montreal Protocol messages to other African countries and had undertaken extensive public awareness-raising activities. A strong network member, Senegal assisted other countries in the region through South-South cooperation.

### **C. Welcome by the representative of the Government of Kenya**

187. The Vice-President of Kenya, Mr. Moody Awori, conveyed the warm greetings of President Mwai Kibaki and welcomed all participants on behalf of the people of Kenya. He commended the Executive Director of UNEP, the Ozone Secretariat, the Bureau, the Parties and all stakeholders on their efforts in forging progress in ozone-layer protection, which remained a global challenge. Partnership was key to meeting the challenge, guaranteeing the participation of all in protecting the ozone layer and setting the stage for ownership at all levels.

188. He urged Parties to push forward the Protocol agenda through the implementation of compliance mechanisms, provision of resources, technology transfer and capacity-building activities. Replenishment of the Multilateral Fund and disbursement to developing countries would allow commitments to be translated into reality. An effective institutional framework was crucial at all levels for implementation of the Protocol. There was a need to enhance the roles of relevant institutions at national, regional and international levels and an urgent need to ensure support to facilitate implementation of actions planned at all levels. There were alternatives to ozone-depleting substances, including methyl bromide, but questions of the effectiveness and cost of the alternatives must be further examined.

189. He highlighted the need for adequate resources, enhanced national capacity and awareness creation if developing countries were to achieve the 20 per cent phase-out target for methyl bromide by 1 January 2005. Lessons learned from developed countries which would phase out methyl bromide completely by 2005 would be of great importance. Disposal management strategy was another challenge which should be addressed in an integrated manner with environmentally sound methods for disposal of ozone-depleting substances and equipment containing ozone-depleting substances, and in that regard developing countries lacked the capacity and the technology. He called for a broad-based strategy and shared responsibility in the common fight against depletion of the ozone layer for the protection of planet Earth, our common heritage.

## **D. Statement by the Executive Director of the United Nations Environment Programme**

190. In his statement on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, Mr. Shafqat Kakakhel, Deputy Executive Director of UNEP, welcomed participants to Nairobi, the headquarters of the Ozone Secretariat. He noted that the scientific, environmental effects and technology and economic assessment panels had completed their studies on all aspects of the ozone layer, a colossal effort involving over 1,000 scientists and experts from all over the world and resulting in nine separate reports. The reports made it clear that great progress had been made but there was still much to do towards the rehabilitation of the Earth's stratospheric ozone layer.

191. The progress made by countries with economies in transition in meeting their obligations under the Montreal Protocol had been greatly assisted by funding from GEF and by the crucial role played by implementing agencies as well as by the political commitment demonstrated by those countries.

192. The assessment panels had sounded notes of caution. The ozone layer would remain vulnerable, in particular for the next decade or so, even with full implementation of the Montreal Protocol. Climate change could increase ozone depletion and worsen its consequences. Failure to comply with the Montreal Protocol could delay or even prevent recovery of the ozone layer. He expressed his gratitude to all the members of the assessment panels for their invaluable work, and to the Governments and industrial organizations which had provided financial support for the panels' work.

193. Developed countries had successfully implemented the phase-out of most ozone-depleting substances and demonstrated how ozone safe technologies could be adopted, and the focus had now shifted to phasing out HCFCs and methyl bromide. Developing countries had recently begun their phase-out schedules but some were finding compliance difficult. Given that alternative technologies were available for almost every use of ozone-depleting substances and generous resources had been contributed to the Multilateral Fund, there were no excuses for non-compliance. There was an urgent need to address the illegal trade in CFCs through measures such as licensing systems.

194. The Montreal Protocol was a positive example for all environmental conventions. Any failure in compliance with the Protocol would bring all of the principles for which the Protocol was famous into disrepute. Consequently he urged the Parties to make concerted efforts towards compliance by all. In that connection, he highlighted the crucial role of national ozone units in leading efforts towards that end. Over 100 national ozone units had been established with funding from the Multilateral Fund.

195. Amid the atmosphere of success and hope, a number of situations required prompt action. A total of 17 Parties to the Montreal Protocol had not yet ratified the London Amendment, while the Copenhagen Amendment had yet to be ratified by 30 Parties to the Protocol. Even more Parties had not yet ratified the Montreal and Beijing Amendments. He appealed to all Parties which had not yet ratified the various amendments to do so expeditiously.

196. A number of Parties had not yet made their contributions to the Trust Funds for the Vienna Convention. He expressed his gratitude to those Parties which had paid their contributions in full, and to the European Community, the Government of the Netherlands and the Government of the United States of America for their generous contributions towards the cost of the assessment panels. He also thanked the Governments of the United Kingdom and Canada for the first contributions to the new voluntary trust fund for monitoring and researching the status of the ozone layer. He extended his thanks to all non-governmental organizations and civil society organizations involved in the ozone process for monitoring that process closely and providing valuable inputs.

197. He announced that the Secretary-General of the United Nations, Mr. Kofi Annan, had appointed Ms. Maria Nolan (United Kingdom) as Chief Officer of the Multilateral Fund, to succeed Mr. Omar El-Arini. Ms. Nolan was expected to take up her position early in 2004.

## **E. Statement by the President of the Fourteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer**

198. In his opening statement, Mr. Farook noted the important milestones achieved in the implementation of the Montreal Protocol since the Fourteenth Meeting of the Parties, in particular that developing countries had started meeting phase-out schedules for ozone-depleting substances following the 10-year grace period granted to them.

199. He noted the importance of sustaining efforts to encourage the 11 States which had yet to join international efforts to protect the ozone layer to ratify the Vienna Convention and the Montreal Protocol. Also, ratification of amendments to the Montreal Protocol had not yet been completed by all Parties to the Protocol and compliance by Article 5 countries with the phase-out schedules for some substances remained a problem.

200. He commended the annual Meetings of the Parties to the Montreal Protocol on their resourcefulness: the Meetings provided a forum for review of implementation of the Protocol and for the adoption of decisions to assist in that implementation. Some 50 such decisions would be adopted by the current Meeting, and he urged Parties to implement them in full.

## **X. Organizational matters**

### **A. Election of officers of the Fifteenth Meeting of the Parties to the Montreal Protocol**

201. At the opening session of the high-level segment, in accordance with rule 21, paragraph 1, of the rules of procedure, the following officers were elected, by acclamation, to the Bureau of the Fifteenth Meeting of the Parties to the Montreal Protocol.

President:	Mr. Libor Ambrozek, Czech Republic (group of Eastern European countries)
Vice-Presidents:	Mr. Bala M. Mande, Nigeria (group of African countries)
	Mr. René Ledesma, Dominican Republic (group of Latin American and Caribbean countries)
	Mrs. Claudia A. McMurray, United States of America (group of Western European and other countries)
Rapporteur:	Mr. Gabriel Luluaki, Papua New Guinea (group of Asian and Pacific countries)

### **B. Adoption of the agenda of high-level segment of the Fifteenth Meeting of the Parties to the Montreal Protocol**

202. At the opening session of the high-level segment, the Parties adopted the following agenda for the high-level segment on the basis of the provisional agenda which had been circulated in document UNEP/OzL.Pro.15/1:

1. Opening of the high-level segment:
  - (a) Welcome by the representative of the Government of Kenya;
  - (b) Statement by the Executive Director of the United Nations Environment Programme;
  - (c) Statement by the President of the Fourteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

2. Organizational matters:
  - (a) Election of officers of the Fifteenth Meeting of the Parties to the Montreal Protocol;
  - (b) Adoption of the agenda of the Fifteenth Meeting of the Parties to the Montreal Protocol;
  - (c) Organization of work;
  - (d) Credentials of representatives.
3. Presentation by the scientific, environmental effects and technology and economic assessment panels on the assessments contained in the report synthesizing the 2002 reports of the three panels.
4. Presentation by the scientific, environmental effects and technology and economic assessment panels on their progress in 2003.
5. Report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol.
6. Presentation by the representative of the Global Environment Facility.
7. Presentations by the representatives of the implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank).
8. Statements by heads of delegations.
9. Report of the co-chairs of the preparatory segment and consideration of the decisions recommended for adoption by the Fifteenth Meeting of the Parties to the Montreal Protocol.
10. Dates and venue of the Sixteenth Meeting of the Parties to the Montreal Protocol.
11. Other matters.
12. Adoption of the report of the Fifteenth Meeting of the Parties to the Montreal Protocol.
13. Closure of the meeting.

### **C. Organization of work**

203. The Meeting agreed to follow its customary procedure.

### **D. Credentials of representatives**

204. The representative of the Secretariat, speaking on behalf of the Bureau, reported that the Bureau of the Fifteenth Meeting of the Parties to the Montreal Protocol had approved the credentials of the representatives of 83 Parties out of the 125 represented at the Meeting. The Bureau had also provisionally approved the representation of eight Parties on the understanding that they would forward their credentials to the Secretariat as soon as possible. The Bureau urged all Parties attending future meetings of the Parties to make their best efforts to submit credentials to the Secretariat, as required under rule 18 of the rules of procedure.

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**XI. Presentation by the assessment panels on the assessments contained in the report synthesizing the 2002 reports**

205. Mr. Stephen Andersen, Co-Chair of the Technology and Economic Assessment Panel, introduced the synthesis reports of the three assessment panels of the Montreal Protocol, which were delivered every four years to highlight their findings.

206. According to the Scientific Assessment Panel, the Montreal Protocol was working. Ozone-layer depletion was expected to improve over the next decade or so, but would be influenced by other changes in atmospheric composition and by climate change. Nevertheless, the ozone layer would remain vulnerable over that decade, even with full compliance by all Parties with the Montreal Protocol control measures.

207. The Panel had established also that failure to comply with the Montreal Protocol would delay or even prevent recovery of the ozone layer. On the other hand, prospects for accelerating the recovery of the ozone layer were limited: the hypothetical elimination of all future anthropogenic production of all ozone-depleting substances in 2003 would advance the return of stratospheric chlorine loading to pre-ozone-hole values by only about four years. Similarly, the hypothetical elimination of additional emissions from all past and future industrial production of all ozone-depleting substances would advance that return by only about 10 years.

208. The Environmental Effects Assessment Panel had reported that ozone depletion, which caused increased surface ultraviolet-B (UV-B) radiation, consequently affected living organisms and also materials. New studies had confirmed and strengthened previous findings that UV-B radiation had serious adverse effects on the skin, eyes and immune system. Also, interactions between ozone depletion and climate change had environmental consequences, and the Panel had warned that ultraviolet damage to phytoplankton and other marine organisms might reduce the oceans' capacity as a sink for atmospheric carbon dioxide and so increase global warming.

209. The Technology and Economic Assessment Panel had concluded that an immediate phase-out of most uses of ozone-depleting substances was technically and economically feasible but would require accelerated investment, and also increased resources from the Multilateral Fund and GEF as well as increased institutional capacity for the timely utilization of those additional resources.

210. The phase-out of HCFCs in new equipment and in servicing by 2005 in non-Article 5 countries was technically feasible but expensive with currently available technology and had possible consequences in the form of increased energy consumption and greenhouse gas emissions.

211. The use of methyl bromide was being prolonged by the abundant supply of the substance and by the costly and protracted registration and approval processes for many alternatives and substitutes. The inability of consumers to identify products not grown or processed with methyl bromide diminished the incentives to develop, approve and implement alternatives. Suitable alternatives were available, however, to allow substantial reductions in methyl bromide use in Article 5 countries provided that financing was available from the Multilateral Fund and markets in non-Article 5 countries continued to provide economic incentives for the commercialization and registration of alternatives. A total of 15 Article 5 countries representing the full range of intensities of methyl bromide use planned a complete phase-out in from three to six years.

212. The Panel had determined that over 1,000,000 tonnes of ozone-depleting substances were available for recovery and destruction. Parties might therefore wish to consider exempting production for approved essential and critical applications in non-Article 5 countries only if equal or greater ozone-depleting-potential quantities were recovered and destroyed.

## **XII. Presentation by the assessment panels on their progress in 2003**

### **A. Scientific Assessment Panel**

213. Mr. Ayité-Lô Ajavon, Co-Chair of the Scientific Assessment Panel, introduced the 2002 report of the Scientific Assessment Panel.

214. The Panel's major findings in the 2002 report were that chlorine in the stratosphere was at or near its peak, and that the Montreal Protocol was therefore working; that midlatitude ozone was depleted by about 3 per cent in both hemispheres; that a slow return to pre-ozone-values was expected by about mid-century, although climate change and greenhouse gases might affect the timing and behaviour of the recovery; and that options for accelerating the recovery were limited. Mr. Ajavon explained that a key information need for the future would be how climate change would influence the recovery of the ozone layer.

215. An expanded feature of the 2002 report had been a brochure entitled *Twenty Questions and Answers about the Ozone Layer*, which had been printed and distributed worldwide to raise public awareness.

216. The behaviour of the ozone hole in 2003 had been typical of most recent years, with the exception of 2002. The hole was large, but not unprecedented as it was similar to the large ozone hole in 2000. He stressed that the 2002 whole had been exceptional and the reasons for the interyear variability were predominantly meteorological and not related to any changes in atmospheric concentrations in ozone-depleting substances. The ozone hole was expected to disappear in about 50 years, but because of inter-year variability no one year could be taken as a sign of either recovery or worsening: several years would be needed before it could be established that the Antarctic ozone hole had changed.

217. Bromine concentrations in the lower atmosphere had peaked in about 1998. As methyl bromine was a major component of atmospheric bromine, the decline in lower atmospheric bromine was largely attributable to the reduction in methyl bromide use. That bromine had now peaked was the second signal from the atmosphere that the Montreal Protocol was working.

218. First signs of a recovery in stratospheric ozone levels had been reported in a 2003 scientific paper and covered by the news media. The Scientific Assessment Panel would assess all new studies of that kind and provide an updated collective view in its 2006 assessment report.

### **B. Environmental Effects Assessment Panel**

219. Mr. Jan C. van der Leun, Co-Chair of the Environmental Effects Panel, introduced the Panel's 2003 progress report.

220. He informed the Meeting that Dr. Manfred Tevini had resigned as Co-Chair and introduced the Panel's proposed replacement, Dr. Janet Bornman (Denmark). The Meeting accepted the nomination by acclamation.

221. Mr. Van der Leun focused his presentation on environmental effects in so far as they related to interactions between ozone depletion and climate change. An increasing number of such interactions were being recognized which came into play at various levels.

222. Interactions which came into play in the atmosphere included the recently reported influence of ozone depletion over Antarctica on the climate in that area: while the ozone hole was present, surface temperatures were higher and the winds were stronger. No explanation of that phenomenon was so far available.

223. One aspect of climate change was cooling of the stratosphere. Some computer calculations had predicted that the expected recovery of the ozone layer might be delayed by those lower temperatures; one study had estimated the delay at 10 or 20 years. Should that occur, the effects of ozone depletion would be prolonged, but some would also be amplified. Amplified effects would be those resulting from doses of ultraviolet radiation accumulating over many years, and would include effects on certain trees and the incidence of cataract, a leading cause of blindness, particularly in the developing world. Similar amplifications would result from delays in ozone-layer recovery from other causes, such as a lack of further progress in eliminating ozone-depleting substances.

224. Another interaction was where the effects of ozone depletion and climate change influenced each other. The effects might sometimes offset each other, as in the case of vegetation which was adversely affected by ultraviolet radiation but did better with increased carbon dioxide and higher temperatures, which were both elements of climate change. In other cases, the effects might exacerbate each other: materials such as plastics and rubber were degraded by ultraviolet radiation, a process which was amplified at higher temperatures. Experimental work had shown that something similar happened in the case of skin cancers.

225. He concluded that, with two great atmospheric changes occurring together, the environmental effects were an even stronger reason to work for the protection of the ozone layer: the quicker that work succeeded, the less the damage would be.

### **C. Technology and Economic Assessment Panel**

226. Mr. José Pons Pons, Co-Chair of the Technology and Economic Assessment Panel, reported for the Aerosols, Sterilants, Miscellaneous Uses and Carbon Tetrachloride Technical Options Committee that declining nominations had been received for essential uses in metered-dose inhalers, with Australia and Japan requiring no CFCs for that use in 2005. Neither had any transition strategies been submitted over the past 12 months, however. Cooperation between industry and Governments to cease sales of CFC metered-dose inhalers on a target date appeared to be the most effective approach to eliminating that use of ozone-depleting substances.

227. Concerning laboratory and analytical uses, the Panel proposed that an international workshop should be held on reducing the use of ozone-depleting substances for those purposes, which mainly involved measuring the content of oils, greases and total hydrocarbons in water.

228. Mr. Miguel Quintero reported for the Rigid and Flexible Foams Technical Options Committee. Insulating foam markets continued to grow, with the phase-out of CFC and HCFC blowing agents being achieved using hydrocarbons and hydrofluorocarbons (HFCs) as alternatives. Problems of recovery and destruction of CFCs, HCFCs and HFCs at end of life had not been resolved and there was regulatory uncertainty over whether HFCs would be controlled in the future.

229. Mr. Gary Taylor, Co-Chair of the Halons Technical Options Committee, reported that most halon currently in inventory would not be required to meet future needs. Before excess stocks were destroyed, however, careful planning would be needed to ensure that sufficient remained available to avoid future production to meet essential needs.

230. Quarantine and pre-shipment uses of methyl bromide were the largest uses emitting an ozone-depleting substances that were not currently controlled under the Montreal Protocol. The quantities involved were about 7,000 ODP tonnes annually. Also, a total of 11 Parties were pursuing critical-use exemption notifications for 14,899 metric tonnes of the substance, or 28.7 per cent of their combined baselines.

231. Mr. Radhey Agrawal, Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee, reported that for domestic refrigeration the conversion had been made to HC-600a and HFC-134a. The focus in commercial refrigeration continued to be lowering leakages, and secondary loops were being more extensively applied. Efforts were being made to introduce carbon dioxide, ammonia and hydrocarbon refrigerants in larger systems. The use of HFC-134a would be discouraged in favour of carbon dioxide or HFC-152a in mobile air-conditioning systems marketed in the European Community and elsewhere.

232. Mr. Masaaki Yamabe, senior expert member of the Technology and Economic Assessment Panel, reported that as the technical challenges of non-ozone-depleting alternative substances for solvents, coatings and adhesives had been solved, the Panel had retired the Solvents, Coatings and Adhesives Technical Options Committee with gratitude and any remaining functions would be taken over by the new Chemical Uses and Processes Technical Options Committee.

233. Although some minor uses still required ozone-depleting solvents, low ozone-depleting-potential HCFC solvents were effective transition substances. Substantial challenges remained, however, in financing and implementing available alternatives in Article 5 countries.

234. The substance n-propyl bromide was being marketed as a new alternative to ozone-depleting solvents, but concerns over toxicity and possible ozone-depleting potential were constraining market penetration.

235. Mr. Lambert Kuijpers, Co-Chair of the Technology and Economic Assessment Panel, reported that as of November 2003 the Panel had 18 members from 14 countries and its Technical Options Committee had some 200 members from 45 countries, of whom one third were from countries with economies in transition and Article 5 countries. The Panel continued to replenish and restructure its membership as necessary. The Methyl Bromide Technical Options Committee was seeking members with expertise in alternatives to critical uses for which exemptions were being sought; the Rigid and Flexible Foams Technical Options Committee and the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee were focusing on the rapid introduction of alternatives to HCFCs, and the Aerosols, Sterilants, Miscellaneous Uses and Carbon Tetrachloride Technical Options Committee would refocus on metered-dose inhalers and sterilization uses. All the technical options committees were seeking members to replace those who were retiring.

236. The organizational work for the special report by the Intergovernmental Panel on Climate Change (IPCC) and the Technology and Economic Assessment Panel on safeguarding the ozone layer and the global climate system: issues related to HFCs and perfluorocarbons (PFCs), had been completed; a steering committee consisting of Mr. Ogunlade Davidson, Mr. Bert Metz (Chair) and Ms. Susan Solomon from the Intergovernmental Panel and Mr. Stephen Andersen, Mr. Lambert Kuijpers and Mr. José Pons Pons from the Technology and Economic Assessment Panel had been established, and there would be participation by members of the Technology and Economic Assessment Panel and its technical options committees in relevant chapters of the report.

### **XIII. Report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol.**

237. Mr. Tadanori Inomata, Chair of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, introduced the report of the Executive Committee to the Fifteenth Meeting of the Parties (UNEP/OzL.Pro.15/8).

238. The Fourteenth Meeting of the Parties had approved the largest replenishment of resources for the Multilateral Fund in its history, \$573 million for the 2003-2005 triennium. The year 2003 represented a peak in the resource allocation made to Article 5 countries at a time when they were taking measures to comply with the freeze on CFCs, halons, methyl bromide and methyl chloroform and were preparing for the 2005 interim reductions. The Executive Committee had allocated \$224 million for 2003, \$191 million for 2004 and \$158 million for 2005 so as to use as much of the replenishment as soon as possible to enable the early approval of projects to facilitate compliance.

239. In 2003, the Executive Committee had reinvigorated business planning as an important tool for facilitating the provision of necessary resources where funds were most needed. The Committee had endeavoured to allocate resources to specific Article 5 countries with identified phase-out needs to achieve the control measures of the freeze, the 2005 and 2007 reductions, based on the rolling three-year phase-out plan for ozone-depleting substances. The Executive Committee would examine the needs of Article 5 countries three years ahead, consistent with the time required to develop and implement projects.

240. The Executive Committee had approved \$77.4 million in activities and projects during its last two meetings, which would result in the phase-out of almost 100,000 ODP tonnes of ozone-depleting substances.

241. Issues related to the compliance of low-volume-consuming countries had also been considered and the Committee had established an open-ended working group to discuss ways to reorient the approach to refrigerant management plans to facilitate compliance with CFC control measures. The results of an evaluation would be presented to the next meeting of the Executive Committee. The Executive Committee continued to fund Ozone Offices in 129 Article 5 countries, regional networks and the UNEP Compliance Assistance Programme, in addition to investment projects, non-investment projects and multi-year agreements under implementation by UNDP, UNIDO, the World Bank and bilateral agencies.

242. The Chair of the Executive Committee expressed gratitude to Mr. Omar El-Arini, who had retired in 2003 from his position as Chief Officer of the Multilateral Fund, for his tireless efforts towards the efficient operation of the Fund. During his stewardship the Fund had become an effective financial mechanism that had delivered over \$1.5 billion in funds to assist Article 5 countries in phasing out ozone-depleting substances.

243. He noted with concern the delays which had occurred, despite pleas for continuity to be assured, in appointing a successor to Mr. El-Arini, and emphasized the need for a more effective and rational procedure for the United Nations Secretariat to assist the Executive Committee in its task of selecting a Chief Officer. According to the terms of reference of the Executive Committee, the Chief Officer should be chosen by the Executive Committee and then be appointed by the Secretary-General following the decision of the Executive Committee. He suggested that those terms of reference should be reviewed by the Parties.

244. He expressed his gratitude also to Executive Committee members, the implementing agencies and the Multilateral Fund secretariat for their determined efforts and to the former Chief Officer of the Multilateral Fund, Mr. El-Arini, for his contribution to the attainment of the common goal of protecting the ozone layer for present and future generations.

#### **XIV. Presentation by the representative of the Global Environment Facility.**

245. The representative of GEF noted that 18 countries with economies in transition had been assisted by the Facility to meet their obligations under annexes A and B of the Montreal Protocol since the Protocol's inception. Projects worth \$167 million had been approved by the GEF Council to date, which had leveraged an additional \$173 million towards that effort to enable those countries to achieve compliance with annexes A and B of the Protocol. GEF remained committed to assisting non-Article 5 eligible recipient countries to meet phase-out goals under the Montreal Protocol.

246. Following the successful replenishment of the Facility in August 2002, a three-year business plan had been developed which enshrined the commitment of GEF to supporting the implementation of the Montreal Protocol in non-Article 5 eligible countries by setting aside resources to assist them in meeting their methyl bromide phase-out obligations. Immediate GEF efforts would support eight countries that had reported total methyl bromide consumption of approximately 450 ODP tonnes. An assessment was being prepared by GEF on the most effective ways to address HCFC reduction schedules in eligible recipient countries.

247. Lessons learned over the years included the need to pay equal attention to the investments required that brought about direct reductions in emissions of ozone-depleting substances, and to building Government capacity to create and enforce a conducive policy and regulatory framework to support those investments as an essential element for their sustainability and replication. The integrated approach to facing global environmental problems was key in order to tap the potential for synergies and ensure that resources and capacity were utilized to best effect.

## **XV. Presentations by the representatives of the implementing agencies**

### **A. United Nations Development Programme**

248. The representative of UNDP recalled that world leaders had pledged to achieve the Millennium Development Goals, including environmental sustainability, by 2015. The success of the Montreal Protocol and the protection of the ozone layer resulted in protection of all life on Earth and fitted into the forward-looking agenda for sustainable development. UNDP was present on the ground in 166 countries and was working with them on their own solutions to national and global development challenges. Protection of the ozone layer and the resulting protection of the Earth's fragile ecosystems could only serve to help UNDP in its work.

249. UNDP had received approval to oversee the implementation of 1,600 activities in 94 countries representing a cumulative total of over \$436 million in programme funding that would eliminate over 47,000 ODP tonnes of ozone-depleting substances globally. She reported that UNDP was working with several Article 5 countries on the implementation of 20 national and sectoral total phase-out plans, prepared with the full participation of national stakeholders and Governments, which included performance-based agreements between the country and the Executive Committee of the Multilateral Fund.

250. At a time when achieving compliance was of particular importance to Article 5 countries, she reaffirmed the commitment of UNDP to ensuring that the goals of the Montreal Protocol were met in a sustainable fashion.

### **B. United Nations Environment Programme**

251. The representative of UNEP congratulated national ozone units and Governments for meeting the first target freeze on CFC, methyl bromide and halon consumption, commending them on the hard work that had contributed to that achievement.

252. The UNEP Compliance Assistance Programme was based on regional delivery, direct assistance and early warning in preventing the pitfalls of non-compliance. National ozone units were critical to the work of the programme. Services included small thematic meetings, subregional dialogues, and country-specific meetings attended by implementing agencies, the Ozone Secretariat and the Multilateral Fund Secretariat.

253. Innovative mechanisms had been developed, including the regional phase-out for Pacific island countries. Awareness-raising was undertaken through non-governmental organizations, and South-South cooperation was an important element in assisting compliance. A business-to-business web portal had been developed on which 25,000 ODP tonnes of halon appeared to have been traded. A communication strategy on guidance and resources had also been developed, and a help desk hotline and problem-solving visits also formed part of the UNEP Compliance Assistance Programme's services.

254. The Compliance Assistance Programme was a partnership in which UNEP as facilitator worked with UNDP, UNIDO and the World Bank, and also with developed countries, United Nations organizations, non-governmental organizations and others. Among the outputs of the programme, 101 countries had been assisted with country programmes and 103 countries had been assisted with institutional strengthening projects. In 2003, regional networks covered 143 countries, including all the developing countries.

255. Out of 37 countries reported to be in non-compliance, 21 had returned to compliance, of which 18 were low-volume-consuming countries. There had also been significant improvements in data reporting: in November 2001, only 62 per cent of countries had reported data whereas in 2003 over 80 per cent had done so.

256. Out of 18 countries found to be in non-compliance in data reporting, 10 had returned to compliance; 8 had not reported, of which 5 had yet to complete country programmes. Out of 19 countries in non-compliance with the CFC freeze, 11 had returned to compliance. A total of

78 low-volume-consuming countries with no investment projects were nearing compliance with the 50 per cent reduction in CFC consumption. Fiji, which had been awarded an Outstanding National Ozone Unit Award, had been in full compliance since 2000.

257. He stressed the importance of special consideration by the Meeting of the Parties for new countries entering the ozone family. Licensing systems and enforcement were key to compliance, as were economic instruments and South-South cooperation. Funding for countries should be considered on a case-by-case basis in order to meet their specific needs.

258. Major challenges included illegal trade in ozone-depleting substances and equipment containing ozone-depleting substances, and sustaining political awareness. Also of key importance was mainstreaming the Protocol in the sustainable development strategy of each country.

### **C. United Nations Industrial Development Organization**

259. The representative of UNIDO reported that UNIDO had completed over 600 projects with a value of over \$210 million, phasing out over 27,000 ODP tonnes of ozone-depleting substances by the end of October 2003. Critical decisions taken by the thirty-eighth meeting of the Executive Committee had fundamentally changed the business planning process of the Multilateral Fund. The new concept of three-year rolling model business plan for the Fund and for the implementing agencies had created a holistic approach whereby all activities of implementing agencies were fully oriented towards ensuring compliance

260. UNIDO had made several structural changes in order to meet the expectations of the Parties, reflected in the new business plan encompassing the current replenishment period with an outlook to future years. UNIDO planned to contribute to the success of Article 5 countries by assisting them in formulating and implementing primarily national and sectoral phase-out plans. In 2003, UNIDO had submitted to the Executive Committee 17 new sectoral phase-out plans, three national phase-out plans and a terminal umbrella project.

261. UNIDO would continue to provide comprehensive technical support to Article 5 countries and to assist Governments in monitoring the implementation process. UNIDO was also aware of its increased responsibility regarding the verification and auditing of CFC phase-outs in countries assisted through UNIDO projects. A challenging task for UNIDO was assisting countries in strengthening their national implementation capacity to ensure that they achieved their targets under their sectoral or national phase-out plans for ozone-depleting substances.

262. He thanked Governments, national ozone units and recipient enterprises of Article 5 countries for their excellent cooperation and support, which had enabled UNIDO to achieve almost all the performance indicators established by the Executive Committee in the 2002 Business Plan.

### **D. World Bank**

263. The representative of the World Bank noted that the last replenishment of the Multilateral Fund had led to the adoption by the Executive Committee, in April 2003, of a three-year business plan to determine funding allocation. The business plan had prioritized assistance according to the compliance needs of Article 5 Parties. For business planning in the current triennium, the Bank had considered carefully the amount of phase-out required by its client countries to reduce consumption of ozone-depleting substances in view of Protocol targets and previously approved sectoral and national phase-out plans for ozone-depleting substances. The Bank had proposed new activities to end CFC production and consumption, to phase out all non-exempt methyl bromide consumption in two countries, to phase out halon consumption at the national level in two countries and to phase out CTC consumption in several large and small consuming countries. The Bank continued to move in the strategic direction set by the Executive Committee by seeking new partnerships for developing national plans.

264. In July 2003, the second-largest producer and consumer of carbon tetrachloride, India, had received Executive Committee approval for \$52 million in funding for a carbon tetrachloride sector plan. The project was significant because it had evolved from several business-plan activities of the Bank, other implementing agencies and bilateral donors to become a comprehensive, multi-stakeholder project that would completely eliminate carbon tetrachloride production and consumption in India.

265. The Bank's current clients under its Montreal Protocol programme had achieved measurable progress in reducing production and consumption of ozone-depleting substances in 2002. A total of 46 projects had been completed in 2002 for a total phase-out of nearly 16,000 ODP tonnes, which brought the level of cumulative phase-out of production and consumption of ozone-depleting substances in the Bank portfolio to 122,000 ODP tonnes, or 68 per cent of the total phase-out under the Multilateral Fund.

266. He emphasized World Bank support for the efforts being made under the Multilateral Fund to develop specific indicators for the compliance period and expressed the hope that outcomes and experiences could be shared on an annual basis through the monitoring and evaluation arm of the Multilateral Fund Secretariat to enable the Executive Committee to realign its assistance where required, and implementing agencies to ensure that the compliance needs of Article 5 countries remained the central objective in its daily work.

## **XVI. Statements by heads of delegations**

267. All speakers expressed their gratitude to the Government of Kenya for its generous hospitality.

268. Many speakers praised the success of the ozone treaties, describing the Montreal Protocol as one of the most successful international environmental agreements ever negotiated and pointing to the impressive reduction of around 90 per cent of consumption and production of controlled substances since the Protocol had entered into force. The Protocol was a model of international cooperation and mutual assistance between developed and developing countries.

269. Many speakers offered their congratulations to Ms. Maria Nolan (United Kingdom) on her appointment as Chief Officer of the Multilateral Fund, and to the new members and new President of the Bureau on their election.

270. Most speakers thanked the implementing agencies, bilateral donors, the Multilateral Fund and the Ozone Secretariat for their efforts to assist countries in meeting their obligations under the Montreal Protocol.

271. Many speakers highlighted the problem of illegal trade in their countries and the lack of measures to combat it. A number of speakers suggested that regional and global information exchange networks were essential to control illegal trade.

272. A speaker from an environmental non-governmental organization noted the release of a report at the opening of the Meeting revealing how transit countries played a major role in the diversion of CFCs to the illegal trade market. He welcomed an initiative by 16 Parties to address the issue of transit trade at the next meeting of the Open-ended Working Group. He welcomed document UNEP/OzL.Pro.15/INF/6 containing information on illegal trade reported by the Parties, and urged Parties to redouble their efforts to accelerate the phase-out of CFC production to cut illegal trade off at its source. He also welcomed work carried out by the Parties to clarify the legal implications of the trade in HCFCs. A marked increase had been noted in the global HCFC trade and there were signs that smugglers were beginning to trade in those chemicals.

273. One speaker representing an Article 5 country spoke of the lack of alternatives for methyl bromide in her country for quarantine and pre-shipment treatment of coffee and cocoa. Findings by the report of the Technology and Economic Assessment Panel supported the contention that alternatives were lacking for that use. Efforts to freeze consumption of methyl bromide could place countries in similar situations in economic peril. Critical-use exemptions appeared to be the only solution to the problem.

274. Many speakers noted intensified requests by non-Article 5 Parties for critical-use exemptions for methyl bromide, due to be phased out in those countries by 2005. One speaker called for an evaluation of the economic impacts of critical-use nominations submitted by non-Article 5 countries as well as the improvement of criteria for granting such exemptions.

275. One speaker from a non-Article 5 country expressed serious concern at what she saw as an erosion of the rules of fair play, unprecedented in the present forum, with regard to a new process proposed for granting critical-use exemptions. The delegation from her country had come to the Meeting expecting to receive their full critical-use exemption allocated by the Technology and Economic Assessment Panel for 2005. She underlined her country's need for the critical use nomination of 38.2 per cent of the country's baseline and suggested that the Protocol's record of fairness and the very foundations of the treaty would be undermined if that request was not approved.

276. Another speaker, expressing his country's commitment to the full phase-out of methyl bromide, stressed that any critical-use exemptions should be limited, temporary derogations and that critical-use volumes should decrease each year.

277. Another speaker said that the spirit and the objective of the Montreal Protocol had not changed, and that it continued to aim to reduce the production and consumption of ozone-depleting substances progressively. It was not acceptable, therefore, that critical-use exemptions should allow certain Parties to increase their production and consumption of the substances.

278. A speaker from an environmental non-governmental organization said that there were alarming signs that Parties were ignoring issues of stockpiles, oversupply, dumping and smuggling of methyl bromide. Stockpiling of methyl bromide was a real problem in Article 5 and in non-Article 5 countries. Decision IX/6 required that all existing stocks must be deducted from production and consumption allowed under critical-use exemptions but no mechanism existed to ensure it. Stockpiling in Article 2 countries exacerbated the problem of dumping in, or intentional oversupply to, Article 5 countries. Undeclared imports and smuggling of methyl bromide into Article 5 countries was an increasing problem. He noted that exemption requests currently being considered by the Parties represented a "phase-in" at the very time that Article 2 countries were supposed to be implementing a phase-out. He encouraged Parties to request the Technology and Economic Assessment Panel to investigate how to address the problem posed by stockpiles.

279. A speaker from an African country noted the insufficient institutional framework and capabilities in her country that made farmers vulnerable to deliberate misinformation by some suppliers on issues relating to the continued use of methyl bromide. Another speaker urged that methyl bromide must be phased out in such a way that the livelihoods of farmers in highly agriculture-dependent countries was not threatened; the cost of phasing out methyl bromide was too high if it resulted in hunger, disease and extreme poverty.

280. A number of speakers expressed concerns about late contributions and urged countries that had not paid their contributions in full to do so at the earliest opportunity.

281. One speaker said that the relationship between the Compliance Committee, the Implementation Committee and the Executive Committee must be clearly defined, and indeed that to combine them all would result in efficiency, effectiveness, economy and simplicity in its operations

282. A number of speakers expressed concerns with regard to the proposed amendment to the Protocol on the advancement of the data reporting deadline.

283. A number of speakers described activities in their countries to promote global ozone day on 16 September. In one country, activities had included the broadcast of scientific and technical conferences and the honouring of over 100 farmers who had found alternatives to ozone-depleting substances and assisted other farmers through technology transfer.

284. Many speakers reported on their country's ratification of one or more of the Protocol's amendments. Several speakers said that they had already fulfilled their obligations under the Montreal Protocol, some in advance of the deadlines. They described efforts to comply with the provisions of the Montreal Protocol and spoke of the importance of innovative modern legislation, licensing systems, cooperation by all stakeholders including the public sector, private sector and civil society. Many speakers urged ratification of the amendments to the Protocol by those Parties that had not yet done so.

285. Several speakers expressed caution regarding the proposal to promote the closure of essential-use nominations for metered-dose inhalers, especially in those countries not operating under Article 5. They underlined the need to ensure that the measures proposed did not produce detrimental impacts on the health of people with asthma and other respiratory diseases in Article 5 countries.

286. A number of speakers expressed strong support for the draft decision presented at the meeting on the promotion of CFC-free metered-dose inhalers as well as the draft decision on laboratory and analytical uses which were aimed at ensuring that essential uses of CFCs were minimized.

287. One speaker said that he had hoped that a date for total global phase out of CFCs in metered-dose inhalers might have been fixed at the present meeting. He expressed satisfaction, however, that a commitment had at least been made to phase out CFCs in metered-dose inhalers by 2005 for some countries and as soon as possible for others.

288. Many speakers highlighted the subject of the implication of the entry into force of the Beijing Amendment, particularly in relation to trade in and supply of HCFCs. One speaker noted that the most important outcome of discussions on the topic at the Meeting was the need to avoid unilateral measures by any Party aimed at interrupting the supply of HCFCs to other Parties. Several speakers commended efforts made by the Parties to resolve the very complex issue of the implications of the Beijing Amendment for the trade in HCFCs. The amicable resolution of the issue had brought great relief to Article 5 countries in particular.

289. One speaker expressed the hope that the study on the management of the financial mechanism of the Montreal Protocol would contribute useful conclusions and recommendations for the enhancement of the mechanism.

290. Another speaker noted the need to establish linkages between decisions of the Parties and policies implemented in other international organizations to guide Governments and international organizations towards meeting the targets of the Protocol and its amendments without those targets becoming obstacles to international trade or sustainable development. He requested the Ozone Secretariat to maintain institutional contacts with organizations including WTO and FAO, informing them about decisions of the Parties so that they could analyse and interpret the impact of decisions on their areas of competence.

291. A speaker from a West African country underlined problems related to the implementation of the Refrigerant Management Plan in her country and import regulations for countries that were members of the Economic Community of West African States (ECOWAS). She requested the Fifteenth Meeting of the Parties to recommend to Parties and to WTO that they should establish customs procedures to allow import quotas for companies that used ozone-depleting substances.

292. A major concern expressed by speakers from developing countries remained the dumping by developed countries of obsolete, and the import of new, ozone-depleting substance-based equipment, especially refrigerators and freezers, into their markets.

293. A number of speakers thanked the scientific, environmental effects and technology and economic assessment panels for their remarkable work. One speaker noted that the reports by the assessment panels reminded the Parties that the goal of the Protocol was far from attained. The cumulative effects of ultraviolet radiation were increasing, and interactions between the depletion of the ozone layer and climate change were more and more evident.

294. A number of speakers from African countries described difficulties experienced in the region, including harsh economic situations and civil war. There was a lack of public awareness of environmental issues in many African countries. Decision-makers and the public, including owners of small businesses and people involved in commercial activities, were often unaware of the impact of ozone-depleting substances and related issues.

295. A number of speakers underlined the need for countries to be treated equally within decision-making processes regardless of size and strength.

296. A speaker from an Article 5 country underlined the importance of coordinated interlinkages between nations and regions. Cooperative inputs were required in the establishment of networks. Institutional strengthening and building of technical capabilities were key, as was the need to develop technology that was adaptable to countries' differing economic and environmental frameworks.

297. Several speakers emphasized the importance of involving all stakeholders, including Governments, international and national organizations and the public and private sectors of both developed and developing countries, through partnerships based on the principle of common but differentiated responsibilities.

298. Most speakers emphasized the strong political commitment of their Governments to supporting the international effort to protect the ozone layer and the global environment.

299. Most speakers urged that continued and greater efforts were required towards implementation of the Montreal Protocol despite the successes achieved to date.

## **XVII. Report of the co-chairs of the preparatory segment and consideration of the decisions recommended for adoption by the Fifteenth Meeting of the Parties to the Montreal Protocol**

300. The co-chairs of the preparatory segment drew the attention of the Meeting to the draft decisions which had been approved for transmission to the high-level segment for adoption and provided relevant information in respect of those draft decisions.

## **XVIII. Adoption of decisions**

301. The Meeting of the Parties adopted the following decisions on the basis of the draft forwarded by the preparatory segment and taking into account the comments of the high-level segment.

### **A. Decisions**

302. *The Fifteenth Meeting of the Parties decides:*

#### **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**

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 XV/2. Production for basic domestic needs**

*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 XV/3. Obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to hydrochlorofluorocarbons**

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

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, 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 XV/5. Promoting the closure of essential-use nominations for metered-dose inhalers**

*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;

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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 XV/6. List of uses of controlled substances as process agents**

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 $\text{NCl}_3$ 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-terephthal-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 Bupropfenzin	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**

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 $\text{NCl}_3$ 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 Bupropfenzin	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 XV/8. Laboratory and analytical uses**

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

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, 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, 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, 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;

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

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 XV/11. Plan of action to modify regulatory requirements that mandate the use of halons on new airframes**

*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;

**Decision XV/12. Use of methyl bromide for the treatment of high-moisture dates**

*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 XV/13. Membership of the Implementation Committee**

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 XV/14. Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol**

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 XV/15. Earlier reporting of consumption and production data**

*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;

**Decision XV/16. Non-compliance with data reporting requirements under Article 7, paragraphs 1 and 2 of the Montreal Protocol**

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/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**

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 XV/18. Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d)**

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 XV/19. Methodology for submission of requests for revision of baseline data**

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 XV/20. Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

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 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**

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**

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**

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**

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 AnnexE (methyl bromide) by Article 5 Parties in 2002, and requests for plans of action**

1. To note that the following Article 5 Parties have reported annual data for the controlled substance in AnnexE 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 XV/26. Non-compliance with the Montreal Protocol by Albania**

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;

**Decision XV/27. Non-compliance with the Montreal Protocol by Armenia**

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 XV/28. Non-compliance with the Montreal Protocol by Azerbaijan**

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 XV/29. Non-compliance with the Montreal Protocol by Bolivia**

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;

**Decision XV/30. Non-compliance with the Montreal Protocol by Bosnia and Herzegovina**

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 XV/31. Non-compliance with the Montreal Protocol by Botswana**

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;

#### **Decision XV/32. Non-compliance with the Montreal Protocol by Cameroon**

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 methylbromide. 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;

**Decision XV/33. Non-compliance with the Montreal Protocol by the Democratic Republic of the Congo**

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;

**Decision XV/34. Non-compliance with the Montreal Protocol by Guatemala**

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;

#### **Decision XV/35. Non-compliance with the Montreal Protocol by Honduras**

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 XV/36. Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya**

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 XV/37. Non-compliance with the Montreal Protocol by Maldives**

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 AnnexA, 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;

**Decision XV/38. Non-compliance with the Montreal Protocol by Namibia**

- 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 AnnexA, 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;

**Decision XV/39. Non-compliance with the Montreal Protocol by Nepal**

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 XV/40. Non-compliance with the Montreal Protocol by Papua New Guinea**

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;

#### **Decision XV/41. Non-compliance with the Montreal Protocol by Qatar**

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;

**Decision XV/42. Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines**

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 XV/43. Non-compliance with the Montreal Protocol by Uganda**

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;

#### **Decision XV/44. Non-compliance with the Montreal Protocol by Uruguay**

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 XV/45. Non-compliance with the Montreal Protocol by Viet Nam**

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 AnnexA, group II substances is 37.07 ODP-tonnes. It reported consumption of 97.60 ODP-tonnes for AnnexA, 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;

**Decision XV/46. Membership of the Executive Committee of the Multilateral Fund**

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/47. Terms of reference for a study on the management of the financial mechanism of the Montreal Protocol**

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;

**Decision XV/48. Decision on the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol**

*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 XV/49. Application for technical and financial assistance from the Global Environment Facility by South Africa**

*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**

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**

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;

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**Decision XV/52. Financial matters: Financial reports and budgets**

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 XV/53. Terms of reference for the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel**

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 XV/54. Categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide**

*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 XV/55. Co-chairs of the Open-ended Working Group of the Parties to the Montreal Protocol**

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 XV/56. Extraordinary Meeting of the Parties**

*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**

To convene the Sixteenth Meeting of the Parties to the Montreal Protocol in Prague from 22 to 26 November 2004.

**B. Comments made at the time of adoption of decisions**

303. On the adoption of decision XV/3, dealing with the implications of the Beijing Amendment, the delegation of Canada stated that it welcomed the adoption of the text. Although the power to interpret treaties was not one of the functions of the Meeting of the Parties set forth in Article 11 of the Montreal Protocol, the Vienna Convention on the Law of Treaties recognised that there could be “subsequent practice in the application of [a] treaty or a subsequent agreement between the Parties regarding the interpretation of [a] treaty or the application of its provisions”.

304. Through the hard work of all Parties, the Meeting had found a practical solution to a difficult problem. By reaching a consensus understanding of the obligations of Parties to the Beijing Amendment that fully respected the parameters of the Protocol and its amendments, clarity and certainty had been brought to all Parties. As international law required the agreement of all Parties to a text such as the one adopted in the decision, the delegation of Canada was particularly pleased that there had been consensus support for its adoption.

305. On the adoption of decision XV/15, dealing with the advancement of the data reporting deadline, the delegation of China reiterated that China would find it very difficult to report data by 30 June because of the auditing procedures required in connection with its agreements with the Multilateral Fund.

306. On the adoption of decision XV/52, dealing with financial matters: financial report and budgets, the delegation of Brazil requested that the following statement should be included in extenso in the report of the Meeting:

“The Brazilian delegation takes note of the scale of contributions adopted in decision XV/52. While taking note of this scale, Brazil would like to record a reservation thereon, to be included in the report of this Meeting. The scale of assessments established in General Assembly resolution 55/5 B-F is valid for the period 2001–2003, according to paragraph 1 of its section B. The latest information on this is that the General Assembly is to adopt a new resolution on the subject by the end of 2003, for the triennium 2004–2006. The budget of the Trust Fund will thus have to adjust to it. The Brazilian delegation also notes that paragraph 3 of General Assembly resolution 55/5 C stresses that, with regard to the current scale, ‘the maximum assessment rate referred to in paragraph 1 of resolution B above shall apply to the apportionment of the expenses of the United Nations and should have no automatic implication for the apportionment of the expenses of the specialized agencies or the International Atomic Energy Agency’.”

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**XIX. Dates and venue of the Sixteenth Meeting of the Parties to the Montreal Protocol**

307. In accordance with rule 3 of the rules of procedure, it was agreed that the Sixteenth Meeting of the Parties would take place in Prague from 22 to 26 November 2004.

**XX. Other matters****A. Declaration by the European Community on methyl bromide**

308. The meeting took note of the declaration on limitations on the consumption of methyl bromide by the European Community and its acceding States, reproduced in annex VIII to the present report.

**B. Tribute to Jennifer Macmillan**

309. The representative of Australia extended her delegation's thanks and appreciation to Ms. Jennifer Macmillan, of New Zealand, who after many years' work with the Montreal Protocol, was moving on to a new post. All delegations had benefited from her open mind, perceptiveness, and experience of other international forums, and she expressed the hope that Ms. Macmillan's colleagues in her new role would become as proud of her as her colleagues in the ozone regime were now. The Meeting endorsed those sentiments by acclamation.

**C. Seventeenth Meeting of the Parties**

310. The representative of Nigeria informed the Meeting that the Government of Nigeria was considering extending an invitation for the Seventeenth Meeting of the Parties to be held in Abuja in 2006.

**XXI. Adoption of the report of the Fifteenth Meeting of the Parties to the Montreal Protocol**

311. The present report was adopted on Friday, 14 November 2003, on the basis of the draft report submitted to the Meeting.

**XXII. Closure of the meeting**

312. After the customary exchange of courtesies, the Meeting rose at 7.15 p.m. on Friday, 14 November 2003.

**Annex I**

**Essential use nominations**

**A. Essential-use nominations for 2004-2005 of CFCs for metered-dose inhalers approved by the Parties at their Fifteenth Meeting**  
(metric tonnes)

Party	2004		2005	
	Amount nominated	Amount approved	Amount nominated	Amount approved
European Community	2,043	2,043	1,030	1,030
Hungary	--	--	1.75	*
Poland	78	78	--	--
Russian Federation	378	378	336	336
Switzerland	0.5	0.5	--	--
Ukraine	98.7	83.5 **	--	--
United States of America	--	--	1,902	1,902
<b>Total</b>	<b>2,598.2</b>	<b>2,583.0</b>	<b>3,269.75</b>	<b>3,268.0</b>

\* TEAP was unable to make a recommendation and made the following observation: "This nomination appears to represent a company request and does not present full information as to available alternative products. The accounting framework shows an actual use of 0.4 tonnes in 2002. Given the size of the stockpile (1.2 tonnes at the end of 2002) and previous nominations for the years 2003 and 2004, the current nomination seems excessive. TEAP is therefore unable to recommend this nomination based on data available. Hungary has the option to reapply for a 2005 allocation in 2004 with additional information."

\*\* The nomination is for 83.5 tonnes of CFC for MDIs for asthma/chronic obstructive pulmonary disease (COPD) and an additional 15.2 tonnes for angina medication. As last year, TEAP was unable to recommend CFCs for anti-angina sprays because oral, sublingual, transcutaneous and aqueous sprays are widely available. TEAP noted that the nomination for asthma/COPD for 2004 represents an approximately 20 per cent reduction on the 2003 nomination.

**B. Essential-use nominations for 2004 for laboratory and analytical uses approved by the Parties at their Fifteenth Meeting**  
(metric tonnes)

Party	2004	
	Amount nominated	Amount approved
	CFC-113, CTC	CFC-113, CTC
Poland	1.025	1.025
<b>Total</b>	<b>1.025</b>	<b>1.025</b>

## Annex II

### Approved destruction processes

Technology	Applicability		
	Concentrated sources		Dilute sources
	Annex A, Gp. I Annex B Annex C, Gp. I	Halon (Annex A, Gp. II)	Foam
<i>Destruction and removal efficiency (DRE)</i>	99.99%	99.99%	95%
<b>Cement kilns</b>	Approved	<i>Not Approved</i>	
<b>Liquid injection incineration</b>	Approved	Approved	
<b>Gaseous/fume oxidation</b>	Approved	Approved	
<b>Municipal solid waste incineration</b>			Approved
<b>Reactor cracking</b>	Approved	<i>Not Approved</i>	
<b>Rotary kiln incineration</b>	Approved	Approved	Approved
<b>Argon plasma arc</b>	Approved	Approved	
<b>Inductively coupled radio frequency plasma</b>	Approved	Approved	
<b>Microwave plasma</b>	Approved		
<b>Nitrogen plasma arc</b>	Approved		
<b>Gas phase catalytic dehalogenation</b>	Approved		
<b>Superheated steam reactor</b>	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.

## **Annex III**

### **Code of good housekeeping**

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 United 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<sup>2</sup> 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;
- (h) ODS content in flue gas;

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<sup>2</sup> 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.

- (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.

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**Annex IV****Suggested substances for monitoring and declaration when using destruction technologies**

<b>Substances</b>	<b>Units</b>
PCDDs/PCDFs	ng-ITEQ*/Nm3**
HCl/Cl <sub>2</sub>	mg/Nm3
HF	mg/Nm3
HBr/Br <sub>2</sub>	mg/Nm3
Particulates (TSP***)	mg/Nm3
CO	mg/Nm3

\* ITEQ – international toxic equivalency.

\*\* Normal cubic metre.

\*\*\* TSP – total suspended particles.

## Annex V

### Terms of reference for the study on the management of the financial mechanism of the Montreal Protocol

#### Preamble

1. The financial mechanism was established by Article 10 of the Montreal Protocol to provide financial and technical cooperation to Parties operating under paragraph 1 of article 5 to enable their compliance with the control measures set out in articles 2A-2E and 2I, as well as any control measures contained in Articles 2F-2H, that are decided pursuant to paragraph 1 *bis* of Article 5. The mechanism includes a multilateral fund, financed by contributions from Parties not operating under paragraph 1 of Article 5. An executive committee was established by the Parties 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. A secretariat assists the Executive Committee in the discharge of its functions. The assistance activities requested by parties operating under paragraph 1 of Article 5 approved by the Executive Committee and funded by the Multilateral Fund are implemented by four multilateral implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) and also by bilateral agencies as agreed in decision II/8.

2. The Fourth Meeting of the Parties, which established the Multilateral Fund on a permanent basis, recognized the need to review periodically the operation of the financial mechanism in order to ensure maximum effectiveness in addressing the goals of the Montreal Protocol. Accordingly, in decision IV/18, the Parties requested an evaluation study, which was carried out in 1995. Based on the results of that study, the seventh Meeting of the Parties adopted decision VII/22, in which they decided:

- (a) To request the Executive Committee to consider innovative mobilization of existing and additional resources in support of the objectives of the Protocol and any further action by the end of 1996 and to report thereon to the eighth Meeting of the Parties;
- (b) 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.

#### Purpose

3. Recognizing that more than five years after that first study it was appropriate to evaluate and review the financial mechanism, the Thirteenth Meeting of the Parties decided in its decision XIII/3:

- (a) 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 to be made available to the Sixteenth Meeting of the Parties;
- (b) That the study should focus on the management of the financial mechanism of the Montreal Protocol;
- (c) That the terms of reference and modalities of the study should be submitted to the fifteenth Meeting of the Parties;
- (d) To consider the necessity to launch such an evaluation on a periodic basis;
- (e) 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.

## Scope

4. In carrying out the study, the consultant should consider the management of the financial mechanism of the Montreal Protocol as follows:

- (a) Executive Committee decision-making process:
  - (i) Review of the adequacy of planning and implementation process of activities to ensure compliance;
  - (ii) The adequacy of information presented to the Executive Committee to enable it to take decisions on projects and policies;
  - (iii) Coherence and effectiveness in project review process;
  - (iv) Cost effectiveness of approved ODS phase-out projects and programmes;
  - (v) Effectiveness and cost of the administrative organization of the Executive Committee, including the structure and functions of the Subcommittee for Project Review and the Subcommittee for Monitoring, Evaluation and Finance and their role in the Executive Committee. This should include analysis of options for management in the future, given implementation of the new country driven and compliance-focused programme;
  - (vi) Assessment of the necessary level of confidentiality of the Executive Committee meeting documentation, bearing in mind the interest of project proponents;
  - (vii) Use of performance indicators;
- (b) Multilateral Fund secretariat activities:
  - (i) Appraisal of the efficiency and effectiveness of the review process of ODS phase-out projects and programmes with respect to the goals of the Montreal Protocol and decisions of the Meetings of the Parties;
  - (ii) Monitoring the efficiency of the implementation of projects and programmes, in particular the monitoring and management of fund transfer and disbursement;
  - (iii) Adequacy and comprehensiveness of the information provided to the Executive Committee on the financial reports submitted for the Executive Committee's consideration;
- (c) Activities implemented by multilateral and bilateral implementing agencies:
  - (i) Review of the adequacy in identifying plans and projects to assist national compliance with the Montreal Protocol;
  - (ii) Evaluation of the fund management and disbursement policy of each implementing agency;
  - (iii) Investment strategy of cash advances;
  - (iv) Assessment of the use of the administrative costs, with special consideration to smaller versus larger projects;
  - (v) Cost effectiveness of each agency, taking separately into account the investment projects and other activities (institutional support, ODS officer network management, etc.)
  - (vi) Assessment of the proportion of approved funds between investment and non-investment projects in the different agencies;
  - (vii) Adequacy and effectiveness of fund disbursements, and fund disbursement management, including reporting to the Multilateral Fund secretariat;
  - (viii) Additional costs for the Multilateral Fund, if any, of overlapping activities between agencies;
- (d) Fund management:
  - (i) Assessment of past experience of fund management as performed by the Treasurer;
  - (ii) Comparison with management and financial practices of other funds (Global Environment Facility, development banks) as benchmarks;
- (e) Additional matters:
  - (i) Adequacy of the interaction between the implementing agencies, the Multilateral Fund secretariat and relevant subsidiary bodies;

- (ii) Analysis and reconciliation of financial data from different sources (Treasurer, implementing agencies, Multilateral Fund secretariat accounts and audited United Nations Environment Programme Fund accounts);
- (iii) Performance of donor countries in fulfilling their obligation vis-à-vis the Multilateral Fund.

### Conclusions and recommendations

5. In carrying out the study, the consultant(s) will identify the strengths, weaknesses, opportunities and threats and, where relevant, make recommendations suggesting possible improvements. The study will include a general overall review of the achievements of the Fund in phasing out controlled substances and in enabling the compliance of Article 5 Parties with the Montreal Protocol.

### Source of information for the evaluation

6. The Ozone Secretariat, the Executive Committee, the Treasurer, the Multilateral Fund secretariat, the implementing agencies (multilateral and bilateral), ozone offices, recipient countries and companies and non-Article 5 Parties are invited to cooperate with the consultant(s) and to provide all necessary information. The report should take into account the relevant decisions of the Meetings of the Parties and the Executive Committee.

7. The consultant(s) should consult widely with relevant persons and institutions and other relevant sources of information deemed useful.

8. The following table presents tentative milestones for the study.

November 2003	Approval of the terms of reference by the fifteenth Meeting of the Parties
	Selection of a panel
December 2003	Finalization of the procedure for the selection of qualified external and independent consultant(s).
	Analysis of bids by the Ozone Secretariat and recommendation to the steering panel
	Independent consultant(s) selected by the panel
	Contract awarded.
January 2004	Independent consultant(s) meet with the steering panel to discuss study modalities and details
May 2004	Mid-term review/preliminary draft report review by the steering panel
Mid-June	First draft report submitted to the Open-ended Working Group at its twenty-fourth meeting
November 2004	Submission to the Sixteenth Meeting of the Parties

**Annex VI**

**Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer  
Approved 2003, revised proposed 2004 and proposed 2005 budgets**

		w/m	2003 (US\$)	w/m	2004 (US\$)	w/m	2005 (US\$)
<b>10</b>	<b>PROJECT PERSONNEL COMPONENT</b>						
	<i>1100 Project personnel</i>						
	1101 Executive Secretary (D-2) (shared with the Vienna Convention, VC)	6	105,000	6	105,000	6	105,000
	1102 Deputy Executive Secretary (D-1)	12	150,000	12	150,000	12	150,000
	1103 Senior Legal Officer (P-5)	12	120,000	12	120,000	12	120,000
	1104 Senior Scientific Affairs Officer (P-5) (shared with VC)	6	82,500	6	82,500	6	82,500
	1105 Administrative Officer (P-4) (paid by UNEP)		0		0		0
	1106 Database Manager (Information System & Technology - P3)	12	103,000	12	112,000	12	112,000
	1107 Programme Officer (Communication & Information - P3) (paid from VC)	6	0	12	0	12	0
	1108 Programme Officer (Monitoring and Compliance) - P3	6	60,000	12	112,000	12	112,000
	<i>1199 Sub-total</i>		<i>620,500</i>		<i>681,500</i>		<i>681,500</i>
	<i>1200 Consultants</i>						
	1201 Assistance in data-reporting, analysis and promotion of the implementation of the Protocol		50,000		50,000		50,000
	<i>1299 Sub-total</i>		<i>50,000</i>		<i>50,000</i>		<i>50,000</i>

1300 *Administrative Support*

1301	Administrative Assistant (G-7) (shared with VC)	6	10,500	6	11,109	6	11,109
1302	Personal Assistant (G-6)	12	20,000	12	21,160	12	21,160
1303	Programme Assistant (G-6) (paid by VC)		0		0		0
1304	Information Assistant (G-6) (shared with VC)	6	10,500	6	11,109	6	11,109
1305	Programme Assistant (G-6) (shared with VC)	6	10,500	6	11,109	6	11,109
1306	Documents Clerk (G-4)	12	10,000	12	10,580	12	10,580
1307	Data Assistant (G-6)	12	20,200	12	21,372	12	21,370
1308	Programme Assistant - Fund (G-6) (paid by UNEP)		0		0		0
1309	Logistics Assistant (G-3) (paid by UNEP)		0		0		0
1310	Bilingual Senior Secretary (G-6) (to be paid from VC)		0		0		0
1320	Temporary Assistance		15,000		15,870		15,870
1321	Open-ended Working Group Meetings		350,000		350,000		350,000
1322	Preparatory and Parties' Meetings (shared with VC every three years, applies to the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and Seventh Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer in 2005)		430,000		460,000		320,000
1323	Assessment Panel Meetings		75,000		75,000		75,000
1324	Bureau Meetings		20,000		20,000		20,000
1325	Implementation Committee Meetings		40,000		45,000		45,000
1326	MP informal consultation meetings to promote ratification and compliance		12,000		5,000		5,000
1329	Extraordinary Meeting of the Parties		0		211,000		0

1399	<i>Sub-total</i>		1,023,700	1,268,309	917,307
1600	<i>Travel on Official Business</i>				
1601	Staff travel on official business		150,000	150,000	150,000
1602	Conference Services staff travel on official business		15,000	15,000	15,000
1699	<i>Sub-total</i>		165,000	165,000	165,000
<b>1999</b>	<b>COMPONENT TOTAL</b>		<b>1,859,200</b>	<b>2,164,809</b>	<b>1,813,807</b>
<b>20</b>	<b>CONTRACTS</b>				
	<b>2300Sub-Contracts</b>				
	2301 Study of the Financial Mechanism of the Montreal Protocol <sup>1</sup>		0	500,000	0
	2399Sub-total		0	500,000	0
<b>2999</b>	<b>COMPONENT TOTAL</b>		<b>0</b>	<b>500,000</b>	<b>0</b>
<b>30</b>	<b>MEETING/PARTICIPATION COMPONENT</b>				
3300	<i>Support for Participation</i>				
3301	Assessment Panel Meetings		400,000	520,000	400,000
3302	Preparatory and Parties Meetings		350,000	350,000	350,000
3303	Open-ended Working Group Meetings		300,000	300,000	300,000
3304	Bureau Meetings		40,000	40,000	40,000

3305	Implementation Committee Meetings	115,000	115,000	115,000
3306	Consultations in an informal meeting (Dec.XII/10)	50,000	20,000	20,000
3308	Extraordinary Meeting of the Parties	0	300,000	0
3399	<i>Sub-total</i>	<i>1,255,000</i>	<i>1,645,000</i>	<i>1,225,000</i>
<b>3999</b>	<b>COMPONENT TOTAL</b>	<b>1,255,000</b>	<b>1,645,000</b>	<b>1,225,000</b>
<b>40</b>	<b>EQUIPMENT AND PREMISES COMPONENT</b>			
4100	<i>Expendable Equipment (items under \$1,500)</i>			
4101	Miscellaneous expendables (shared with VC)	17,000	17,000	17,000
4199	<i>Sub-total</i>	<i>17,000</i>	<i>17,000</i>	<i>17,000</i>
4200	<i>Non-Expendable Equipment</i>			
4201	Personal computers and accessories	10,000	0	5,000
4202	Portable computers	4,500	0	0
4203	Other office machines (server, fax, scanner, etc.)	5,000	5,000	5,000
4204	Photocopiers	0	0	10,000
4299	<i>Sub-total</i>	<i>19,500</i>	<i>5,000</i>	<i>20,000</i>
4300	<i>Premises</i>			
4301	Rental of office premises (shared with VC)	26,000	33,500	33,500
4399	<i>Sub-total</i>	<i>26,000</i>	<i>33,500</i>	<i>33,500</i>

<b>4999</b>	<b>COMPONENT TOTAL</b>		<b>62,500</b>	<b>55,500</b>	<b>70,500</b>
<b>50</b>	<b>MISCELLANEOUS COMPONENT</b>				
	<i>5100 Operation and Maintenance of Equipment</i>				
	5101 Maintenance of equipment and others (shared with VC)		14,500	14,500	14,500
	<i>5199 Sub-total</i>		<i>14,500</i>	<i>14,500</i>	<i>14,500</i>
	<i>5200 Reporting Costs</i>				
	5201 Reporting		54,000	54,000	54,000
	5202 Reporting (assessment panels)		15,000	10,000	10,000
	5203 Reporting (protocol awareness)		10,000	5,000	5,000
	<i>5299 Sub-total</i>		<i>79,000</i>	<i>69,000</i>	<i>69,000</i>
	<i>5300 Sundry</i>				
	5301 Communications		45,000	35,000	35,000
	5302 Freight charges (documents)		60,000	75,000	60,000
	5303 Training		12,500	6,000	6,000
	5304 Others (International Ozone Day)		12,000	12,000	12,000
	<i>5399 Sub-total</i>		<i>129,500</i>	<i>128,000</i>	<i>113,000</i>
	<i>5400 Hospitality</i>				
	5401 Hospitality		12,000	12,000	10,000

5499	<i>Sub-total</i>	12,000	12,000	10,000
<b>5999</b>	<b>COMPONENT TOTAL</b>	<b>235,000</b>	<b>223,500</b>	<b>206,500</b>
<b>99</b>	<b>TOTAL DIRECT PROJECT COST</b>	<b>3,411,700</b>	<b>4,588,809</b>	<b>3,315,807</b>
	<i>Trust Fund support costs (13%)</i>	<i>443,520</i>	<i>596,544</i>	<i>431,054</i>
	<b>GRAND TOTAL (inclusive of Trust Fund support costs)</b>	<b>3,855,220</b>	<b>5,185,353</b>	<b>3,746,861</b>
	<b>Draw down from the Trust Fund balance <sup>2</sup></b>	<b>675,000</b>	<b>675,000</b>	<b>800,000</b>
	<b>Draw down from Secretariat's unspent 2000 balance <sup>3</sup></b>	<b>250,869</b>	<b>0</b>	<b>0</b>
	<b>Draw down from Secretariat's unspent 2001 balance <sup>4</sup></b>	<b>400,000</b>	<b>686,000</b>	<b>100,869</b>
	<b>Draw down from the Trust Fund's interest income <sup>5</sup></b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>
	<b>Additional draw down from the Trust Fund balance <sup>6</sup></b>	<b>0</b>	<b>1,295,002</b>	
	<b>Sub-total of Draw down</b>	<b>1,575,869</b>	<b>2,906,002</b>	<b>1,150,869</b>
	<b>Contribution from the Parties</b>	<b>2,279,351</b>	<b>2,279,351</b>	<b>2,595,992</b>

<sup>1</sup> In accordance with decision XIII/3 of the Thirteenth Meeting of the Parties, an evaluation and review of the financial mechanism of the Montreal Protocol

is to be conducted in 2004. A provision of \$500,000 has been made in this budget to cover the study.

<sup>2</sup> The draw-down of \$675,000 per year for 2003 and 2004 from the Trust Fund's unspent balance was based on decision XI/21, paragraphs 5 and 6 of the

Eleventh Meeting of the Parties. Decision XV/52 calls for a draw-down in 2005 in the amount of \$800,000.

<sup>3</sup> To cover the additional requirements arising from decisions of the Meetings of the Parties (proposed study on illegal trade – decision XII/10),

as well as work related to the 2002 assessment reports being prepared by TEAP, SAP and EEAP, the Secretariat proposed at the Thirteenth Meeting of the Parties to use the Secretariat's unspent balance from 2000 over 2 years (2002 and 2003).

<sup>4</sup> The additional draw-down of \$686,000 for 2004 and \$100,869 for 2005 from the Trust Fund was based on decision XIV/41, paragraph 6.

<sup>5</sup> Decision XIV/41, paragraph 7 calls for a further draw-down of \$250,000 per year for 2003 and 2004 from the interest income accruing to the Trust Fund.

Moreover, decision XV/52 requests that a draw-down of \$250,000 to be applied in 2005 be made from the interest income.

<sup>6</sup> Decision XV/52 calls for a an additional draw-down of \$1,295,002 in 2004, which includes the \$500,000 allocated for the external study of the financial

mechanism, and the \$596,000 for the expenditure of the extraordinary meeting of the Parties, in order that the contributions of the Parties in 2004 can be maintained at the level set in 2003.

## Explanatory notes for the revised proposed 2004 and proposed 2005 budgets for the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer

Budget line	Comment
Personnel component 1101-1104, 1106 and 1108	Standard professional salary costs applicable to the Nairobi duty station for 2003 have been used for 2004 and 2005 budget proposals. Unspent commitments normally revert to the Montreal Protocol Trust Fund.
1105	The post of the Administrative Officer continues to be paid from the 13 per cent programme support costs based on actual expenditures.
Consultants – 1201	Assistance in data reporting and analysis, as well as in the development of a fully interlinked, digital system at the secretariat will continue to be required. Funds under this line can be transferred to line 1100 to create short-term Professional posts if necessary.
Administrative support/personnel 1301 to 1307	Standard general service salary costs applicable to the Nairobi duty station for 2003 have been used for 2004 and 2005 budget proposals.
1308-1309	The posts of Programme Assistant (Fund) and Logistics Assistant continue to be paid from the 13 per cent programme support costs.
1320	The Secretariat continues to convert archives into electronic files for ease of retrieval and for posting on the web site. To assist the Secretariat in this, as well as in other work related to servicing the requirements of 184 Parties, particularly in the area of documents preparation, organization of participants' attendance at meetings and other conference-related work, the Secretariat continues to require funding allocation for temporary support staff.
Administrative support/conference services 1321-1326	<p>Necessary funds may be transferred from the conference servicing budget lines (1321-1326) should such services be required to be rendered either by individual consultancies or corporate contracts.</p> <p>The current conference servicing costs have been based on the following assumptions:</p> <p>(a) 1321: One meeting of the Open-ended Working Group to be held each year during 2004 and 2005, in Nairobi or another United Nations venue, using six languages;</p> <p>(b) 1322: It is assumed that the Meeting of the Parties and its preparatory meeting will be held in Nairobi in 2004 and 2005, in six languages. The total conferencing costs in 2005 will be shared with the Vienna Convention Trust Fund as the seventh meeting of the Conference of the Parties to the Convention will be scheduled back-to-back with the Seventeenth Meeting of the Parties to the Montreal Protocol. Therefore, the amount allocated for the Seventeenth Meeting of the Parties in 2005 has been reduced as the Convention's share in this Meeting has already been allocated in the Convention budget for 2005. When meetings are not held in Nairobi, the differential costs will be borne by the host Government;</p> <p>(c) 1323: The budget allocation in 2004 and 2005 for the Technology and Economic Assessment Panel, the Scientific Assessment Panel and the Environmental Effects Assessment Panel will cover the costs of organizing their annual meetings, as well as communication and other sundry costs related to the work of panel members from developing countries and countries with economies in transition;</p> <p>(d) 1324: Two Bureau meetings are scheduled for each of the years 2004 and 2005, in two languages;</p>

Budget line	Comment
	(e) 1325: At least two Implementation Committee meetings of three days' duration are scheduled for each of the years 2004 and 2005 with interpretation as required. An increase of \$5,000 has been proposed to cover the cost of interpretation and documentation for one additional day's meeting.
	(f) 1326: At least one informal consultation meeting per year, expected to take place in Nairobi, is envisaged for 2004 and 2005 on the promotion of the ratification of and compliance with the Montreal Protocol and its Amendments.
	(g) 1329: An extraordinary Meeting of the Parties will be held in March 2004. Budget provision has been made for a three-day meeting to be held back-to-back with the forty-second meeting of the Executive Committee, in Montreal.
Travel on official business – 1601	Staff travel is undertaken in the context of the activities of the Secretariat. Some missions will be undertaken in 2004 and 2005 to promote compliance with and the ratification of the Montreal Protocol Amendments, as well as to support the Compliance Assistance Programme of the United Nations Environment Programme.
Contracts component	Subcontracts - 2301 In accordance with decisions XIII/3 of the Thirteenth Meeting of the Parties and XV/47 of the Fifteenth Meeting of the Parties, which calls for an evaluation and review, by 2004, of the financial mechanism of the Montreal Protocol, a provision of \$500,000 has been made in the 2004 Montreal Protocol budget.
Meetings/Participation component – 3300	<b>Participation of developing countries</b> The participation of representatives from Article 5 Parties in the various Protocol meetings is assumed at \$5,000 per participating Party taking into account not more than one person's travel costs per country, using the most appropriate and advantageous economy-class fare and United Nations per diem allowances.
3301	In addition to the usual number of Article 5 members of assessment panels financed to attend the annual meetings, provision is made here for the participation of experts and members of the Methyl Bromide Technical Options Committee in their additional meeting in 2004 and in the extraordinary Meeting of the Parties to be held in March 2004. Provision has also been made for three meetings in 2004 of the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel as called for in decision XIV/10.
3302 and 3303	Participation costs are allocated for 70 participants attending the Meeting of the Parties and 60 attending the Open-ended Working Group meeting for 2004 and 2005.
3304	Participation costs are based on two Bureau meetings a year for four participants from developing countries or countries with economies in transition at each meeting.
3305	The participation costs for the two Implementation Committee meetings a year are based on eight members from developing countries and countries with economies in transition at each meeting and two country representatives invited by the Implementation Committee at each meeting. Provision has also been made for the travel of the Implementation Committee President or Vice-President from an Article 5 country to attend three Executive Committee meetings a year.

Budget line	Comment
3306	Funds have been allocated to finance the participation of four participants from developing countries and countries with economies in transition as part of informal consultations on non-compliance with the Montreal Protocol, assumed to be held in Nairobi.
3308	Provision has been on this budget line to finance the participation of participants from developing countries and countries with economies in transition at an extraordinary Meeting of the Parties to be held in March 2004.
Equipment and premises component	
Expendable equipment 4101	The cost of miscellaneous expendables is being maintained at \$17,000. Resource utilization will need to be monitored constantly in order to maintain the expenditure at this level.
Non-expendable equipment - 4200	A minimum provision in 2004 has been made to enable the Secretariat to replace equipment as and when required.
Premises (rent) - 4300	The allocation for rental of premises is being increased from 2004 due to additional space required for three new staff members.
Miscellaneous component	
Operation and maintenance of equipment - 5101	The provision for maintenance of equipment is being maintained at the same level.
Reporting costs (including editing, translation, duplication, publication and printing) - 5201 and 5202	General reporting costs for the Secretariat are provided for in line 5201. Line 5202 is reserved for reporting of assessment panels. Provision for this line has been reduced to \$10,000 per year for 2004 and 2005.
Sundry - Communications - 5301	Careful monitoring of telecommunications resources and the use of electronic mail instead of facsimile communications enable the Secretariat to maintain a relatively low budget provision in this line.
Freight and post - 5302	The budget provision is being maintained at the same level for 2004 and 2005. To cover the dispatch of information and working documents for the extraordinary Meeting of the Parties to be held in March 2004, the additional amount of \$15,000 was added to this budget line.
Training - 5303	From 2004, a minimum provision for training will be maintained to cater to training schemes introduced by the United Nations as a result of the ongoing human resources reform programme.
Others (International Ozone Day) - 5304	The Ozone Secretariat will provide assistance to some countries during 2004 and 2005 to assist in the preparations for the celebration of the International Day for the Preservation of the Ozone Layer.
Hospitality - 5401	The hospitality line in 2004 is being maintained at the same level as 2003. In 2005, the hospitality costs will be shared with the Vienna Convention Trust Fund. Therefore, the amount allocated in 2005 has been reduced as the Convention share in the Meeting has already been allocated in the Convention budget. Hospitality arrangements will follow the usual procurement procedures of the United Nations

## Annex VII

**Trust Fund for the Montreal Protocol on the Substances that Deplete the Ozone Layer**  
**Scale of contributions by the Parties for the years 2004 and 2005 based on the United Nations scale of assessments (General Assembly resolution 55/5 B-F of 22 January 2001 with no Party paying more than 22 per cent)**  
(in dollars)

Name of Party	UN scale of assessment for year 2003	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	Year 2004 contributions by Parties	Year 2005 contributions by Parties
Albania	0.003	0.000	0.000	0	0
Algeria	0.070	0.000	0.000	0	0
Angola	0.002	0.000	0.000	0	0
Antigua and Barbuda	0.002	0.000	0.000	0	0
Argentina	0.969	0.969	0.955	21,762	24,785
Armenia	0.002	0.000	0.000	0	0
Australia	1.627	1.627	1.603	36,540	41,616
Austria	0.947	0.947	0.933	21,268	24,223
Azerbaijan	0.004	0.000	0.000	0	0
Bahamas	0.012	0.000	0.000	0	0
Bahrain	0.018	0.000	0.000	0	0
Bangladesh	0.010	0.000	0.000	0	0
Barbados	0.009	0.000	0.000	0	0
Belarus	0.019	0.000	0.000	0	0
Belgium	1.129	1.129	1.112	25,356	28,878
Belize	0.001	0.000	0.000	0	0
Benin	0.002	0.000	0.000	0	0
Bolivia	0.008	0.000	0.000	0	0
Bosnia and Herzegovina	0.004	0.000	0.000	0	0
Botswana	0.010	0.000	0.000	0	0
Brazil	2.390	2.390	2.355	53,676	61,132
Brunei Darussalam	0.033	0.000	0.000	0	0
Bulgaria	0.013	0.000	0.000	0	0
Burkina Faso	0.002	0.000	0.000	0	0
Burundi	0.001	0.000	0.000	0	0
Cambodia	0.002	0.000	0.000	0	0
Cameroon	0.009	0.000	0.000	0	0
Canada	2.558	2.558	2.520	57,449	65,429
Cape Verde	0.001	0.000	0.000	0	0
Central African Republic	0.001	0.000	0.000	0	0
Chad	0.001	0.000	0.000	0	0
Chile	0.212	0.212	0.209	4,761	5,423
China	1.532	1.532	1.509	34,406	39,186
Colombia	0.201	0.201	0.198	4,514	5,141

Name of Party	UN scale of assessment for year 2003	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	Year 2004 contributions by Parties	Year 2005 contributions by Parties
Comoros	0.001	0.000	0.000	0	0
Congo	0.001	0.000	0.000	0	0
Costa Rica	0.020	0.000	0.000	0	0
Côte d'Ivoire	0.009	0.000	0.000	0	0
Croatia	0.039	0.000	0.000	0	0
Cuba	0.030	0.000	0.000	0	0
Cyprus	0.038	0.000	0.000	0	0
Czech Republic	0.203	0.203	0.200	4,559	5,192
Democratic People's Republic of Korea	0.009	0.000	0.000	0	0
Democratic Republic of the Congo	0.004	0.000	0.000	0	0
Denmark	0.749	0.749	0.738	16,821	19,158
Djibouti	0.001	0.000	0.000	0	0
Dominica	0.001	0.000	0.000	0	0
Dominican Republic	0.023	0.000	0.000	0	0
Ecuador	0.025	0.000	0.000	0	0
Egypt	0.081	0.000	0.000	0	0
El Salvador	0.018	0.000	0.000	0	0
Estonia	0.010	0.000	0.000	0	0
Ethiopia	0.004	0.000	0.000	0	0
European Community	2.500	2.500	2.463	56,146	63,946
Fiji	0.004	0.000	0.000	0	0
Finland	0.522	0.522	0.514	11,723	13,352
France	6.466	6.466	6.371	145,216	165,389
Gabon	0.014	0.000	0.000	0	0
Gambia	0.001	0.000	0.000	0	0
Georgia	0.005	0.000	0.000	0	0
Germany	9.769	9.769	9.625	219,396	249,874
Ghana	0.005	0.000	0.000	0	0
Greece	0.539	0.539	0.531	12,105	13,787
Grenada	0.001	0.000	0.000	0	0
Guatemala	0.027	0.000	0.000	0	0
Guinea	0.003	0.000	0.000	0	0
Guinea-Bissau	0.001	0.000	0.000	0	0
Guyana	0.001	0.000	0.000	0	0
Haiti	0.002	0.000	0.000	0	0
Honduras	0.005	0.000	0.000	0	0
Hungary	0.120	0.120	0.118	2,695	3,069
Iceland	0.033	0.000	0.000	0	0
India	0.341	0.341	0.336	7,658	8,722

Name of Party	UN scale of assessment for year 2003	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	Year 2004 contributions by Parties	Year 2005 contributions by Parties
Indonesia	0.200	0.200	0.197	4,492	5,116
Iran (Islamic Republic of)	0.272	0.272	0.268	6,109	6,957
Ireland	0.294	0.294	0.290	6,603	7,520
Israel	0.415	0.415	0.409	9,320	10,615
Italy	5.065	5.065	4.990	113,746	129,548
Jamaica	0.004	0.000	0.000	0	0
Japan	19.516	19.516	19.229	438,293	499,180
Jordan	0.008	0.000	0.000	0	0
Kazakhstan	0.028	0.000	0.000	0	0
Kenya	0.008	0.000	0.000	0	0
Kiribati	0.001	0.000	0.000	0	0
Kuwait	0.147	0.147	0.145	3,301	3,760
Kyrgyzstan	0.001	0.000	0.000	0	0
Lao People's Democratic Republic	0.001	0.000	0.000	0	0
Latvia	0.010	0.000	0.000	0	0
Lebanon	0.012	0.000	0.000	0	0
Lesotho	0.001	0.000	0.000	0	0
Liberia	0.001	0.000	0.000	0	0
Libyan Arab Jamahiriya	0.067	0.000	0.000	0	0
Liechtenstein	0.006	0.000	0.000	0	0
Lithuania	0.017	0.000	0.000	0	0
Luxembourg	0.080	0.000	0.000	0	0
Madagascar	0.003	0.000	0.000	0	0
Malawi	0.002	0.000	0.000	0	0
Malaysia	0.235	0.235	0.232	5,278	6,011
Maldives	0.001	0.000	0.000	0	0
Mali	0.002	0.000	0.000	0	0
Malta	0.015	0.000	0.000	0	0
Marshall Islands	0.001	0.000	0.000	0	0
Mauritania	0.001	0.000	0.000	0	0
Mauritius	0.011	0.000	0.000	0	0
Mexico	1.086	1.086	1.070	24,390	27,778
Micronesia (Federated State of)	0.001	0.000	0.000	0	0
Monaco	0.004	0.000	0.000	0	0
Mongolia	0.001	0.000	0.000	0	0
Morocco	0.044	0.000	0.000	0	0
Mozambique	0.001	0.000	0.000	0	0
Myanmar	0.010	0.000	0.000	0	0
Namibia	0.007	0.000	0.000	0	0
Nauru	0.001	0.000	0.000	0	0

Name of Party	UN scale of assessment for year 2003	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	Year 2004 contributions by Parties	Year 2005 contributions by Parties
Nepal	0.004	0.000	0.000	0	0
Netherlands	1.738	1.738	1.712	39,033	44,455
New Zealand	0.241	0.241	0.237	5,412	6,164
Nicaragua	0.001	0.000	0.000	0	0
Niger	0.001	0.000	0.000	0	0
Nigeria	0.068	0.000	0.000	0	0
Norway	0.646	0.646	0.637	14,508	16,524
Oman	0.061	0.000	0.000	0	0
Pakistan	0.061	0.000	0.000	0	0
Palau	0.001	0.000	0.000	0	0
Panama	0.018	0.000	0.000	0	0
Papua New Guinea	0.006	0.000	0.000	0	0
Paraguay	0.016	0.000	0.000	0	0
Peru	0.118	0.118	0.116	2,650	3,018
Philippines	0.100	0.000	0.000	0	0
Poland	0.378	0.378	0.372	8,489	9,669
Portugal	0.462	0.462	0.455	10,376	11,817
Qatar	0.034	0.000	0.000	0	0
Republic of Korea	1.851	1.851	1.824	41,571	47,345
Republic of Moldova	0.002	0.000	0.000	0	0
Romania	0.058	0.000	0.000	0	0
Russian Federation	1.200	1.200	1.182	26,950	30,694
Rwanda	0.001	0.000	0.000	0	0
Saint Kitts and Nevis	0.001	0.000	0.000	0	0
Saint Lucia	0.002	0.000	0.000	0	0
Saint Vincent and the Grenadines	0.001	0.000	0.000	0	0
Samoa	0.001	0.000	0.000	0	0
São Tomé and Príncipe	0.001	0.000	0.000	0	0
Saudi Arabia	0.554	0.554	0.546	12,442	14,170
Senegal	0.005	0.000	0.000	0	0
Serbia and Montenegro	0.020	0.000	0.000	0	0
Seychelles	0.002	0.000	0.000	0	0
Sierra Leone	0.001	0.000	0.000	0	0
Singapore	0.393	0.393	0.387	8,826	10,052
Slovakia	0.043	0.000	0.000	0	0
Slovenia	0.081	0.000	0.000	0	0
Solomon Islands	0.001	0.000	0.000	0	0
Somalia	0.001	0.000	0.000	0	0
South Africa	0.408	0.408	0.402	9,163	10,436
Spain	2.519	2.519	2.482	56,567	64,425

Name of Party	UN scale of assessment for year 2003	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	Year 2004 contributions by Parties	Year 2005 contributions by Parties
Sri Lanka	0.016	0.000	0.000	0	0
Sudan	0.006	0.000	0.000	0	0
Suriname	0.002	0.000	0.000	0	0
Swaziland	0.002	0.000	0.000	0	0
Sweden	1.027	1.027	1.012	23,059	26,263
Switzerland	1.274	1.274	1.255	28,612	32,587
Syrian Arab Republic	0.080	0.000	0.000	0	0
Tajikistan	0.001	0.000	0.000	0	0
Thailand	0.294	0.294	0.290	6,603	7,520
The Former Yugoslav Republic of Macedonia	0.006	0.000	0.000	0	0
Togo	0.001	0.000	0.000	0	0
Tonga	0.001	0.000	0.000	0	0
Trinidad and Tobago	0.016	0.000	0.000	0	0
Tunisia	0.030	0.000	0.000	0	0
Turkey	0.440	0.440	0.434	9,882	11,254
Turkmenistan	0.003	0.000	0.000	0	0
Tuvalu	0.001	0.000	0.000	0	0
Uganda	0.005	0.000	0.000	0	0
Ukraine	0.053	0.000	0.000	0	0
United Arab Emirates	0.202	0.202	0.199	4,537	5,167
United Kingdom	5.536	5.536	5.455	124,330	141,601
United Republic of Tanzania	0.004	0.000	0.000	0	0
United States of America	22.000	22.000	21.677	494,085	562,722
Uruguay	0.080	0.000	0.000	0	0
Uzbekistan	0.011	0.000	0.000	0	0
Vanuatu	0.001	0.000	0.000	0	0
Venezuela	0.208	0.208	0.205	4,671	5,320
Viet Nam	0.016	0.000	0.000	0	0
Yemen	0.006	0.000	0.000	0	0
Zambia	0.002	0.000	0.000	0	0
Zimbabwe	0.008	0.000	0.000	0	0
<b>Total</b>	<b>103.440</b>	<b>101.492</b>	<b>100.000</b>	<b>2,279,351</b>	<b>2,595,992</b>

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**Annex VIII****Declaration on methyl bromide**

*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.