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BUREAU OF THE FIFTH MEETING OF  
THE CONFERENCE OF THE PARTIES TO  
THE VIENNA CONVENTION FOR THE  
PROTECTION OF THE OZONE LAYER  
Third meeting

BUREAU OF THE THIRTEENTH MEETING  
OF THE PARTIES TO THE MONTREAL  
PROTOCOL ON SUBSTANCES THAT  
DEplete THE OZONE LAYER  
Second meeting

Rome, 23 November 2002

**REPORT OF THE JOINT BUREAU OF THE FIFTH MEETING OF THE CONFERENCE  
OF THE PARTIES TO THE VIENNA CONVENTION FOR THE PROTECTION  
OF THE OZONE LAYER AND THE THIRTEENTH MEETING OF THE PARTIES  
TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete  
THE OZONE LAYER**

**Introduction**

1. The meeting of the Joint Bureau of the fifth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Thirteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held in Rome at the headquarters of the Food and Agricultural Organization of the United Nations on 23 November 2002.

**I. OPENING OF THE MEETING**

2. The meeting was opened at 10.25 a.m. on Saturday, 23 November 2002 by Mr. Fabio Fajardo-Moros (Cuba), President of the Thirteenth Meeting of the Parties to the Vienna Convention.

3. It was attended by the following members of the Bureau, who had been elected to their respective posts by the Conference of the Parties at its fifth meeting, held in Beijing, China, on 2 and 3 December 1999, and by the Thirteenth Meeting of the Parties, held in Colombo on 18 and 19 November 2001, or nominated by their Governments in accordance with rule 24 of the rules of procedure.

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<i>President:</i>	Mr. Fabio Fajardo-Moros (Cuba) – Vienna Convention
<i>Vice-Presidents:</i>	Ms. Toure Idiatou Camara (Guinea)
	Mr. Blaise Horisberger (Switzerland) – Vienna Convention
<i>Rapporteur:</i>	Ms. Marija Teriošina (Lithuania) – Vienna Convention
<i>President:</i>	Mr. Jiří Hlavaček (Czech Republic) – Montreal Protocol
<i>Vice-President:</i>	Mr. Bishnunarine Tulsie (Saint Lucia) – Montreal Protocol
	Hon. Mr. Rukman Senanayake (Sri Lanka) – Montreal Protocol
<i>Rapporteur:</i>	Ms. Putavy Claude (France)

Hon. Mr. Isaac Ruto (Kenya) (President –Montreal Protocol), and Mr. Choi Jai-Chul (Republic of Korea) did not attend.

4. The meeting was also attended by Mr. Marco González, Executive Secretary of the Ozone Secretariat (partially); Mr. Michael Graber, Deputy Executive Secretary; Mr. Theodor Kapiga, Chief, Trust Funds Section, United Nations Office at Nairobi; and Ms. Ruth Batten, Administrative Officer, Ozone Secretariat.

5. Mr. Marco González, Executive Secretary of the Ozone Secretariat, apologized for his inability to attend all of the meeting, as he was also involved in the meeting of the Implementation Committee taking place simultaneously. Noting that the work of the Implementation Committee was becoming increasingly important, he gave an overview of the changes being made in order to try to refocus that work. Some of the changes were directed towards enhancing the coordination and communication between the Implementation Committee and the other bodies within the Montreal Protocol. A very close working relation with the Executive Committee of the Multilateral Fund, and with its Secretariat, was important in order to optimize ways of assisting and funding the needs of the developing countries in their efforts to comply with the control measures of the Montreal Protocol. Some changes had been made in the reports presented to the Implementation Committee, with a view to providing a more complete picture of countries in non-compliance. In addition to the information relating to consumption or production used in the past, several additional items of information had now been introduced, including information on all the funding assistance that the countries had received as well as the technical problems that they might be having in their efforts to be in compliance with the Montreal Protocol. The intention was for the Ozone Secretariat to be able to promote the establishment of action plans to get the countries back into compliance. Attempts were also being made to streamline the agenda of the Implementation Committee so that issues could be addressed by decisions of the Meeting of the Parties or through the assistance of implementing agencies and the Multilateral Fund

## II. ADOPTION OF THE AGENDA

6. The Bureau adopted the following provisional agenda contained in document UNEP/OzL.Conv.5/Bur.3/1 and UNEP/OzL.Pro.13/Bur.2/1:

1. Opening of the meeting.
2. Adoption of the agenda.

3. Update on the actions taken on the decisions adopted at the fifth meeting of the Conference of the Parties to the Vienna Convention, held in Beijing, China, from 29 November to 3 December 1999.
4. Update on the actions taken on the decisions of the Thirteenth Meeting of the Parties to the Montreal Protocol, held in Colombo, Sri Lanka, from 15 to 19 October 2002.
5. Review of the working documents prepared for the sixth meeting of the Conference of the Parties to the Vienna Convention and the Fourteenth Meeting of the Parties to the Montreal Protocol, to be held in Rome, Italy, from 25 to 29 November 2002.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

### **III. UPDATE ON THE ACTIONS TAKEN ON THE DECISIONS ADOPTED AT THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION, HELD IN BEIJING FROM 29 NOVEMBER TO 3 DECEMBER 2001**

7. The Secretariat introduced the note contained in document UNEP/OzL.Conv.5/Bur.3/2, which gave a brief summary of the actions it had taken to implement the decisions adopted by the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer at its fifth meeting .

8. With regard to decision V/1, the Secretariat reported the status of ratification as at 15 November 1999 as follows: Vienna Convention-185 Parties, Montreal Protocol—184, London Amendment—163, Copenhagen Amendment—141, Montreal Amendment—84. The Beijing Amendment, adopted by the Eleventh Meeting of the Parties in 1999, had entered into force on 25 February 2002 and had been ratified by 39 Parties to date.

9. With regard to decision V/2, the Secretariat explained that no action was required on the decision. The assessment panels were hard at work on preparing the assessments for 2002.

10. Reporting on decision V/3, the Secretariat said that it had followed up on decision V/3 as reported in UNEP/OzL.Conv.5/Bur2/3. As requested by the Bureau at its second meeting, the Secretariat had forwarded the recommendations from the fifth meeting of the Ozone Research Managers of the Vienna Convention to the sixth meeting of the Conference of the Parties.

11. With regard to decision V/4, Mr. Theodor Kapiga, Chief, Trust Funds Section, reported that contributions to the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer for the period 1999-2002 were as follows:

Year	1999	2000	2001
Amounts due	\$1,207,988	\$295,590	\$295,590
Amounts received by 31 December of the respective year	\$738,669	\$225,648	\$212,202
Expenditure for the year	\$766,722	\$201,093	\$214,604

12. Unpaid contributions for prior years as at 31 August 2002 had totalled \$437,782. For 2002, of the \$1,132,991 due to the Trust Fund for the Vienna Convention, the first \$625,818 had been received by August 2002. Noting that the figure represented a rate of 61 per cent, he reported that contributions received by 19 November 2002 had increased that percentage to 72 per cent.

13. Reporting on the recommendations of the March 2002 meeting of the Bureau of the fifth meeting of the Parties, the Secretariat explained that they had been forwarded to Parties for their consideration at the sixth meeting of the Conference of the Parties (UNEP/OzL.Conv.6/3) and would be discussed under agenda item 3(b). Following the fifth meeting of the Ozone Research Managers, some priority areas for research had been identified: systematic observations; data archiving and capacity-building in Article 5 countries and in Eastern Europe and the countries with economies in transition. A budget had been prepared by the World Meteorological Organization to cover those areas, and would be found in document UNEP/OzL.Conv.6/INF/1.

14. One Bureau member expressed the view that the recommendations from the Ozone Research Managers were very important, particularly in the aftermath of the World Summit on Sustainable Development, which had stressed the importance of research and capacity-building. Agreeing on their importance, another member asked what processes were in hand to ensure that action was actually taken on the recommendations. He suggested that as it was a matter primarily of concern to the Article 5 countries, one or more Article 5 Parties should prepare a draft Decision on the topic. The President undertook to contact some Parties to see if a small Working Group could be set up to prepare such a draft Decision, with guidance from the Scientific Assessment Panel and the World Meteorological Organization.

#### **IV. UPDATE ON THE ACTIONS TAKEN ON THE DECISIONS OF THE THIRTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL, HELD IN COLOMBO FROM 15 TO 19 NOVEMBER 2001**

15. With regard to Decisions XIII/1 and XIII/2, the Secretariat reported that the assessment of the funding requirement of the 2003-2005 replenishment of the Multilateral Fund, contained in volume 2 of the April 2002 Technology and Economic Assessment Panel (TEAP) report, had been discussed at the twenty-second meeting of the Open-ended Working Group in Montreal. According to the report, the total funding requirement for the 2003-2005 replenishment to enable the article 5(1) Parties to comply with the control schedules under the Montreal Protocol was estimated at \$574.5 million  $\pm$  \$26.7 million (i.e., a range of \$548-600 million). The ad hoc Working Group on the 2003-2005 replenishment of the Multilateral Fund had provided feedback and advice to TEAP on sensitivity analyses of the proposed replenishment, requesting analyses for the CFC, methyl bromide and carbon tetrachloride consumption sectors; methyl bromide production sectors; and for non-investment activities. TEAP would be presenting an updated version of its report on replenishment at the Fourteenth Meeting of the Parties for consideration by the Parties. In

particular, the update would contain a slight lower replenishment figure, of \$549.75 million  $\pm$  \$19.12 million (i.e. a range of \$530.6 - \$568.9 million).

16. The Secretariat reported that Decision XIII/3 had been brought to the attention of the United Nations Office at Nairobi (UNON) for forwarding to the United Nations Headquarters in New York. The issue was to be decided upon by the Fifteenth Meeting of the Parties in 2003.

17. With regard to Decision XIII/4, the Secretariat reported that the final report reviewing implementation of the fixed-exchange-rate mechanism (UNEP/OzL.Pro/WG.1/22/5), prepared by the Treasurer and the Secretariat of the Multilateral Fund, had been considered by the Open-ended Working Group at its twenty-second meeting (as described in chapter VII of UNEP/OzL.Pro/WG.1/22/6). The Open-ended Working Group had agreed to take note of the report and to consider an updated version to be prepared by the Treasurer and the Multilateral Fund Secretariat for presentation at the Fourteenth Meeting of the Parties.

18. With regard to Decision XIII/5, the Secretariat reported that it had circulated, in document UNEP/OzL.Pro/WG.1/22/INF/3, the list of new substances that might have the potential to damage the ozone layer, pursuant to paragraph 1 of the decision, for the information of the Parties and in advance of the meeting of the Open-ended Working Group in July 2002. The list of substances included hexachlorobutadiene, n-propyl bromide, 1,1,1-trichloro-2,2,2-trifluoroethane, 6-bromo--methoxy-naphtalen, Halon-1202 and 1-bromo-3-chloro-propane. The list would be updated as new substances were identified and brought to the attention of the Secretariat, although no new substances had been identified since the preparation of the latest version of the list.

19. With regard to Decision XIII/6, the Secretariat reported that it had compiled a report on precedents in other conventions regarding the procedures for adding new substances (UNEP/OzL.Pro/WG.1/22/3). The report had been discussed at the twenty-second meeting of the Open-ended Working Group, as described in UNEP/OzL.Pro/WG.1/22/6, but had not brought any major insights, in that other Conventions did not have a special procedure for accelerated addition. The Working Group had taken note of the report, and the European Community had said that it would be preparing a new one, for submission to the Fourteenth Meeting of the Parties.

20. With regard to Decision XIII/7, the Secretariat reported that at the twenty-second meeting of the Open-ended Working Group, TEAP had presented its findings, contained in volume 1 of its 2002 assessment report (pages 61-66), which provided the most recent available data on the evolution of use and emissions of n-propyl bromide (nPB). TEAP had estimated future production of nPB at 66,000 tonnes and identified new dry cleaning applications for the chemical.

21. With regard to Decision XIII/8, the Secretariat reported that in November 2001 it had notified Parties whose essential uses of ozone-depleting substances had been approved by the meeting of the Parties.

22. The Secretariat reported that decision XIII/9, on metered-dose inhaler production, had been conveyed to the Multilateral Fund Secretariat for the necessary action by the Executive Committee of the Multilateral Fund.

23. With regard to Decision XIII/10, the Secretariat reported that at the twenty-second meeting of the Open-ended Working Group, TEAP had presented its findings and recommendations regarding final campaign production, as outlined in volume 1 of TEAP's 2002 assessment report (pages 55-58).

24. A draft decision outlining a framework for campaign production had been circulated for possible consideration by the Fourteenth Meeting of the Parties (see annex I of UNEP/OzL.Pro/WG.1/22/6).

25. With regard to Decision XIII/11, the Secretariat reported that TEAP had finalized the "Handbook on Critical Use Nominations for Methyl Bromide" in May 2002. It had been posted on the web site of the Secretariat as requested by the Parties, and provided information on critical use processes for methyl

bromide with steps leading to a critical use exemption and instructions for critical use nomination as well as a schedule for submissions for nominations. A standardized form for the submission of critical use exemption nominations would be developed by the Methyl Bromide Technical Options Committee (MBOC) before the Fifteenth Meeting of the Parties, for use as a form of guidance for countries presenting nominations. A consolidated list of alternatives to methyl bromide that had been included in past TEAP and Methyl Bromide Technical Options Committee reports had been posted on the TEAP's web site at [www.teap.org](http://www.teap.org).

26. With regard to Decision XIII/12, the Secretariat reported that the study on monitoring of international trade and prevention of illegal trade in ozone-depleting substances prepared by the Secretariat had been presented to the Open-ended Working Group at its twenty-second meeting (UNEP/OzL.Pro/WG/22/4). The Working Group had agreed to forward two proposals for discussion at the Fourteenth Meeting of the Parties, one covering monitoring and prevention of illegal trade and the other proposing the use of a globally harmonized system for the classification and labelling of ozone-depleting chemicals (see annex I of the report of the Open-ended Working Group Meeting, UNEP/OzL.Pro/WG.1/22/6).

27. With regard to Decision XIII/13, the Secretariat reported that at the twenty-second meeting of the Open-ended Working Group, TEAP had presented a supplement to the April 2001 Report of the Task Force (and its October 2001 supplement) which was included in volume 1 of TEAP's 2002 assessment report (pages 67-116). TEAP had noted that there seemed to be some confusion on the reporting of emissions of process agents, indicating that there might be a need for a common reporting mechanism. Two draft decisions on process agents had been proposed for consideration by the Fourteenth Meeting of the Parties (see chapter III (b) and annex I of the report of the Open-ended Working Group Meeting, UNEP/OzL.Pro/WG.1/22/6).

28. Following decision XIII/14, the Secretariat had sent a letter on 14 February 2002 to each country and the European Community urging them to become party to any of the ozone agreements that they had not yet ratified. It had been taking other follow-up actions on ratification of the ozone agreements with individual Parties on a regular basis. Afghanistan had shown interest in becoming a Party, in the light of the new situation in that country. Bhutan would be attending for the first time, as a non-Party. East Timor had only recently become a state, but was interested in becoming a Party. There were also contacts with Iraq, with the Cook Islands and with Niue. Equatorial Guinea had ratified the Vienna Convention but not the Montreal Protocol. In Europe, there were contacts with Andorra, San Marino and with the Holy See.

29. With regard to Decision XIII/15, the Secretariat reported that it had sent out a letter to all Parties that had not yet reported data for the relevant years, urging them to do so as soon as possible. The data reported by the Parties as of 15 June 2002 had been placed before the Implementation Committee for consideration on 20 July 2002. The Implementation Committee had reviewed all the data submitted and made appropriate recommendations to Parties that were found not to be in compliance with the phase-out schedules under the Montreal Protocol (see paragraph 89 of the report of the Implementation Committee, document UNEP/OzL.Pro/ImpCom/28/4).

30. The Secretariat reported that as at 18 November 2002, a total of 154 Parties had reported data for 2000, while 127 had reported for 2001. The Secretariat also pointed out that non-reporting was a major problem, in that the data was needed as the basis for the reports which it presented to the Implementation Committee for its review with regard to compliance. It was very important that Parties should report and should do so on time. One Bureau member asked whether it would not be possible to make Parties who failed to report data ineligible for Multilateral Fund assistance. In any event, it was very difficult for the Executive Committee to decide on the eligibility of projects without accurate data.. The Secretariat recalled that there were also problems of non-reporting by Article 2 countries. Another member noted that the philosophy behind the work of the Implementation Committee was first and foremost to determine the problem underlying the non-reporting of data, and to offer assistance in dealing with it. It was felt that the Implementation Committee should continue to proceed along those lines, at least in the early stages of a case of non-reporting

31. With regard to Decision XIII/16, the Secretariat reported that it had conveyed the decision to the Parties whose compliance with the CFC consumption freeze for the period 1999-2000 had not yet been fully determined. The Implementation Committee had met on 20 July 2002 to review the status of compliance with the decision by the Parties concerned and had made appropriate recommendations to them, as contained in paragraphs 14-73 of the report of the Implementation Committee (UNEP/OzL.Pro/ImpCom/28/4).
32. With regard to Decisions XIII/17-25, the Secretariat reported that it had conveyed the decisions to the Governments of the Parties concerned for the necessary action. The Implementation Committee at its meeting of 20 July 2002 had reviewed, among other things, the status of compliance with those decisions and had made appropriate recommendations as contained in document UNEP/OzLPro/ImpCom/28/4.
33. With regard to Decisions XIII/26, XIII/27 and XIII/28, the Secretariat reported that it had contacted all new selected members of the Implementation Committee as well as the selected President and Vice-President of the Implementation Committee for the year 2002 and invited them to send names of their representation in the Committee to the Secretariat within three months following the decision. It had also notified all new selected members of the Executive Committee as well as the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund for the year 2002; and also the Co-Chairs of the Open-Ended Working Group.
34. With regard to Decision XIII/29, the Secretariat reported that it had brought the decision to the attention of the Executive Director of UNEP who in turn had referred it to the President of the UNEP Governing Council and the Chairman of the Preparatory Committee of the World Summit on Sustainable Development (WSSD), as decided by the Parties. The Secretariat drew attention to paragraph 39 of the report of the WSSD, which had highlighted the work of the Vienna Convention and the Montreal Protocol . Recalling that at the Open-Ended Working Group meeting some Parties had expressed pessimism as to what could be achieved at the WSSD, one Bureau member expressed gratitude to the Secretariat and everyone else who had been involved in ensuring that the outcome document contained a specific and quite extensive reference to the work done under the Montreal Protocol.
35. With regard to Decision XIII/30, Ms. Ruth Batten, Administrative Officer, Ozone Secretariat reported that the approved budget for the Montreal Protocol Trust Fund for the year 2002 was \$3,907,646. The contribution pledged by the Parties was set at \$2,492,646. The lower level of contributions was due to the drawdown, decided by the Parties, of \$675,000 per year from 2002 to 2004, as well as a further drawdown of \$740,000 for 2002 proposed by the Secretariat on the basis of certain savings made. As at 31 August 2002 contributions paid by the Parties amounted to \$1,297,890. The outstanding contributions for 2002 and prior years amounted to \$4,349,176 as at 31 August 2002, a figure which had been reduced by 19 November to \$3,840,114. The Secretariat was preparing a working document, UNEP/OzL.Pro.14/INF/3, for consideration by the Budget Sub-committee to be set up by the Parties at their Fourteenth Meeting, on the continuing growth in the operating surplus and interest being accumulated by the Trust Fund, with a review to identifying the optimal way in which to balance the Protocol's operational funds.
36. With regard to Decision XIII/31, the Secretariat noted that the new Executive Secretary, Mr. Marco González, had assumed his functions in June 2002 following the completion of the appointment process by the United Nations Environment Programme and United Nations Headquarters in April 2002.
37. With regard to Decision XIII/32, the Secretariat reported that the Colombo Declaration had been circulated by the Secretariat to all Parties to the Montreal Protocol after its adoption by the Meeting of the Parties, as was the Secretariat's customary practice.
38. With regard to Decision XIII/33, the Secretariat recalled that in February 2002 the Government of Italy had formally offered to host the Fourteenth Meeting of the Parties to the Montreal Protocol in Rome and following the Secretariat's consultations with the Parties the offer by Italy had been accepted.

**V. REVIEW OF THE WORKING DOCUMENTS PREPARED FOR THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION AND THE FOURTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL, TO BE HELD IN ROME FROM 25 TO 29 NOVEMBER 2002**

39. The Secretariat drew the attention of the Bureau to the documents, listed in document UNEP/OzL.Conv.5/Bur.3/3 and UNEP/OzL.Pro.13/Bur.2/3 dated 4 October 2002 which had been prepared for the sixth meeting of the Conference of the Parties to the Vienna Convention and the Fourteenth Meeting of the Parties to the Montreal Protocol, noting that several of them were complicated documents as a result of the simultaneous holding of the two meetings. Ms. Ruth Batten, Administrative Officer, Ozone Secretariat drew attention to documents UNEP/OzL.Conv.6/6 and UNEP/OzL.Pro.14/7, noting that the reduction in the ceiling of contributions to United Nations bodies from 25 to 22 per cent might entail a revision of the terms of reference for the administration of the Trust Funds for the Vienna Convention and the Montreal Protocol. The Secretariat also informed the Bureau on documents UNEP/OzL.Pro.14/INF/3 - UNEP/OzL.Pro.14/INF/7 that had been prepared and distributed to the Parties subsequent to 4 October 2002.

**VI. OTHER MATTERS**

40. No other matters were raised for discussion at the meeting.

**VII. ADOPTION OF THE REPORT**

41. The Bureau agreed to adopt the report on the understanding that the Secretariat would be entrusted with its finalization, working in conjunction with the Rapporteurs.

**VIII. CLOSURE OF THE MEETING**

42. The meeting rose at 12.30 p.m. on Saturday, 23 November 2002.

**Annex**

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