



**United Nations
Environment
Programme**



Distr.
GENERAL

UNEP/OzL.Pro/WG.1/11/8
10 April 1995

ORIGINAL: ENGLISH

OPEN-ENDED WORKING GROUP OF THE
PARTIES TO THE MONTREAL PROTOCOL
Eleventh meeting
Nairobi, 8-12 May 1995

ADJUSTMENTS AND AMENDMENT OF THE PROTOCOL

Note by the Executive Director

1. The recently completed scientific, environmental effects and technology and economic assessments which have been communicated to all the Parties to the Montreal Protocol¹, provide an opportunity for the Parties to assess the control measures under Article 2 and Articles 2A-2H of the Montreal Protocol at their annual meeting in 1995. Pursuant to Article 5, paragraph 8, of the Protocol the Seventh Meeting of the Parties will review the situation of the Parties operating under paragraph 1 of Article 5, including the effective implementation of the financial cooperation and transfer of technologies to them and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties. The report on such review has already been communicated to all the Governments as document UNEP/OzL.Pro/WG.1/11/4.

2. The Executive Director recently discussed these reports and the conclusions of the Assessment Panels with representatives of the Panels and with a number of other experts from different parts of the world. Those discussions indicate that, while there are some promising signs that actions taken to date are having the desired effect, there are also some areas of concern which require further action by the Parties.

3. There is clear evidence that the Montreal Protocol is working. The stratospheric concentrations of certain chlorofluorocarbons (CFCs) has markedly reduced and the rates of build-up of other ozone-depleting substances in the atmosphere have slowed in the recent years. This encouraging progress is a direct result of compliance with Protocol obligations by the Parties not operating under Article 5, paragraph 1, and the actions taken by many Article 5 Parties in advance of their Protocol obligations. Provided that the Copenhagen Adjustments and

¹The Synthesis Report of the scientific, environmental effects, and technology and economic assessments has been circulated as document UNEP/OzL.Pro/WG.1/11/3.

Amendment are fully adhered to and that there is restraint on consumption of hydrochlorofluorocarbons (HCFCs) and methyl bromide by Article 5 Parties, peak ozone depletion is now expected to occur during the next several years and the ozone layer is expected to recover in about 50 years.

4. The Parties not operating under Article 5, paragraph 1, with the exception of a number of Parties with economies in transition, are all on schedule to phase out Annex A and B ozone-depleting substances. The limited number of remaining uses can be accommodated in the short term through the essential-use-nominations process, but intensive efforts must be continued to find replacements for halon, and ODSs used in metered dose inhalers (MDIs), where no substitutes and alternatives are currently available.

5. For Parties not operating under Article 5, paragraph 1, reductions in the use of methyl bromide and further controls on HCFCs are the two remaining options for additional action which are both technically and economically feasible and would significantly lower stratospheric chlorine and bromine abundancies.

6. For Parties operating under Article 5, paragraph 1, a phase-out of CFCs and halons by the year 2006 is feasible if the Parties display the required commitment to take necessary policy measures and to support the Financial Mechanism.

7. Most importantly, if the Article 5 Parties do not adopt control measures for HCFCs and methyl bromide and were to increase their consumption of these substances at any significant rate, the ozone layer would never be repaired, irrespective of what control measures are implemented by the Parties not operating under Article 5.

8. There are advantages in phasing out hydrobromofluorocarbons (HBFCs) and HCFCs by Parties operating under Article 5 with the similar timetable as followed by Parties not operating that Article. With regard to methyl bromide, the controls can follow, with some time-gap, the timetable applicable for Parties not operating under Article 5.

9. With regard to control measures, the Parties have a number of opportunities for further action. While the United Nations Environment Programme would clearly welcome any and all actions that would increase protection of the ozone layer, it recognizes that it would be unrealistic to expect all options to be implemented regardless of their practicality and cost. Fortunately, the work of the Assessment Panels has put us in a position to consider objectively the feasibility, implications and urgency of various actions.

10. Adjustments to the Protocol should be selected on the scientific basis of their potential for further protecting the ozone layer and on their technical and economic feasibility. Parties should take strong action on options that protect the ozone layer but should resist measures that are costly and disruptive but offer no real environmental advantage.

11. The following adjustments and amendments are recommended:

(a) That the control measures on methyl bromide for Parties not operating under Article 5 be adjusted to provide for:

(i) A 25% reduction by 1998;

(ii) A 100% phase out by 2001 with exemption for essential uses;

(b) That the control measures applicable to Parties not operating under Article 5 for HCFCs be made applicable to Parties operating under Article 5, with a 10-year grace period;

(c) That the phase-out dates for Annex A and B substances for Parties operating under Article 5 be fixed as 2006 and that appropriate arrangements be made for servicing the equipment introduced before 1999 and existing at the time of phase-out;

(d) That the control measures for methyl bromide for Parties operating under Article 5 be as follows:

(i) Freeze in 1998 at 1993-1995 average levels;

(ii) A 100% phase out by 2006 with exemption for essential uses;

(e) That the control measures applicable for HBFCs for non-Article 5 Parties be extended to Article 5 Parties also;

(f) That the trade measures under Article 4 for control of trade with non-Parties be extended to methyl bromide.

12. In addition to these proposed adjustments and amendments, it is recommended that the Parties give consideration to the adoption of measures to prevent the dumping in Article 5 countries of obsolete equipment for the production of controlled substances and of commercial and industrial equipment which is dependent on these substances.

13. It is also recommended that the Parties refer the study of the Financial Mechanism, undertaken in accordance with decision IV/18 of the Fourth Meeting of the Parties², to the Executive Committee of the Multilateral Fund. The Executive Committee could be requested to examine the Review and its recommendations, and provide some guidance to the Parties on its implications and on the status of any relevant actions taken by the Executive Committee.

²The executive summary of the Financial Mechanism is being circulated as document UNEP/OzL.Pro/WG.1/11/7. The complete text of the study has been distributed to all Parties in English only.