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NINTH MEETING OF THE PARTIES
TO THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEPLETE THE
OZONE LAYER
Montreal, 15-17 September 1997

REPORT OF THE EXECUTIVE DIRECTOR TO THE NINTH MEETING OF THE PARTIES

INTRODUCTION

1. The present report reviews the status of implementation of the Montreal Protocol and the actions taken to implement the decisions of the Eighth Meeting of the Parties to the Montreal Protocol. It also summarizes the issues that will be before the Ninth Meeting of the Parties to the Montreal Protocol, to be held in Montreal from 15 to 17 September 1997.

A. IMPLEMENTATION OF THE DECISIONS OF THE EIGHTH MEETING

2. A report on the status of the implementation of the decisions of the Eighth Meeting is contained in annex I to the present report.

B. DRAFT DECISIONS

3. Many issues were discussed by the fifteenth meeting of the Open-ended Working Group and its report has been communicated to all Parties as document UNEP/OzL.Pro.WG/1/15/5. There are also other issues to be decided by the Ninth Meeting of the Parties to the Protocol. The draft decisions on these issues based, inter alia, on the conclusions of the fifteenth meeting of the Open-ended Working Group, have been communicated to Parties in document UNEP/OzL.Pro.9/6. These issues are described in detail in paragraphs 4-31 below.

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C. STATUS OF RATIFICATION

4. Since the Eighth Meeting of the Parties, six States have become party to the Vienna Convention for the Protection of the Ozone Layer, five to the Montreal Protocol, five to the London Amendment to the Montreal Protocol and nine to the Copenhagen Amendment to the Montreal Protocol, bringing the total number of Parties to the Vienna Convention to 165, the Montreal Protocol to 162, the London Amendment to 115 and the Copenhagen Amendment to 66. It should be borne in mind that universal participation is necessary to ensure the protection of the ozone layer.

D. IMPLEMENTATION MATTERS

1. Data-reporting by the Parties

5. The report of the Secretariat on information provided by the Parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro.9/3) reveals that the implementation of the Protocol by those Parties that have reported data is very satisfactory. However, it is regrettable that only 105 of the 153 Parties required to do so have reported data for 1995, while 48 Parties have not reported their data. Only 21 Parties have so far reported data for 1996.

2. Compliance by certain Parties

6. All Parties have complied with the control measures prescribed by the Protocol with the following exceptions:

(a) According to its data report, Japan did not meet a freeze in production and consumption of methyl bromide by 1 January 1995. The production of methyl bromide went up by 172 per cent from 1,357.3 tonnes in 1991 to 3,689 tonnes in 1995, while the consumption increased by 162 per cent from 1,592.5 tonnes in 1991 to 4,179.7 tonnes in 1995. Clarification has been sought from the Government of Japan before this matter is referred to the Implementation Committee for consideration and necessary recommendation to the meeting of the Parties;

(b) The Russian Federation decreased the production of CFCs by 63 per cent (from 105,296 tonnes to 39,322 tonnes), instead of the prescribed 75 per cent by 1 January 1996;

(c) Ukraine increased the consumption of other fully halogenated CFCs by 56 per cent (from 10 tonnes to 15.6 tonnes), instead of reducing it by 75 per cent by 1 January 1996. It decreased the production of carbon tetrachloride by only 5 per cent (from 10,330 to 9,865 tonnes) instead of 75 per cent by 1 January 96. It also increased the consumption of methyl chloroform by 28 per cent (from 4.6 tonnes to 5.8 tonnes), instead of reducing it by 75 per cent by 1 January 1996.

7. It may be noted that in 1995, both the Russian Federation and Ukraine notified the Parties, through the Implementation Committee, about their difficulties in phasing out ozone-depleting substances in accordance with the current phase-out schedule, and the Parties took note of this situation in decisions VII/18 and VII/19 of the Seventh Meeting of the Parties.

3. Membership of the Implementation Committee

8. In accordance with the non-compliance procedure, approved by the Fourth Meeting of the Parties in its decision IV/5, the Implementation Committee consists of 10 Parties elected for two years on the basis of equitable geographical distribution. Outgoing Parties may be re-elected for one consecutive term. In decision VIII/3, the Eighth Meeting of the Parties confirmed the positions of Canada, Sri Lanka, Ukraine, Uruguay and Zambia as members of the Committee for one further year and selected the Dominican Republic, Germany, Ghana, Indonesia and Lithuania as members of the Committee for a two-year period. The Ninth Meeting of the Parties may wish to select new members of the Implementation Committee to replace Canada, Sri Lanka, Ukraine, Uruguay and Zambia and to confirm the membership of the Dominican Republic, Germany, Ghana, Indonesia and Lithuania for one further year.

4. Membership of the Executive Committee

9. By decision VIII/8, the Eighth Meeting of the Parties endorsed the selection of Australia, Belgium, Bulgaria, Japan, Switzerland,the United Kingdom and the United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 and the selection of Antigua and Barbuda, China, Costa Rica, India, Peru, Senegal and Zimbabwe as members representing the Parties operating under paragraph 1 of Article 5, for one year. It also endorsed the selection of the United Kingdom as Chairman and the Costa Rica as Vice-Chairman. In accordance with the terms of reference of the Executive Committee approved by the Fourth Meeting of the Parties (UNEP/OzL.Pro.4/15, annex X), the Executive Committee is to consist of seven members each from the groups of Parties operating under Article 5, paragraph 1 and Parties not so operating. Each group is to elect its Executive Committee members and the members of the Executive Committee have to be formally endorsed by the Meeting of the Parties. The Chairman and the Vice-Chairman have to be selected from the 14 Executive Committee members. The office of Chairman is subject to rotation, on an annual basis, between the Parties operating under paragraph 1 of Article 5 and the Parties not so operating. The group of Parties entitled to the Chairman's post is to select the Chairman from among its members of the Executive Committee. The Vice-Chairman is to be selected by the other group from within its number.

5. Terms of reference of the Executive Committee

10. In order to remove the direct linkage of the term of office of the Executive Committee with the dates of the Meetings of the Parties, the Executive Committee recommends that this term of office should be a calendar year and requested the Ozone Secretariat to submit this recommendation to the Meeting of the Parties. The fifteenth meeting of the Open-ended Working Group discussed this issue and recommended a draft decision on the subject as contained in document UNEP/OzL.Pro.9/6.

E. CONSIDERATION OF THE AMENDMENTS AND ADJUSTMENTS PROPOSED BY THE PARTIES

11. Amendments and adjustments to the Montreal Protocol have been proposed by Australia, Canada, the European Community, India, Japan, Switzerland and the United States of America and were considered by the Open-ended Working Group at its fifteenth meeting. Some of the proposals related to the same subjects, and the Working Group agreed that the Secretariat would prepare a consolidated document (UNEP/OzL.Pro.9/INF.1) containing the proposals for adjustments and amendments as they have emerged from the discussions of the Working Group.

12. The proposed amendments and adjustments refer to the tightening of control measures for methyl bromide, HCFCs and carbon tetrachloride under Article 2 and to the establishment of new control measures under Articles 4 and 5, such as licensing systems for imports and exports of ODS and for trade in new, used, reclaimed or recycled substance, the prohibition of imports from Parties in non-compliance which produce new ODS, the establishment of production baselines for Article 5 Parties, the control of trade in methyl bromide with non-Parties and control measures for methyl bromide for Article 5 Parties.

F. ESSENTIAL-USE EXEMPTIONS

1. Exemptions for laboratory and analytical uses

13. At its fifteenth meeting, the Open-ended Working Group agreed with the recommendation of the Technology and Economic Assessment Panel (TEAP) that the global exemption for the use of controlled substances for laboratory and analytical uses should be extended to the end of 1999.

2. Quantities of controlled substances authorized under essential-use process

14. The following Parties have submitted essential-use nominations for 1998 and 1999: Australia, European Community, Hungary, Russian Federation, South Africa and United States of America. The report of the Technology and Economic Assessment Panel on the nominations of these essential-use exemptions for 1998 and 1999 was considered by the Open-ended Working Group at its fifteenth meeting, and it was agreed that they should be forwarded to the Meeting of the Parties (see UNEP/OzL.Pro.9/6, annex I).

3. Flexibility in the transfer of essential-use authorizations for metered-dose inhalers (MDIs) between Parties

15. At its fifteenth meeting, the Open-ended Working Group considered the issue of providing flexibility in the transfer of essential-use authorizations for MDIs between Parties for the exclusive purpose of industrial rationalization. The Working Group's observations are contained in its report (UNEP/OzL.Pro/WG.1/15/5, paras. 133-138).

4. Metered-dose inhalers (MDIs)

16. Parties not operating under Article 5 that have developed a national transition policy for non-CFC treatments for asthma and chronic obstructive pulmonary disease were requested in decision VIII/12, paragraph 3, to report on the details of that policy to the Technology and Economic Assessment Panel. Only two Parties, Australia and the United States of America have reported proposals on their national transition strategies. The Open-ended Working Group at its fifteenth meeting considered the issue of MDI transition strategies and its observations are contained in its report (UNEP/OzL.Pro/WG.1/15/5, paras. 121-132).

5. Critical agricultural uses of methyl bromide

17. In decision VIII/16, the Parties requested the Technology and Economic Assessment Panel to further examine and report to the Ninth Meeting on the different options on the issue of critical uses of methyl bromide. The Technology and Economic Assessment Panel recommended that, with modified criteria, and the availability of the emergency use, methyl bromide can be treated like other controlled substances for essential-use exemptions. The Open-ended Working Group at its fifteenth meeting considered the issues on critical uses and emergency uses of methyl bromide, and a draft decision on the subject has been forwarded, in brackets, to the Ninth Meeting of the Parties (UNEP/OzL.Pro.9/6, decision IX/2).

G. IMPORTANT NEW DEVELOPMENTS

1. New substances with uncertain ODP values

18. In its April 1987 report, the Technology and Economic Assessment Panel drew the attention of the Parties to a variety of substances with uncertain ODP values that are being (and which will continue to be) developed as substitutes to ODS or for other applications, such as chlorobomomethane and n-propyl bromide.

19. TEAP recommends that any new chemical with an ODP value of more than 0.01 be listed as a controlled substance and phased out at a date to be determined by the Parties. It further recommends that newly developed substances with uncertain ODP values also be listed in a separate annex to the Protocol and their status be reviewed periodically. The Open-ended Working Group at its fifteenth meeting considered the issue of new substances with ODP values (see UNEP/OzL.Pro/WG.1/15/5, paras. 163-166), and a draft decision on the subject has been forwarded, in brackets, to the Ninth Meeting of the Parties (UNEP/OzL.Pro.9/6, decision IX/20).

2. Controls of exports to Article 5 Parties of used products and equipment containing, or designed to use solely, controlled substances

20. The Open-ended Working Group at its fifteenth meeting considered the proposal by the African Group to amend decision VII/32, on regulation of the exports to Article 5 Parties of used products and equipment containing

substances listed in Annex A and B of the Protocol. Its conclusions are contained in the report of the Working Group (see UNEP/OzL.Pro/WG.1/15/5, paras. 93-99). An amended draft decision on the subject has been forwarded to the Ninth Meeting of the Parties (UNEP/OzL.Pro.9/6, decision IX/5).

3. Future availability of halons to meet the demands for use in critical applications in non-Article 5 Parties

21. In light of the continuing problems of ozone depletion, and the fact that decommissioning and destruction of halons in some countries had proven to be practical, a Party proposed at the fifteenth meeting of the Open-ended Working Group that TEAP examine the feasibility of requiring early decommissioning of non-essential halon system, and subsequent destruction of halons not needed for critical uses, in non-Article 5 Parties (see UNEP/OzL.Pro/WG.1/15/5, paras. 158-162). A draft decision on the subject has been forwarded to the Ninth Meeting of the Parties (UNEP/OzL.Pro.9/6, decision IX/16).

4. Use of customs codes for imports and exports of ODSs

22. To ensure proper monitoring of trade in ODSs by customs authorities, it was proposed to the Open-ended Working Group at its fifteenth meeting that all Parties make use of uniform custom codes as provided in the UNEP publication Monitoring Imports of ODS: A Guide Book. A draft on this issue is contained in document UNEP/OzL.Pro.9/6.

5. Continuing availability of CFCs in non-Article 5 Parties

23. A draft decision which requests non-Article 5 Parties to ban the placing on the market and sales of new CFCs, except for quantities covered by essential-use exemptions, was considered by the Open-ended Working Group at its fifteenth meeting UNEP/OzL.Pro/WG.1/15/5, paras 217-219) and has been forwarded, in brackets, to the Ninth Meeting of the Parties (UNEP/OzL.Pro.9/6, decision IX/18).

H. REVISED FORMATS FOR REPORTING DATA UNDER ARTICLE 7

24. Eight Parties responded to decision VIII/21 of the Eighth Meeting of the Parties by providing comments on the revision and streamlining of the formats for data-reporting. The views of the Parties, the Secretariat's comments, and sample formats were discussed at the seventeenth and eighteenth Meetings of the Implementation Committee. A Secretariat draft of new formats was distributed to the Open-ended Working Group for further comments (UNEP/OzL.Pro/ImpCom/18/3, annex I). Taking into account any further comments, a new draft will be placed before the sixteenth meeting of the Open-ended Working for consideration and recommendation to the Ninth Meeting of the Parties.

I. NON-COMPLIANCE SITUATION OF CERTAIN PARTIES

25. At its fifteenth meeting of the Open-ended Working Group took note of the report of the President of the Implementation Committee regarding the situation of non-compliance with the Protocol by Latvia, Lithuania and the Russian Federation and decided to forward the draft decisions recommended by the Committee (UNEP/OzL.Pro/WG.1/15/5, paras. 191-203) to the Ninth Meeting of the Parties. The draft decisions are contained in document UNEP/OzL.Pro.9/6.

J. ARREARS IN THE CONTRIBUTIONS TO THE MULTILATERAL FUND

26. In its decision VIII/6, the Eighth Meeting of the Parties decided that, with effect from 1997, contributions to the Multilateral Fund were payable only by Parties not operating under Article 5 that are Parties to the London Amendment. This decision did not address the problem of arrears in contributions to the Multilateral Fund by non-Article 5 Parties that had not ratified the London Amendment prior to 1997. The fifteenth meeting of the Open-ended Working Group considered this issue (UNEP/OzL.Pro/WG.1/15/5, para. 182) and agreed with the view that such arrears concern only non-Article 5 Parties who have ratified the London Amendment.

K. CO-CHAIRS OF THE OPEN-ENDED WORKING GROUP OF THE PARTIES TO THE MONTREAL PROTOCOL

27. In accordance with decision VIII/27 of the Seventh Meeting of the Parties, Ms C. Mosler-Garcia of Mexico and Ms C. Fearnley of New Zealand have served as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1997. The Ninth Meeting of the Parties may wish to consider the chairmanship of the Working Group for 1998.

L. FINANCIAL REPORT FOR 1996 AND BUDGETS FOR 1997, 1998 AND 1999 FOR THE TRUST FUND FOR THE MONTREAL PROTOCOL

28. The financial report of the Trust Fund for the Montreal Protocol for 1996 has been circulated as document UNEP/OzL.Pro.9/5. The approved 1997, revised 1998 and proposed 1999 budgets, along with explanatory notes, have been circulated as document UNEP/OzL.Pro.9/4. The status of contributions as at 30 August 1997 will be circulated during the Meeting.

M. APPLICATION OF THE REPUBLIC OF MOLDOVA FOR CLASSIFICATION AS A DEVELOPING COUNTRY

29. The Open-ended Working Group considered the application of the Republic of Moldova dated 12 February 1996 requesting that it be considered for inclusion in the list of developing countries according to Article 5 of the Protocol. There was no objection to the application in the Working Group.

N. APPLICATION OF SOUTH AFRICA FOR RECLASSIFICATION AS PARTY OPERATING UNDER ARTICLE 5

30. Following a statement made in 1996 by the representative of South Africa during the Eighth Meeting of the Parties in San José regarding the intention of his Government to request that it be considered for reclassification as a Party operating under Article 5 of the Protocol, the Government of South Africa has addressed a letter dated 5 June 1997 to the Secretariat, (see annex II below), applying for a developing country status under the Protocol for the following reasons:

(a) South Africa is classified as a developing country by the United Nations Development Programme (UNDP), whose classification is regarded as definitive within the United Nations system, and is also so classified by the Organisation for Economic Cooperation and Development (OECD);

(b) South Africa is regarded as a developing country in all the other international environmental conventions and protocols to which it is party and where this distinction is made;

(c) South Africa meets the requirement that its annual calculated level of consumption of controlled substances in Annex A of the Protocol was less than 0.3 kilograms per capita, at the time of South Africa's accession to the Montreal Protocol in January 1990.

O. OTHER MATTERS

31. Lithuania ratified the Montreal Protocol on 18 January 1995 but not the London Amendment. It informed the Secretariat on 18 February 1997 that it was unable to ratify the London Amendment because of its difficulties to contribute to the Multilateral Fund. The representative of Lithuania was requested that the Parties postpone for five years her country's contribution to the Multilateral Fund, noting that it would be only a temporary postponement and could help her country's ratification of the London and Copenhagen Amendments. The Secretariat informed the Working Group that there seems to be no provision of the Protocol to permit this (UNEP/OzL.Pro/WG.1/15/5, para. 213-214).

Annex I

ACTION TAKEN ON THE DECISIONS OF THE EIGHTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

Decision VIII/1. Ratification of the Vienna Convention, the Montreal Protocol and its Amendments

1. As on 9 June 1997, there were 165 Parties to the Vienna Convention for the Protection of the Ozone Layer, 162 to the Montreal Protocol on Substances that Deplete the Ozone Layer, 115 to the London Amendment, and 66 to the Copenhagen Amendment.

Decision VIII/2. Data and information provided by the Parties in accordance with Article 7 and 9 of the Montreal Protocol

2. Out of 153 countries required to report data for 1995, only 105 had done so. The Secretariat has analysed the data and information provided by the Parties and requested the Parties that have not yet submitted their data to do so. The preliminary report on data will be considered by the Implementation Committee at its nineteenth meeting.

Decision VIII/3. Membership of the Implementation Committee

3. No action was required of the Secretariat with regard to this decision.

Decision VIII/4. Replenishment of the Multilateral Fund and three-year rolling business plan for 1997-1999

4. Decision VIII/4 has been communicated to the Multilateral Fund Secretariat. On reducing the agency support costs, the Executive Committee reported to the fifteenth meeting of the Open-ended Working Group that a consultant had been selected by the Fund Secretariat to carry out the study in line with decision VIII/4, paragraph 6. The study would be completed later in 1997 and the Executive Committee will report on this issue to the Tenth Meeting of the Parties.

Decision VIII/5. Actions to improve the functioning of the Financial Mechanism

5. The fifteenth meeting of the Open-ended Working Group took note of the report prepared by the Executive Committee in response to decision VIII/5 (UNEP/OzL.Pro/WG.1/15/4) and agreed to forward it to the Ninth Meeting of the Parties.

Decision VIII/6. Contributions to the Multilateral Fund

6. Decision VIII/6 has been noted by the Treasurer of the Multilateral Fund for further action.

Decision VIII/7. Measures taken to improve the Financial Mechanism and technology transfer

7. The Executive Committee in its nineteenth and twentieth meetings followed up on the issue of technology transfer. The Informal Group on Technology Transfer (IGTT) met on 26 May 1997 in Nairobi prior to the twenty-second meeting of the Executive Committee, to discuss what steps can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to Parties operating under Article 5 under fair and most favourable conditions. The Informal Group decided to request the Secretariat to obtain information from all Parties in this respect. It will consider the information received and make its recommendation to the Executive Committee at its twenty-third meeting.

Decision VIII/8. Membership of the Executive Committee of the Multilateral Fund

8. No action was required of the Secretariat with regard to decision VIII/8.

Decision VIII/9. Essential-use nominations for Parties not operating under Article 5 for controlled substances for 1997 through 2002

9. The Technology and Economic Assessment Panel (TEAP) and its relevant Technical Options Committees (TOCs) have taken appropriate actions pursuant to decision VIII/9, and reported thereon to the fifteenth meeting of the Open-ended Working Group.

Decision VIII/10. Actions by Parties not operating under Article 5 to promote industry's participation on a smooth and efficient transition away from CFC-based MDIs

10. The Technology and Economic Assessment Panel (TEAP) and its Technical Options Committees (TOCs) have taken appropriate actions according to decision VIII/10, and reported thereon to the Open-ended Working Group.

Decision VIII/11. Measures to facilitate a transition from CFC-based MDIs by a Party not operating under Article 5

11. No action was required of the Secretariat with regard to decision VIII/11.

Decision VIII/12. Information gathering on a transition to non-CFC treatments for asthma and chronic obstructive pulmonary disease for Parties not operating under Article 5

12. The Technology and Economic Assessment Panel (TEAP) and its Technical Options Committees (TOCs) have taken appropriate actions pursuant to decision VIII/12, and reported thereon to the fifteenth meeting of the Open-ended Working Group.

Decision VIII/13. Uses and possible applications of hydrochlorofluorocarbons (HCFCs)

13. The Secretariat, in consultation with TEAP and its TOCs, prepared the list of possible applications of hydrochlorofluorocarbons (HCFCs). This list was distributed to all the Parties to the Montreal Protocol in April 1997. TEAP prepared a list of available alternatives to each HCFC applications and reported to the Open-ended Working Group.

Decision VIII/14. Further clarification of the definition of "Bulk substances" under decision I/12A

14. No action was required of the Secretariat with regard to decision VIII/14.

Decision VIII/15. Control of trade in methyl bromide with non-Parties

15. This issue is included in the agenda of the Ninth Meeting of the Parties as an Amendment.

Decision VIII/16. Critical agricultural uses of methyl bromide

16. The TEAP has submitted a report on this issue to the Open-ended Working Group.

Decision VIII/17. Availability of halons for critical uses

17. The Technology and Economic Assessment Panel (TEAP) and its Halon Technical Options Committee submitted a report on this issue to the Open-ended Working Group.

Decision VIII/18. List of products containing controlled substances in Group II of Annex C (Hydrobromofluorocarbons) of the Protocol

18. No action was required of the Secretariat with regard to decision VIII/18.

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Decision VIII/19. Organization and functioning of the Technology and Economic Assessment Panel

19. The Secretariat has updated the new membership of the Technology and Economic Assessment Panel (TEAP) and their full address contacts. The Secretariat has received some nominations from the Parties for the Technical Options Committees (TOCs) and TEAP. These nominations have been forwarded to the Co-chairs of the TOCs and TEAP for their comments.

Decision VIII/20. Illegal imports and exports of controlled substances

20. No action was required of the Secretariat with regard to decision VIII/20.

Decision VIII/21. Revised formats for reporting data under Article 7 of the Protocol

21. The Secretariat delineated all the reporting mandates as required by the Protocol and by the decisions of the Meeting of the Parties. On 14 January 1997 the Secretariat requested all Parties to provide their views which of the reporting provisions they consider to be necessary to assess the compliance with the Montreal Protocol and their suggestions on improvements to the reporting formats. Ten Parties replied. The Secretariat considered the responses on the formats and prepared sample formats incorporating the views and suggestions of the Parties (UNEP/OzL.Pro/Imp.Com/17/2). At its seventeenth and eighteenth meetings, the Implementation Committee discussed this matter further, and the Secretariat draft of the formats was distributed at the fifteenth meeting of the Open-ended Working Group for comments. This issue will be considered further by the Ninth Meeting of the Parties to the Protocol.

Decision VIII/22. Compliance with the Montreal Protocol by Latvia

22. The Secretariat wrote to the Government of Latvia requesting information pursuant decision VIII/22. The information received was placed before the Implementation Committee, which, after consideration, reported its recommendations regarding the situation of non-compliance of Latvia to the Open-ended Working Group at its fifteenth meeting. The Working Group took note of that report. After ratification of the London Amendment by Latvia, the Global Environment Facility (GEF) will consider for approval the following projects for Latvia: institutional strengthening for the phase-out of ozone-depleting substances; training in monitoring and control of ozone-depleting substances; implementation of a national programme for recovery and recycling of refrigerants; sectoral phase-out of CFCs in the Latvian aerosol industry; conversion to CFC-free technology in the manufacture of rigid polyurethane foam in one industry; and a demonstration project for methyl bromide alternatives.

Decision VIII/23. Compliance with the Montreal Protocol by Lithuania

23. The Secretariat wrote to the Government of Lithuania requesting information pursuant to decision VIII/23. The information received was placed before the Implementation Committee, which, after consideration, reported its recommendations regarding the situation of non-compliance of Lithuania to the Open-ended Working Group. The Working Group took note of that report. After ratification of the London Amendment by Lithuania, the Global Environment Facility will consider for approval the following projects for Lithuania: institutional strengthening for the phase-out of ozone-depleting substances; training in monitoring and control of ozone-depleting substances; implementation of a national programme for recovery and recycling of refrigerants; a project to phase-out CFCs in aerosol filling in one industry; elimination of CFC-11 in the manufacture of domestic refrigerators in one enterprise; conversion of facilities to manufacture HFC-134a and HC 600a compressors; and a demonstration project for methyl bromide alternatives.

Decision VIII/24. Non-compliance by the Czech Republic with the halon phase-out by 1994

24. No action was required of the Secretariat with regard to decision VIII/24.

Decision VIII/25. Compliance with the Montreal Protocol by Russian Federation

25. The Secretariat communicated decision VIII/25 to the Russian Federation and the Russian Federation reported the necessary information, which was subsequently placed before the Implementation Committee. The Implementation Committee reported its recommendations regarding the non-compliance of the Russian Federation to the Open-ended Working Group at its fifteenth meeting, and the Working Group took note of that report.

Decision VIII/26. Exports of ozone-depleting substances and products containing ozone-depleting substances

26. This issue was discussed at the fifteenth meeting of the Open-ended Working group of the Parties to the Montreal Protocol.

Decision VIII/27. Co-chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

27. No action was required of the Secretariat with regard to this decision.

Decision VIII/28. Financial matters: financial report and budgets

28. In accordance decision VIII/28, UNEP has requested all Parties to pay their contributions and outstanding arrears to the Trust Funds of the Vienna Convention and the Montreal Protocol. In relation to paragraph 4 of the decision, the Secretariat requested some Parties for additional voluntary contributions to support preparation of information materials for the celebration of the International Ozone Day for the Preservation of the Ozone Layer. The Secretariat supported financially 55 members of the Task Force and the Technical Options Committees from developing countries and countries with economies in transition to participate in the meetings of those groups and incurred an expenditure of some US$200,000. This is in accordance with the budget prepared by the Co-chairs of TEAP. By 31 May 1997, nine meetings of TEAP and its TOCs, and the TEAP Co-chairs have informed the Secretariat that in the remaining part of 1997, there will be nine more meetings. In line with paragraph 5 of decision VIII/28, UNEP reported to the Open-ended Working Group on the use of the 13 per cent programme support cost. The extension of the Trust Fund for the Montreal Protocol until 31 December 2000 was approved by the Governing Council of UNEP at its nineteenth session.

Decision VIII/29. Application of Georgia for developing country status under the Montreal Protocol

29. No action was required of the Secretariat with regard to decision VIII/29.

Decision VIII/30. Ninth Meeting of the Parties to the Montreal Protocol

30. The Secretariat has been in close contact with the Conference Services of the United Nations Office at Nairobi (UNON) and the representatives of the Canadian Government regarding the preparations for the Ninth Meeting of the Parties to be held in Montreal from 15 to 17 September 1997, and the sixteenth meeting of the Open-ended Working Group meeting to be held from 9 to 12 September 1997.

Annex II

REQUEST OF SOUTH AFRICA TO BE CLASSIFIED AS A PARTY OPERATING UNDER PARAGRAPH 1 of ARTICLE 5 OF THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

Letter dated 5 June 1997 from the Permanent Representative of South Africa to UNEP

I have the honour to refer to the statement made by the Deputy Minister of Environmental Affairs and Tourism of the Republic of South Africa during the Eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, in Costa Rica, which indicated the intention of the Government of the Republic of South Africa to request for its reclassification as a Party operating under Article 5(1), in other words listed as a developing country for the purposes of the Montreal Protocol.

I wish to inform you that the Government of South Africa now wishes to request the Ninth Meeting of the Parties to the Montreal Protocol to consider the said reclassification of South Africa and invites the Meeting of the Parties to adopt a decision listing South Africa as a developing country.

The Government of the Republic of South Africa ratified the Vienna Convention for the Protection of the Ozone Layer as well as the Montreal Protocol on 15 January 1990 and was subsequently regarded as a developed country for the purposes of the Montreal Protocol.

South Africa's request to be regarded as Party operating under Article 5 (1) of the Montreal Protocol, is based on the following:

(a) South Africa is classified as a developing country by the United Nations Development Programme, whose classification is regarded as definitive within the United Nations system, as well as by the Organisation for Economic Co-operation and Development;

(b) South Africa is regarded as a developing country in all the other international environmental conventions and protocols to which it is a Party and where this distinction is made;

(c) South Africa also meets the requirement that its annual calculated level of consumption of controlled substances in Annex A of the Montreal Protocol was less than 0.3 kilograms per capita, at the time of South Africa's accession to the Montreal Protocol in January 1990.

The Government of the Republic of South Africa as a country that has thus far totally complied with the requirements of the Copenhagen Adjustments to the Montreal Protocol, undertakes not to revert to using substances phased out under these Adjustments.

Taking into account the criteria applied in previous successful requests for reclassification, notably those of Turkey and Georgia, South Africa humbly suggests that it also complies with those criteria and that the Meeting of the Parties thus ought to adopt the decision to list South Africa as a Party operating under Article 5 (1).