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TENTH MEETING OF THE PARTIES TO THE
MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

Tenth Meeting
Cairo, 23-24 November 1998

REPORT OF THE EXECUTIVE DIRECTOR TO THE TENTH 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 Ninth Meeting of the Parties to the Montreal Protocol. It also summarizes the issues that will be before the Tenth Meeting of the Parties to the Montreal Protocol, to be held in Cairo from 23 to 24 November 1998.

A. IMPLEMENTATION OF THE DECISIONS OF THE NINTH MEETING

2. A report on the status of the implementation of the decisions of the Ninth Meeting is contained in annex I to the present report. As a result of the implementation of the provisions of the Protocol and of the decisions of the Meetings of the Parties, the Tenth meeting of the Parties will have, inter alia, the following matters before it for its consideration and decision.

B. STATUS OF RATIFICATION

3. Since the Ninth Meeting of the Parties, two States have become Parties to the Vienna Convention for the Protection of the Ozone Layer, four to the Montreal Protocol, seven to the London Amendment to the Montreal Protocol and fourteen to the Copenhagen Amendment to the Montreal Protocol, bringing the total number of Parties to the Vienna Convention to 167, the Montreal Protocol to 166, the London Amendment to 123 and the Copenhagen Amendment to 80. The Montreal Amendment to the Montreal Protocol, adopted by the Parties at their Ninth Meeting in Montreal, was communicated by the Depositary on 5 December 1997. To date, it has been ratified by only Canada and Chile. The Amendment should enter into force on 1 January 1999 provided that at least twenty instruments of ratification are received by the Depositary on that date. In the event that this condition is not met by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been

fulfilled. It should be borne in mind that universal participation is necessary to ensure the protection of the ozone layer.

4. Proposal for action: The Tenth Meeting of the Parties may wish to urge all States that have not done so to become party to the Vienna Convention, the Montreal Protocol and its Amendments as soon as possible.

C. 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.10/3) reveals that the implementation of the Protocol by those Parties that have reported data is very satisfactory. However, it is regrettable that only 123 of the 162 Parties required to do so have reported data for 1996, while 39 Parties have not reported their data. Only 35 Parties have so far reported data for 1997.

2. Compliance by certain Parties

6. The data reported so far for 1996 has revealed that there is non-compliance with the control measures of the Protocol by certain Parties. The data reported by Azerbaijan, Belarus, Estonia, Latvia, Lithuania, the Russian Federation, Ukraine and Uzbekistan for 1996 reveal cases of deviation from the consumption reduction required by the control measures in Articles 2A, 2B, 2C, 2D, 2E and 2H of the Protocol as follows:

Party	Substance					
	AI	A/II	B/I	B/II	B/III	E/I
Reduction required	-100%	-100%	-100%	-100%	-100%	Freeze
Reduction reported						
1. Azerbaijan	-5%	-85%			-50%	
2. Belarus	-79%	-91%	-65%	-69%	-45%	
3. Estonia					+150%	
4. Latvia	-95%			-17%		
5. Lithuania	-95%	-98%	+238%	-93%	-97%	
6. Russian Federation	-88%	-97%	-95%	-99%		Increase
7. Ukraine	-70%	-75%	-92%		Increase	
8. Uzbekistan	-39%			Increase	Increase	

7. These cases of deviation from the consumption reductions as required by the control measures were reviewed by the Implementation Committee at its twentieth meeting held in Geneva on 6 July 1998. Azerbaijan, Belarus, Estonia, Latvia, Lithuania, Ukraine and Uzbekistan were requested by the Implementation Committee to submit by 30 September 1998 the updated or final phase-out plans that include specific benchmarks, for the Implementation Committee to review their progress in phasing out ozone depleting substances at its twenty-first meeting in Cairo on 16 November 1998. The

Implementation Committee noted the major efforts being made by the Russian Federation to phase out ozone-depleting substances in accordance with its phasout plan submitted to Parties in 1996 and decided to keep under review the phase out of ODS in the Russian Federation.

8. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendations of the Implementation Committee at its twenty-first meeting and take appropriate decisions that will enable the concerned Parties to return to compliance.

3. Membership of the Implementation Committee

9. 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 IX/12, the Ninth Meeting of the Parties confirmed the positions of the Dominican Republic, Germany, Ghana, Indonesia and Lithuania as members of the Committee for one further year and selected Bolivia, Kenya, Latvia, Pakistan and United States of America as members of the Committee for a two-year period.

10. Proposal for action: The Tenth Meeting of the Parties may wish to select new members of the Implementation Committee to replace the Dominican Republic, Germany, Ghana, Indonesia and Lithuania and to confirm the membership of Bolivia, Kenya, Latvia, Pakistan and the United States of America for one further year.

4. Membership of the Executive Committee

11. By decision IX/13, the Ninth Meeting of the Parties endorsed the selection of Belgium, Bulgaria, Canada, Italy, Japan, Switzerland 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 Burkina Faso, China, Costa Rica, India, Jordan, Peru and Zimbabwe as members representing the Parties operating under paragraph 1 of Article 5, for one year. It also endorsed the selection of Costa Rica as Chairman and the United States of America 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 effective 1 January of the year in which the term of office relate, between the Parties operating under paragraph 1 of Article 5 and the Parties not so operating.

12. Proposal for action: The group of Parties not operating under Article 5, paragraph 1, may wish to select the members representing them in the Executive Committee for the next year and also the Chairman of the Committee for the next year. The group of the Parties operating under Article 5, paragraph 1, may also select their seven representatives in the Committee and the Vice-Chairman for the next year. The Tenth Meeting of the Parties may wish to endorse these selections.

5. Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

13. In accordance with decision IX/36 of the Ninth Meeting of the Parties, Mr. Jukka Uosukainen of Finland and Mr. Vishwanath Anand of India have served as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1998.

14. Proposal for action: The Tenth Meeting may wish to consider the chairmanship of the Open-ended Working Group in 1999.

D. FINANCIAL MECHANISM AND GEF

15. The Executive Committee of the Multilateral Fund has to date approved projects worth US\$760m in more than 100 developing countries to phase out about 110,000 tons of ozone-depleting substances in Parties not operating under Article 5. Projects approved by the Executive Committee of the fund, have already resulted in the phaseout of about 46,000 tons. The contribution rate to the Multilateral Fund for 1997 stood at US\$130 million representing 83 per cent by end of July 1998, with US\$27 million outstanding for that year while the corresponding contribution rate for 1991-1997 period was US\$725 million representing 88 per cent with US\$100 million outstanding out of the budgeted US\$825 million. Only eleven Parties have paid their 1998 contributions in full with another five having made partial contribution amounting to US\$47 million by end of July 1998 out of US\$157 million due for collection.

16. The Global Environment Facility (GEF) has to date approved ODS phase out projects by grants amounting to US\$108.25m in countries with economies in transition as follows: Belarus (US\$6.9m); Bulgaria (US\$10.5m); Czech Republic (US\$2.3m); Hungary (US\$6.9m); Latvia (US\$1.3m); Lithuania (US\$4.4m); Poland (US\$6.2m); Russian Federation (US\$60m); Slovenia (US\$6.2m); and Slovak Republic (US\$3.5m). These projects which are at different stages of implementation, will phase out 33,136 tons of ozone-depleting substances by the year 2000 at the latest.

17. The Chairman of the Executive Committee of the Multilateral Fund will be reporting to the Tenth Meeting on the measures taken to improve the financial mechanism and technology transfer pursuant to decision IX/14.

18. Proposal for action: The Tenth Meeting of the Parties may wish to take note of the good progress made in approval of many projects to phase out ODS in most Parties operating under Article 5 of the Protocol financed by the Multilateral Fund. The Meeting may urge Parties with outstanding contributions to the fund to make their contributions expeditiously. The Tenth Meeting may also take note with appreciation, the projects approved by the Global Environment Facility Council to phase out ODS in countries with economies in transition. The Meeting of the Parties may urge the Parties concerned to expedite the process of implementation of the approved projects in cooperation with GEF's implementing agencies taking into account that those Parties are already lagging behind the phase out schedule of ODS as prescribed under the Montreal Protocol. The Meeting may also take an appropriate decision on the measures taken to improve the financial mechanism.

E. REPORTS OF THE ASSESSMENT PANELS

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

19. Six Parties have submitted essential-use nominations for 1998 and 2000: Australia, Canada, European Community, Poland, Russian Federation, and United States of America for CFC11, 12, 113 and 114 and Halon 2402. The report of the Technology and Economic Assessment Panel on the nominations of these essential-use exemptions for 1999 and 2000 was considered by the Open-ended Working Group at its seventeenth meeting (UNEP/OzL.Pro/WG.1/17/3 paras. 37-49) and its recommendations are contained in Annex I of its report as well as in draft decisions document UNEP/OzL.Pro.10/7, Annex I. The quantity sanctioned for 1999 in earlier meetings was 9227.54 tons and this will go up to 10,703.98 tonnes with the present recommendation. The amount requested for the year 2000 is 8,123.88 tonnes.

20. Proposal for action: The Tenth Meeting of the Parties may wish to take appropriate decision on the recommendations of the Working Group.

2. Transition to non-CFC metered-dose inhalers

21. At its seventeenth meeting, the Open-ended Working Group considered the report of the Technology and Economic Assessment Panel (TEAP) on the current state of technical development of CFC-free metered-dose inhalers and the prospects for a transition to a CFC-free metered-dose inhalers (UNEP/OzL.Pro/WG.1/17/3 paras.19-36). Several Parties favoured the development of flexible frame works by Parties to take into account the specific circumstances. Additional comments by the Parties to the Co-Chairs of TEAP as inputs to the final report are welcome.

22. Proposal for action: The Tenth Meeting of the Parties may wish to consider the conclusions of the Working Group on this issue and take appropriate decisions.

3. Decommissioning of all halon systems in non-Article 5 Parties

23. At its seventeenth meeting, the Open-ended Working Group considered a report of the Halons Technical Options Committee on the possibility of early decommissioning in non-Article 5 Parties of all non-essential halon systems and the subsequent destruction or redeployment of halon stocks not required for those critical uses that have no identified substitutes or alternatives, bearing in mind the needs of Article 5 Parties (decision IX/21) (UNEP/OzL.Pro/WG.1/17/3 paras. 51-58). A draft decision on national halon management strategies has been forwarded to the Meeting of the Parties, as contained in document UNEP/OzL.Pro.10/7.

24. Proposal for action: The Tenth Meeting of the Parties may wish to consider the conclusions of the Working Group's discussion and take appropriate decisions.

F. OTHER ISSUES

1. New substances with ozone-depleting potential

25. The Scientific Assessment Panel reported to the Open-ended Working Group at its seventeenth meeting on the assessment of two substances which may be marketed as ODS substitutes: n-propyl bromide and chlorobromomethane (UNEP/OzL.Pro/WG.1/17/3 paras 59-65). The Panel pointed out that the residence time in the atmosphere of n-propyl bromide was about ten days, with ozone-depletion potential is around 0.026 while for chlorobromoethane, the residence time was about 130 days and the ozone-depletion potential of around 0.15. It was also pointed out by one Party that halon-1202 with an ozone-depletion potential of 1.25 is not currently controlled by the Montreal Protocol. There was, however, no recommended decision on these substances.

26. Proposal for action : Considering the potential danger to the ozone layer that these new substances may pose, the Tenth Meeting of the Parties may wish to take a decision regarding preventing the production and consumption of these substances and may request the Parties to adopt policies and regulations to prevent their production and consumption as well as to prevent development of such ozone-depleting substances in future.

2. Import and export of products and equipment whose continuing functioning relies on substances in Annexes A and B of the Protocol

27. In decision IX/9, the Parties recommended adoption of legislative and administrative measures, including the labelling of products and equipment whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol. The Open-ended Working Group was informed at its seventeenth meeting that 10 Parties had reported on the measures they had adopted to regulate imports and exports (UNEP/OzL.Pro/WG.1/17/3 paras.75-78). A draft decision inviting importing Parties to inform the Secretariat on the types of products and equipment they do not want to

receive has been forwarded to the Tenth Meeting of the Parties in document UNEP/OzL.Pro.10/7.

28. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendations of the Working Group and take appropriate decision.

3. Review of the Non-Compliance Procedure

29. The Ad Hoc Working Group of Legal and Technical Experts established by the Ninth Meeting of the Parties to the Montreal Protocol in its decision IX/35 to review the non-compliance procedure, gave a progress report on the work of the Group at the seventeenth meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/17/3 paras.32-92). The Group had been set up to review the current non-compliance procedure and develop appropriate conclusions and recommendations on the need for any further elaboration or strengthening of the procedure. The Group's second meeting will be held in Cairo prior to the Tenth Meeting of the Parties and a draft decision would be prepared at that meeting for consideration by the Meeting of the Parties.

30. Proposal for action: The Tenth Meeting of the Parties may wish to consider the report and recommendations of the Ad Hoc Working Group of Legal and Technical Experts on Non-compliance Procedure and take appropriate decisions.

4. Quarantine and pre-shipment applications of methyl bromide

31. At the seventeenth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol, a proposal was made on the quarantine and pre-shipment exemption for methyl bromide (UNEP/OzL.Pro/WG.1/17/3 paras.68-70). The purpose of the proposal was to reduce the unnecessary use of methyl bromide and also to obtain further clarification on the definitions since the International Plant Protection Convention definitions of quarantine and non-quarantine pests had recently been changed. A draft decision has been forwarded to the Tenth Meeting of the Parties in document UNEP/OzL.Pro.10/7.

32. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendations of the Working Group and take appropriate decision.

5. Terms of Reference for a study on replenishment of the Multilateral Fund

33. At the seventeenth meeting of the Open-ended Working Group, a proposal on the terms of reference for a study on the 2000-2002 replenishment of the Multilateral Fund was made (UNEP/OzL.Pro/WG.1/17/3 paras.109-120). The Working Group requested the Technology and Economic Assessment Panel to start the work and make a presentation on the process and progress on the issue to the Tenth Meeting of the Parties. In preparing its report, the Panel will take into account, inter alia, all control measures and relevant decisions of the Parties, approved country programmes, agreed rules and guidelines for determining eligibility for funding projects. The Working Group agreed to forward the proposal to the Tenth Meeting of the Parties as contained in document UNEP/OzL.Pro.10/7.

34. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendations of the Working Group and take appropriate decision.

6. Process Agents

35. A proposal on the need for decisive action to address the high levels of carbon tetrachloride released into the atmosphere from non-feedstock uses was considered by the seventeenth meeting of the Open-ended Working Group. It noted the findings of TEAP that emissions from the use of controlled substances as process agents in countries operating under Article 5 paragraph 1 are already significant

and will continue to grow if no action is taken (UNEP/OzL.Pro/WG.1/17/3 paras.121-128). A Working Group recommended a decision aimed at reducing emissions from process agents. A draft decision on this proposal is contained in document UNEP/OzL.Pro.10/7.

36. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendation of the Working Group and take appropriate decision.

7. Exports of controlled substances from non-Article 5 producers to Article 5 Parties

37. The seventeenth meeting of the Open-ended Working Group considered a proposal on the concern that the amount of exports from non-Article 5 Parties allowed under the terms of the Montreal Protocol to meet the basic domestic needs of Article 5 Parties (140,000 tons of CFCs) was currently considerably higher than actual exports (35,000 tons in 1996). It noted that the Article 5 Parties need less and less CFCs in future and their progress in the phase-out may be negated if more supply of CFCs is available. The proposal requests the Technology and Economic Assessment Panel to assess the situation so that the Parties could make appropriate decisions regarding production in the light of accurate information (UNEP/OzL.Pro/WG.1/17/3 para. 129). The Working Group decided to forward the proposal as a draft decision contained in document UNEP/OzL.Pro.10/7).

38. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendation of the Working Group and take appropriate decision.

8. Implementation of the Montreal Protocol in the light of Kyoto Protocol

39. The seventeenth meeting of the Open-ended Working Group of the parties considered a proposal to study the implications for the Montreal Protocol of the potential controls to be imposed on Hydrofluorocarbons (HFCs) under the terms of the Kyoto Protocol (UNEP/OzL.Pro/WG.1/17/3 paras.131-134). A proposal requesting the Technology and Economic Assessment Panel to assess the matter in consultation with relevant scientific and technical bodies of the Framework Convention on Climate Change has been forwarded to the Tenth meeting of the Parties as a draft decision in document UNEP/OzL.Pro.10/7.

40. Proposal for action: The inter-connections between the issues of ozone-depletion and global warming are many. The policy and technology choices of the Governments have to take into account the overall environmental welfare of the world. It is for consideration by the Tenth meeting whether the proposed study should consider the inter connections between ozone-depletion and global warming and whether the study should be undertaken by a joint group of experts representing TEAP, IPCC and SBSTA of UNFCCC. The UNEP is prepared, if requested, to service such a study with the objective of presenting to the Governments the policy and technological options to maximise the environmental welfare of the world, taking into account the impacts of the ozone depletion and global warming. The Tenth Meeting of the Parties may wish to consider the recommendation of the Working Group and take appropriate decision.

9. Production Sector

41. A proposal to request the Executive Committee of the Multilateral Fund to accelerate the process of formulation of guidelines for funding the production sector and to facilitate the formulation and approval of projects for funding the CFC-production sector was considered by the seventeenth meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/17/3 paras.138-139). The Working Group agreed to forward a draft decision contained in document UNEP/OzL.Pro.10/7 to the Tenth Meeting of the Parties.

42. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendation

of the Working Group and take appropriate decision.

10. Rule 18 of the Rules of Procedure

43. A proposal to amend rule 18 of the Rules of Procedure for Meetings of the Parties to the Montreal Protocol that would bypass the need for the signature of a Head of State or Minister for Foreign Affairs to accredit representatives to meetings of the Parties was considered by the Working Group. According to the proposal, any individual acting under explicit authorization by either the Head of State or Minister for Foreign Affairs could carry out the function of accreditation to meetings (UNEP/OzL.Pro/WG.1/17/3 para.130). At the end of July 1998, the Secretariat sought the opinion of the United Nations Legal Counsel on this matter and the Counsel advised against amending the Rule as proposed. Five years ago, the Secretariat had sought the opinion of the Legal Counsel whether it was proper to delete from the Rules of Procedure, the requirement that credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs, or, in the case of regional integration organization, by the competent authority of that organization.

44. The advice from the Legal Counsel is to maintain the language of that rule as it stands citing that the rule was in accord with the established international law and practice concerning accreditation in general and in particular concerning the issuance of full powers to diplomatic agents signing treaties. The Counsel added that it would not be in accordance with that practice and law to state that the matter of who signs credentials is one to be decided by each Government. Furthermore, if decisions taken by the parties at the meetings bind their Governments, there is added reason why their representatives should be accredited pursuant to the established practice. The Legal Counsel cited a practice by, among others, meetings of parties to treaties where credentials of representatives not signed by the Head of State or Government or by the Minister for Foreign Affairs are accepted provisionally "on the understanding that formal credentials for representatives ... would be communicated ... as soon as possible." Indeed, this has been the same practice followed by the Secretariat and the Bureau of each Meeting of the Parties to the Montreal Protocol and the Conference of the Parties to the Vienna Convention in approving credentials of representatives to these meetings. The present proposal as forwarded by the Working Group to the Tenth Meeting of the Parties is contained in document UNEP/OzL.Pro.10/7.

45. Proposal for action: The Tenth Meeting of the Parties may wish to consider the proposal in the light of the advice by the United Nations Legal Counsel and make appropriate decision.

11. Study by the Secretariat on the implications of holding Meetings of the Parties every 18 months rather than annually

46. A proposal seeking to study the implications of holding Meetings of the Parties every 18 months rather than every year was considered by the seventeenth meeting of the Open-ended Working Group of the Parties (UNEP/OzL.Pro/WG.1/17/3 paras. 135-137). The Working Group agreed on the importance of seeking improved planning and efficiency and avoiding conflicts between the schedule of meetings. The Working Group requested the Secretariat to begin examining the potential implications of those issues and forwarded a draft decision to the Tenth Meeting of the Parties contained in document UNEP/OzL.Pro.10/7.

47. A preliminary study by the Secretariat on the implications of holding Meetings of the Parties to the Montreal Protocol every 18 months rather than every year has been completed. Assuming that the meeting in 1999 takes place in November, the meetings up to the year 2010 will be in May 2001, November 2002, May 2004, November 2005, May 2007, November 2008 and May 2010. The implications which the Secretariat identified as needing to be considered are given below.

(a) Nominations and approval of essential uses:

Nominations and approval of essential uses of ozone-depleting substances are done on an annual basis by the Meeting of the Parties to the Protocol based on the recommendations of the TEAP. The current timetable as approved by the Parties in decision VIII/9(8) is as follows:

- | | |
|------------|---|
| 31 January | last day for nominations for decisions to be taken that year for production or consumption in any subsequent year; |
| 30 April | TEAP and its relevant TOCs to develop recommendations on the nominations and submit their report through the Secretariat. |
- Open-ended Working Group Meeting to consider TEAP's recommendations and the Meeting of the Parties to approve.

Should Parties decide to hold meetings every 18 months, they may wish to consider approving essential uses for two calendar years instead of 1 year. Approval for 18 months will imply keeping consumption accounts every six months.

If the decision is taken in the eleventh meeting in 1999 to have the meetings every 18 months, there will be no meeting in the year 2000. Hence any essential uses for the year 2001 should be approved in the 1999 meeting of the Parties. The nominations to be considered by the 1999 meeting should be received by 31 January 1999. This implies that Parties should be informed during the Tenth Meeting itself that they should nominate quantities for essential uses for the years 2000 and 2001 before 31 January 1999.

(b) Decision on methyl bromide controls in Article 5 Parties:

Decision IX/5 mandated TEAP to carry out an assessment on methyl bromide on the conditions set out in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties and the functioning of the Financial Mechanism as it relates to methyl bromide issues, so that the Meeting of the Parties should decide in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to Article 5 Parties. The 18 month-cycle of the Meetings of the Parties will not provide for a meeting in 2003. Either the decision should be amended or a meeting should be held in 2003 in order for Parties to implement decision IX/5.

(c) Term of office of the Executive Committee of the Multilateral Fund:

The term of office of the members of the Executive Committee of the Multilateral Fund is based on a calendar year commencing on 1 January of the year after the date of their endorsement by the Meeting of the Parties (Decision IX/16(a)). Parties need to amend this decision to appoint members for a period of 18 months instead of one year. The term of office can be from 1 July to 31 December or from 1 January to 30 June. Paragraph 3 of the Terms of Reference of the Executive Committee providing for rotation of the office of Chairman and Vice-Chairman annually should be amended.

(d) Term of office and recommendations of the Implementation Committee:

Members of the Implementation Committee under the Non-compliance procedure for the Montreal Protocol are elected for two years with half of them replaced at each annual

Meeting of the Parties (paragraph 5 of the procedure).

The Implementation Committee meets at least twice a year and reports its appropriate recommendations to the Meeting of the Parties for them to take any possible decisions or steps to bring about full compliance with the Protocol (paragraph 9 of the procedure).

The procedure needs amendment to provide for a 3 year membership. From the year 2000 onwards the Meetings of the Parties will review the compliance by the Article 5 and CEIT Parties and the impact of once-in-18 months meeting of the Parties instead of each year on such a review may be considered.

(e) Assessment and review of control measures under Article 6 of the Protocol:

Article 6 provides for assessment and review of control measures at least every four years beginning in 1990. The next assessment, after the 1998 one currently underway, will be in the year 2002. Normally the assessment results are considered by the Parties at their meeting in the following year. Either a meeting should be held in 2003 or the assessment can be reviewed in the year 2004.

(f) Calendar for meetings of the parties based on 18-month cycle and the defined tasks after 1999

Meetings on 18-month schedule	Parties considering Assessment under Article 6 if done every 4 years	Essential uses to be approved for years	COP Vienna Convention	Fund Replenishment approval	Secretariat budgets to be approved for years
November 1999		2000, 2001	X	X	2000, 2001
May 2001		2002, 2003			2002, 2003
November 2002		2004	X	X	2003, 2004
(2003)	X				
May 2004		2005, 2006	X	X	2005, 2006
November 2005		2007			2006, 2007
May 2007	X	2008, 2009			2008, 2009
November 2008		2010	X	X	2009, 2010
May 2010					

48. **Proposal for action:** Even though the proposal by the Working Group requested the Secretariat to report only to the Eleventh Meeting, the Secretariat analyzed the implications and is placing its report above before the Tenth Meeting, since, if the Parties decide on a once-in-eighteen months meeting in 1999, the non-Article 5 Parties must be advised in the Tenth meeting itself to include in their essential use nominations being submitted by 31 January 1999, their nomination for the year 2001 also. The Tenth Meeting of the Parties may take appropriate decision.

12. Laboratory and analytical uses

49. By decision IX/17, the Parties had exempted, under certain conditions, the production and consumption of ozone-depleting substances in Annexes A and B of the Protocol for laboratory and analytical uses for 1999. The Technology and Economic Assessment Panel has since considered this matter further and recommended two options which were discussed by the seventeenth meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/17/3). A draft decision by the Working Group has been forwarded to the Tenth Meeting of the Parties in document UNEP/OzL.Pro.10/7.

50. Proposal for action: The Tenth Meeting of the Parties may wish to consider the recommendation of the Working Group and take appropriate decision.

ANNEX I

ACTION TAKEN ON THE DECISIONS OF THE NINTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

Decision IX/1. Further adjustments with regard to Annex A substances

1. On 5 December 1997, the Secretary-General of the United Nations, acting in his capacity as Depositary of the Protocol, communicated to all Parties to the Protocol the adjustments with regard to Annex A substances, adopted by the Ninth Meeting of the Parties. In accordance with Article 2, paragraph 9, of the Protocol, the adjustments entered into force on 5 June 1998, i.e., six months following the date of the notification.

Decision IX/2. Further adjustments with regard to Annex B substances

2. The adjustments relating to Annex B substances adopted by decision IX/2 were communicated to all Parties by the United Nations Secretary-General, on the same date and in the same form as those relating to Annex A substances (see para. 1 above). The adjustments entered into force on 5 June 1998.

Decision IX/3. Further adjustments and reductions with regard to the Annex E substance

3. The adjustments and reductions relating to the Annex E substance also entered into force on 5 June 1998, having been communicated by the Secretary-General to all Parties according to the same procedure, on the same date and in the same form as the adjustments with regard to Annex A and B substances (see paras. 1 and 2 above).

Decision IX/4. Further Amendment of the Protocol

4. The Montreal Amendment to the Protocol, adopted by the Ninth Meeting of the Parties in its decision IX/4, was communicated to all Parties by the Secretary-General of the United Nations, acting in his capacity as Depositary of the Protocol, in Depositary Notification C.N.468.1997.TREATIES-4/1, in the six official languages of the United Nations on 5 December 1997.

5. In accordance with Article 3, paragraph 1, of the Amendment, it shall enter into force on 1 January 1999, provided that at least 20 instruments of ratification, acceptance or approval have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled. To date only two Parties (Canada and Chile) have ratified the Amendment.

Decision IX/5. Conditions for control measures on Annex E substance in Article 5 Parties

6. A copy of decision IX/5 was sent to the Multilateral Fund Secretariat and to the Technology and Economic Assessment Panel (TEAP). The Multilateral Fund Secretariat in conjunction with the Implementing Agencies, TEAP and other relevant stakeholders held a workshop in order to develop a strategy and guidelines for investments projects in the methyl bromide sector. At its twenty-fourth meeting, held in Montreal from 25 to 27 March 1998, the Executive Committee of the Multilateral Fund approved the strategy and guidelines for projects in the methyl-bromide sector as contained in document UNEP/OzL.Pro/ExCom/24/47, annex IV.

Decision IX/6. Critical-use exemptions for methyl bromide

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

Decision IX/7. Emergency methyl-bromide use

8. In its report of April 1998, the Technology and Economic Assessment Panel discussed the adequacy of the provision of a 20 tonnes allowance in the event of a potential emergency. The Methyl Bromide Technical Options Committee had difficulty in identifying any emergency situation that would not be covered by quarantine and pre-shipment (QPS) exemptions. It also noted that the frequency of potential use under emergency use provisions is dependent on the decisions by the Parties. Furthermore, Methyl Bromide Technical Options Committee discussed likely examples for potential emergency use of methyl bromide and other possible emergency situations. It concluded that 20 tonnes of methyl bromide is sufficient to treat even very large storages, mills or other premises adding that treatment of a very large mill or food processing premises would take less than 10 tonnes of methyl bromide, while 20 tonnes of methyl bromide will treat around 50 hectares of soil.

Decision IX/8. Licensing system

9. In November 1997, the Secretariat requested each Party to submit contact details of the officer to whom information on the import and export of ozone-depleting substances should be directed. The first list of such addresses was circulated to all Parties in March 1998 and the next updated list was circulated during the meeting of the Open-ended Working Group of the Parties in July 1998 and also mailed to all Parties. Additional information received subsequent to the two circulations has been updated and will also be circulated to all Parties in October 1998. UNEP under the OzonAction Programme has completed and distributed a guidebook on the licensing system to assist Parties in implementing this decision and the Amendment to the Protocol. At every meeting of the Regional networks of the ozone focal points, the principles and operation of licensing systems are discussed and Parties encouraged to put in place such systems.

Decision IX/9. Control of export of products and equipment
whose continuing functioning relies on Annex A and
Annex B substances

10. In January 1998, the Secretariat transmitted the contents of decision IX/9 to all Parties and requested them to adopt legislative and administrative measures to control the export of products and equipment whose continuing functioning relies on Annex A and B substances. All Parties were requested to report to the Secretariat on measures taken to implement this decision. The information received from Parties is being updated to be submitted to the Tenth Meeting of the Parties to the Montreal Protocol.

Decision IX/10. Ratification of the Vienna Convention,
the Montreal Protocol and the London and
Copenhagen Amendments

11. Through a letter sent in January 1998, the Secretariat invited the Parties who have not ratified the amendments to do so. As of 28 July 1998, there were 166 Parties to the Vienna Convention, 165 to the Montreal Protocol, 123 to the London Amendment, and 80 to the Copenhagen Amendment, while two Parties had ratified the Montreal Amendment. At its meeting in March 1998, the Executive Committee of the Multilateral Fund sanctioned methyl-bromide projects only for Parties that have ratified the Copenhagen Amendment or have declared their intention to do so. Methyl-bromide project proposals from other Parties were not approved but were retained in the work programmes until the Parties submitted a letter declaring their intent to ratify the Amendment within nine months, after which time the Committee could re-examine the proposals.

Decision IX/11. Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

12. Letters were sent out to 109 Parties reminding them to submit missing data on ozone-depleting substances (ODS) for the period 1986-1996. Reminders (in writing and by telephone) to submit as soon as possible annual ODS data reports for 1995 and 1996 have been sent out regularly to Parties that have not yet done so.

Decision IX/12. Membership of the Implementation Committee

13. The twentieth meeting of the Implementation Committee took place in Geneva on 6 July 1998 and another one will be held in Cairo on 16 November 1998. The reports of the Committee are sent out to all Parties as well as pertinent non-compliance issues deserving the attention and decision by Parties.

Decision IX/13. Membership of the Executive Committee of the Multilateral Fund

14. No action was required of the Secretariat with respect to this decision.

Decision IX/14. Measures taken to improve the Financial Mechanism and technology transfer

15. The representative of the Netherlands (in the delegation of Belgium), speaking in the Executive Committee meeting held from 25 to 27 March 1998, on behalf of the Informal Group on Technology Transfer (IGTT), reported that the Group had met during the course of the twenty-second, twenty-third and twenty-fourth meetings of the Executive Committee to prepare advice on what steps could be taken to eliminate potential impediments to the transfer of ozone-friendly technologies. The informal group had held extensive discussions to formulate a common position, as requested by the Eighth Meeting of the Parties, but to date no full agreement could be reached.

Decision IX/15. Production sector

16. Decision IX/15 was conveyed to the Multilateral Fund Secretariat for necessary action. At its March meeting, the Executive Committee approved US\$600,000 for conducting technical audits and requested its subgroup on the production sector to examine the issues related to timing and funding of production-sector related activities at its next meeting.

Decision IX/16. Terms of reference of the Executive Committee

17. The Secretariat took note of the decision as no action was called for.

Decision IX/17. Essential-use exemption for laboratory and analytical uses of ozone-depleting substances

18. Decision IX/17 exempted, under certain conditions, the production and consumption of substances in Annexes A and B of the Protocol for laboratory and analytical uses for the year 1999. The Technology and Economic Assessment Panel has considered this issue and suggested two options for consideration. The options were discussed by the seventeenth meeting of the Open-ended Working Group of the Parties and a draft decision recommended to the Tenth Meeting of the Parties.

Decision IX/18. Essential-use nominations for non-Article 5 Parties for controlled substances for 1998 and 1999

19. The following six Parties submitted essential-use nominations for approval in 1998 by the Tenth Meeting of the Parties: Australia, Canada, European Community, Poland, the Russian Federation and United States of America. The nominations were considered by the Technology and Economic Assessment Panel and its Technical Options Committees (TOCs) and its recommendations discussed by the seventeenth meeting of the Open-ended Working Group of the Parties. The essential use exemptions

recommended by the Working Group to the Tenth Meeting of the Parties are contained in an annex to the draft decisions in document UNEP/OzL.Pro.10/7.

Decision IX/19. Metered-dose inhalers (MDIs)

20. This decision was considered by both the Technology and Economic Assessment Panel and the seventeenth meeting of the Open-ended Working Group of the Parties with a conclusion that a rigid global transition strategy may not be appropriate in view of the widely differing circumstances of individual Parties as well as several potential impediments to the rapid transition to CFC-free MDIs. A draft decision by the Working Group has been forwarded to the Tenth Meeting of the Parties.

Decision IX/20. Transfer of essential-use authorizations for CFCs for MDIs

21. No requests for the transfer of essential-use authorizations for CFCs for MDI have been received so far by the Secretariat.

Decision IX/21. Decommissioning of non-essential halon systems in non-Article 5 Parties

22. In decisions VIII/17 and IX/21, the Technology and Economic Assessment Panel and its Halon Technical Options Committee (HTOC) were requested to report on the feasibility of early decommissioning of halon systems. The 1998 report of the Technology and Economic Assessment Panel, containing detailed information on this issue was considered by the Open-ended Working Group at its seventeenth meeting and a draft decision on national halon management strategies forwarded to the Tenth Meeting of the Parties.

Decision IX/22. Customs codes

23. The Executive Director of UNEP requested the World Customs Organization (WCO) to revise an earlier decision by WCO assigning only one customs code number for the HCFCs, and to assign separate customs code numbers for the commonly marketed mixtures containing ozone-depleting substances. A proposal for a revised new draft decision, prepared by WCO in consultation with the Ozone Secretariat, recommends separate national codes under the Harmonized System subheading No. 2903.49 for the most commonly used HCFCs. This proposal has been submitted to WCO and is currently under examination by the Harmonized System Committee of WCO. The Secretariat has provided WCO with a list prepared by the Technology and Economic Assessment Panel of commonly marketed mixtures containing ODS (decision IX/28, para.4).

Decision IX/23. Continuing availability of CFCs

24. No Party has reported to the Secretariat any action to implement decision IX/23.

Decision IX/24. Control of new substances with ozone-depleting potential

25. In its progress reports of April 1997 and April 1998, the Solvents Technical Options Committee informed the Parties that two substances with likely ODPs were being globally marketed - chlorobromoethane (CBM) and n-propyl bromide. Subsequent to decision IX/24, the Government of the Netherlands notified the Secretariat that n-propyl bromide was likely to have substantial production.

26. The Scientific Assessment Panel and the Technology Economic Assessment Panel have assessed the ozone-depleting potential (ODP) of these chemicals and concluded that Chlorobromomethane has an atmosphere lifetime of 0.40 years (146 days) and an ODP of 0.11-0.13 while N-propyl bromide (1-bromo-propane) has an atmospheric lifetime of 0.03 year (11 days) and an ODP of 0.006.

27. The seventeenth meeting of the Open-ended Working Group considered this issue but no recommendation was made to the Tenth Meeting of the Parties.

Decision IX/25. Special report on Aviation and the
Global Atmosphere

28. This special report is being prepared in collaboration with the Intergovernmental Panel on Climate Change (IPCC) and the International Civil Aviation Organization (ICAO). The draft report has been distributed as IPCC Special Report on Aviation and the Global Atmosphere for scientific and technical review to individual experts and non-governmental organizations. There was a review meeting of this report in Geneva from 8 to 10 June 1998 and an updated draft will be circulated for review by Governments during August and September 1998. Further updated drafts will then be circulated for final Government consideration prior to the joint session of IPCC Working Groups 1 and 3 scheduled for March/April 1999, where the policy makers' summary of the report will be considered and the report approved.

Decision IX/26. Application of the Republic of Moldova for
developing country status under the Montreal Protocol

29. Decision IX/26 was communicated to the Republic of Moldova and to the secretariats of the Multilateral Fund and the Global Environment Facility.

Decision IX/27. Application of South Africa for developing
country status under the Montreal Protocol

30. Decision IX/27 was communicated to South Africa and to the secretariats of the Multilateral Fund and the Global Environment Facility.

Decision IX/28. Revised formats for reporting data under
Article 7 of the Protocol

31. The revised formats for reporting data under Article 7 of the Protocol in 1997 and onwards was dispatched to all Parties and, simultaneously, an electronic version of the formats was placed on the Ozone Secretariat Web page for downloading.

Decisions IX/29 and IX/30. Compliance with the Montreal
Protocol by Latvia and Compliance with the Montreal
Protocol by Lithuania

32. Following the adoption of decisions IX/29 and IX/30 of the Ninth Meeting of the Parties to the Montreal Protocol, the Secretariat conveyed the texts of the decisions to the Governments of Latvia and Lithuania. Both Governments were requested to implement the contents of those decisions. Lithuania ratified both the London and Copenhagen Amendments on 3 February 1998 but Latvia is yet to do so, contrary to its statement to the Implementation Committee and Parties to the Montreal Protocol that the ratification process of the London Amendment would be completed by October 1997.

33. Both Governments were further requested to prepare a brief update on compliance with the Montreal Protocol in accordance with paragraph 4 of decisions IX/29 and IX/30, respectively, for consideration by the Implementation Committee. Latvia was also reminded to provide information on the steps being made to complete the ratification of the London Amendment. The information provided by these Parties was placed before the Implementation Committee at its twentieth meeting in Geneva on 6 July 1998. The Committee's recommendations will be placed before the Tenth Meeting of the Parties.

Decision IX/31. Compliance with the Montreal Protocol
by the Russian Federation

34. Decision IX/31 was noted by the Secretariat and any situation of non-compliance will be referred to the Implementation Committee.

Decision IX/32. Non-compliance by the Czech Republic
with the freeze in consumption of methyl bromide in 1995

35. Decision IX/32 was conveyed to the Czech Republic. In accordance with paragraph 3 of the decision, no action was required.

Decision IX/33. Request by Brunei Darussalam for reclassification
as a Party operating under paragraph 1 of Article 5

36. This decision was conveyed to UNEP as Treasurer of the Multilateral Fund to remove Brunei Darussalam from the list of contributors to the Multilateral Fund in the light of its reclassification as a Party operating under Article 5 of the Protocol.

Decision IX/34. Compliance with the Montreal Protocol

37. The Secretariat took note of the decision.

Decision IX/35. Review of the non-compliance procedure

38. The Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance established under decision IX/35 met in Geneva on 3-4 July 1998. A progress report of the Group was presented by Co-Chairs to the Open-ended Working Group at its seventeenth meeting. Another session of the Ad Hoc Working Group is scheduled in Cairo on 17 November 1998 after which, a report of the Group with any possible recommendations, will be placed before the Tenth Meeting of the Parties.

Decision IX/36. Co-Chairs of the Open-ended Working Group
of the Parties to the Montreal Protocol

39. Mr. Vishwanath Anand from India and Mr. Jukka Uosukainen from Finland served as Co-Chairs of the meetings of the Open-ended Working Group of the Parties to the Montreal Protocol for 1998.

Decision IX/37. Financial matters: financial report
and budgets

40. An up-to-date status of the trust funds for the Montreal Protocol and the Vienna Convention has been communicated to all Parties as document UNEP/OzL.Pro.10/5.

41. From January 1998 to August 1998, 19 meetings were held by the Assessment Panels and the Technical Options Committees. The Secretariat arranged financial support for 120 participants from developing countries and countries with economies in transition at a cost of US\$408,328. An updated status will be distributed at the Tenth Meeting of the Parties.

Decision IX/38. Outstanding contributions to the Multilateral
Fund from Parties not operating under Article 5 that had not
ratified the London Amendment

42. The Treasurer of the Multilateral Fund (UNEP) has taken the necessary action.

Decision IX/39. Refund of contributions by Cyprus
to the Multilateral Fund

43. Decision IX/39 has been communicated to Cyprus and to the Multilateral Fund Secretariat.

Decision IX/40. Tenth Meeting of the Parties to the
Montreal Protocol

44. The Secretariat, in consultation with the Government of Egypt, completed arrangements for convening the Tenth Meeting of the Parties in Cairo from 18-24 November 1998.
