



**United Nations  
Environment  
Programme**



Distr.: General  
17 October 2006

Original: English

---

**18<sup>th</sup> Meeting of the Parties to the  
Montreal Protocol on Substances that  
Deplete the Ozone Layer**  
New Delhi, 30 October – 3 November 2006

**Item 13 of the provisional agenda\***

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

1. At the twenty-sixth Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol, the Parties discussed a paper submitted by Canada on the future of the Montreal Protocol. The contents of the Canadian paper can be found as draft decision H in chapter I of document UNEP/OzL.Pro.18/3.
2. The Open-ended Working Group also decided to invite Parties to submit to the Secretariat, by 12 October 2006, any issues or questions on the Canadian proposal, and instructed the Secretariat to compile those submissions for consideration by the Eighteenth Meeting of the Parties. The submissions made pursuant to this decision are included as annex to this note.

---

\* UNEP/OzL.Pro/18/1.

## Annex

### Submission by Argentina

Argentina welcomes the initiative taken by Canada in putting forward the issue above. We consider the 20<sup>th</sup> anniversary of the adoption of the Montreal Protocol as an opportunity to look back at what has been accomplished within its framework, to evaluate its successes and to envisage the future challenges that the regime will face over the next decade.

As expressed at the last OEWG it is Argentina's view that a Seminar to commemorate the 20<sup>th</sup> anniversary would be the ideal occasion to undertake such an exercise.

The Seminar could be held back to back the next OEWG during a couple of days. It should be co-chaired by an A5 and a non-A5 representative. The conclusions/report of the Seminar should be presented at MOP-19 by the Co-chairs to provide Parties with an opportunity to further discuss on the outcome and, eventually, to elaborate a strategy for the ozone regime over the next decade.

Argentina proposes to structure the Seminar in two days, the first for the past and present of the MP and the second for the future. Each day would be divided in sessions of half a day each during which the Parties and members of the MP bodies should present their views on the items and sub items proposed below followed by questions by the participants:

1. The implementation of the Montreal Protocol over the last two decades
  - (a) The experience built by Parties in implementing the MP: under this sub item A5 and non-A5 Parties should present the domestic efforts undertaken by its NOUs. It could be used to highlight success stories in the different aspects of the implementation of the MP and therefore this session could be divided in different sections accordingly (ODSs consumption, licensing systems, capacity building, production sector, etc).
  - (b) The MP constituted bodies: presentations by its members regarding the experience built at the Executive Committee and the MLF; the Implementation Committee; and the Assessment Panels.
2. Key challenges to be faced by the Parties in protecting the ozone layer over the next decade

This section should include presentations by Parties on items related to the future of the regime. Argentina suggests inter alia the following topics:

- (a) The sustainability of the phase-out already achieved and the future of the MLF;
- (b) Monitoring compliance;
- (c) Phase-out of MB in non-A5 and A5 Parties;
- (d) Phase-out of HCFC;
- (e) Enhancement of synergies between the ozone and the climate change regimes.

Argentina considers that attendance to the Seminar should be as inclusive as possible. We suggest inviting the secretariat's of other MEAs, NGOs, industry and media representatives in order to raise awareness on the MP regime.

## Submission by Dominica

### Overarching Questions/Answers

#### 1. What are the key challenges Montreal Protocol Parties will face in protecting the Ozone Layer over the next decade? Two decades?

Key challenges the Montreal Protocol will face in protecting the Ozone Layer over the next decade or two decades are:

- Financial replenishment and its sources
- The scientific evidence of the state of the ozone hole and how far has it recovered
- The nature of the Global Environment Facility, the World Bank and the International Monetary Fund
- The political dynamics within the world
- The types and volume of substances to be phased-out , and
- Parties' commitments, depending on their internal economic situations.

#### 2. Are the institutions of the Montreal Protocol optimized to meet these challenges and if not, what key institutional challenges will be needed?

The institutions of the Montreal Protocol are optimized to meet these challenges to a certain degree, but there has to be better collaboration with the UNFCCC, Stockholm, Basel and Rotterdam and other existing environmental institutions.

#### 3. What contingency services will the Parties require from institutions and which activities and tasks need to be emphasized and which can be de-emphasized?

Continued services that Parties require from their institutions are pressing (financial and technical). There is a great need for the transfer of technology.

#### 4. How can compliance, effectiveness, coordination and synergy be maintained or enhanced over the next decades?

Compliance, effectiveness, coordination and synergy can be maintained or enhanced over the next decade through the collaborative effort of various institutions, scientific bodies; that would eliminate duplications and uncertainties in undertaking various activities.

### The Advisory Bodies

#### 1. What do the Parties need or want the TEAP, Environmental Effects and Science Assessment Panels to do in the future? Might the Terms of Reference of the TEAP, EEP and SAP be adjusted to focus on new and remaining tasks?

In future, the Parties will need or want from the TEAP, Environmental Effects and Science Assessment Panels better guidelines and methodologies in addressing specific situations.

#### 2. Do the Parties need the current set of annual reports or would quadrennial progress reports suffice?

There is the need for some form of reporting that is efficient, robust and that meets the Parties/institutions objectives.

#### 3. What should be in the SAP,EEP's and TEAP's Terms of References for the 2010 Reports?

SAP, EEP's and TEAP's Terms of References for 2010 Report should be based on the dynamics and realities as it present itself.

**4. What do Parties need or want the Ozone Research Managers to do in the future?**

Parties would need/want the Ozone Research Managers to pursue the urgent need for technology transfer and more specific and detailed research within specific regions.

**5. What is the long-term need for research, monitoring and modeling of the Ozone Layer?**

As there is the urgent need for the improvement in quality and range of other meteorological parameters, the need for long term research, monitoring and modeling of the ozone layer is critical. There is the need to understand clearly the linkages among Ozone Depletion, Climate Change, Air Pollution and Severe Weather. A more analytical understanding of the radiative forcing, dynamics, chemistry and impacts needs to be derived.

**6. The Multilateral Fund and Secretariat**

The Multilateral Fund and the Secretariat must be seen as having one objective. Bodies should be viewed as less bureaucratic and more practical, especially when dealing with Article 5 Countries Parties.

**7. What do Parties foresee as the future workload for the Multilateral Fund, its Secretariat and the Executive Committee?**

It is difficult to envisage the future workload for the MLF, its Secretariat and the Executive Committee once there is a partnership/understanding within the various Conventions, Protocols and its Secretariats.

**8. Is the scope of UNEP's Compliance Assistant Programme appropriate for the future and what role should or could it continue to play in the future?**

The scope of UNEP's Compliance Assistance Programme should be extended depending on the projected volume of new substances and its phase-out period.

**Monitoring, Compliance, Data Reporting, Meetings of the Parties and Conference of the Parties**

**1. What will be the likely need for Meetings of the Parties in the future; frequency and duration? Conference of the Parties?**

Meetings of the Parties/Conference of the Parties will be an important medium of communication with the Parties. Such types of sessions are most vital for the growth of any organization. There is the need to maintain the present status quo in its frequency and duration.

**2. What should be the future role and function of the Ozone Secretariat?**

With the inclusion of more substances to be phased-out during the next decade or two, the function of the Ozone Secretariat should be revised. Economic and legal prospective should be at the corner stone of the pillar of the Secretariat's future development objectives.

**3. What will be the future role of the Implementation Committee as ODS production and consumption is phased-out?**

The future of the Implementation Committee as ODS production and consumption are phase-out will depend on projected volume of substances needed to be phase-out; and the availability of alternatives and its comparable prices on the world market. It will also depend on the commitment of Parties to comply with the phase-out schedules and regimes.

**4. How can the Protocol system work effectively to ensure compliance in the long-term?**

The protocol system can work effectively to ensure compliance in the long-term if all Parties adhere to its obligations/commitments as stipulated within each country MoU. A much robust checks and balance system in trade in ODS and illegal trade taking advantages of deficiencies in economic/legal situations in countries that are more vulnerable.

**5. What assistance to the Parties see as necessary for enabling Article 5 Parties to meet their ongoing obligations for example, with HCFCs phase-out, data reporting, compliance promotion, etc; and are the existing institutions adequate?**

Assistance Parties see as necessary for enabling Article 5 Parties to meet their ongoing obligations for example with HCFCs phase-out, data reporting, compliance promotion etc. are:

- The increase in financial resources allocated to Parties
- UNEP contractual agreements for the employment of a full time Ozone Officer
- The need to continue building internal capacity to effectively deal with the existing realities

There is the need to review institutional strengthening arrangements and capacity building in a more analytical perspective. Environmental Ministers must be sensitized on the usefulness of the incorporation of environmental plans and programmes into national schools curricula. The importance of environmental Regulations/Legislations should be amplified.

## **Joint submission by the European Union and the European Community**

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

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

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

### State of the ozone layer and predictions:

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

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

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

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

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

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

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

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

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

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

A number of Multilateral Environmental Agreements have been adopted and have entered into force in the chemical area (e.g. the Basel Convention on the control of trans-boundary movements of hazardous wastes and their disposal, the Rotterdam convention on the Prior Informed Consent procedure for certain hazardous chemicals and pesticides in international trade, the Stockholm convention on Persistent Organic Pollutants or the SAICM process) or in the field of climate change (UNFCCC/Kyoto Protocol).

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

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

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

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

## Submission by Israel

Following the Non paper submitted by Canada on the future of the Montreal Protocol,we would like to indicate 3 key issues (which have been raised in the MOP & OEWG meetings) that parties need to discuss and challenge in the following years to come;

1. Minimizing illegal trade with ODSs -prior inform consent could be a good effective means for reaching this goal.
2. Promoting the use of ODS environmentally friendly substitutes which have no effect on the ozone depletion or global warming.
3. Promoting the reduction of ODS emissions from equipment at the end of life - by establishing national regulation for recovery,recycling,reclamation and destruction of banked ODSs (supported by government incentives).

## Submission by Switzerland

Switzerland agrees that there is strong evidence and need to face and address the key challenges concerning the Montreal Protocol for the next decade. Switzerland agrees with the considerations made by Canada in its submission. These are indeed the future key challenges to be tackled and decided by the Parties of the Montreal Protocol. Therefore in order to best pursue this comprehensive task in the most effective way, one way forward would be to establish a contact group which will further analyze the future of the Montreal Protocol and particularly the questions raised by Canada. In order to ensure a good understanding of the scientific, technical and economical basis, challenges and opportunities within the scope of the Protocol, as well as in relation with other conventions, it must be ensured that this contact group cooperates with the existing scientific and technical working groups.

Since the entry into force of the Montreal Protocol, the international environmental agenda has changed dramatically and new Conventions and processes (namely the Basel Convention, the Rotterdam (PIC) Convention, the Stockholm (POPs) Convention, the SAICM process and the Kyoto Protocol) as well as a new financial mechanism (GEF) related to the environmentally sound management of chemicals, as well as to other issues like climate change have been established. Moreover, several efforts have been undertaken to strengthen international environmental governance, namely within UNEP but also within the UN General Assembly. These developments should also be reflected in the future strategy of the Montreal Protocol.

Therefore Switzerland proposes, that MOP 18 should take a decision to establish an open ended contact group composed of interested Parties with a formal mandate to start its work as soon as possible. First views could in a next step be discussed and complemented by OEWG 27 with the aim to prepare potential decisions and/or strategy elements for consideration at MOP 19.

## **Submission by the United States of America**

We appreciate the efforts of the Canadian government in putting forward this non-paper identifying the current situation in ozone protection, and suggesting a broad consideration of the procedures and institutions of the Protocol in light of its maturity and success. The Article 7 data for non-Article 5 countries for 2004 show more than a 98% reduction in consumption of ODS since establishment of baselines. Article 5 countries have also made considerable progress, having phased out nearly 60% of their ODS consumption. Given the tremendous progress to date while still recognizing there remains work to be done, a substantive discussion on this matter is timely and necessary. The challenges that remain are distinctly different than those faced by the Protocol at its inception.

A key challenge to the Protocol at this time is facilitating developing country compliance with near term 2010 deadlines and the 2015 phaseouts and in the longer term, and ensuring successful completion of the HCFC phaseouts for Article 5 and non-Article 5 parties. Consideration should be given as to whether the organizations and procedures of the Protocol are optimally configured for an Article 5 focus or for handling a diminishing amount of remaining ODS production and consumption. We look forward to a fruitful discussion about ideas for how the Protocol can evolve to best serve the future needs of Parties and achieve our goals of ozone layer protection. We hope a contact group will be established at the 18<sup>th</sup> MOP to discuss these issues.

-----