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TENTH MEETING OF THE PARTIES TO
THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete
THE OZONE LAYER
Cairo, 23-24 November 1998

DRAFT DECISIONS

The Tenth Meeting of the Parties decides:

**Decision X/1. Ratification of the Vienna Convention, Montreal Protocol,
London, Copenhagen and Montreal Amendments**

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note that many Parties have yet to ratify the London, Copenhagen and Montreal Amendments to the Montreal Protocol;
3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer;
(Source: Secretariat)

**Decision X/2. Data and information provided by the Parties in accordance
with articles 7 and 9 of the Montreal Protocol**

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that only ... Parties out of that should have reported data for 1996 have reported to date and that only ... Parties have to date reported data for 1997;

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3. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol;
(Source: Secretariat)

Decision X/3. Membership of the Implementation Committee

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of Bolivia, Kenya, Latvia, Pakistan and the United States of America for one further year and to select as members of the Committee for a two-year period;
(Source: Secretariat)

Decision X/4. Membership of the Executive Committee of the Multilateral Fund

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 1998;
2. To endorse the selection of, as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of, as members representing Parties operating under paragraph 1 of Article 5, for one year effective 1 January 1999;
3. To endorse the selection of to act as Chair and of to act as Vice-Chair of the Executive Committee for one year effective 1 January 1999;
(Source: Secretariat)

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

- To endorse the selection of and as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1999;
(Source: Secretariat)

Decision X/6. Essential-use nominations for non-Article 5 Parties for controlled substances for 1999 and 2000

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, and halon 2402 for fire protection are authorized as specified in annex to the report of the Tenth Meeting of the Parties;¹ subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;
3. To approve the authorization by the Secretariat in consultation with the Technology and Economic Assessment Panel of the emergency uses of 1.7 tonnes of CFC-113 for torpedo maintenance submitted as an essential-use nomination by Poland;
4. That the quantities approved in paragraph 2 above and all future approvals are for total CFC volumes with flexibility between CFCs within each group;
(Source: Paragraphs 38, 42, 47, 48 and 49 of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/7. Halon-management strategies

- That Parties should develop national halon management strategies that address their projected critical-use needs for halons, options for decommissioning, options for halon storage and management and options for disposal of excess halons;

Decision X/8. New substances with ozone-depleting potential

[.....]

(Source: Paragraphs 59-65 of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/9. Establishment of a list of countries that do not wish to import products and equipment whose continuing functioning relies on Annex A and Annex B substances

- [1. To recall that decision IX/9 recommends:
 - (a) That each Party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products, equipment, components and technology whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision I/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

¹ Annex I to this document.

- (b) That non-Article 5 Parties adopt appropriate measures to control, in cooperation with importing Article 5 Parties, the export of used products and equipment, other than personal effects, whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol;
2. To note that, in order to facilitate the implementation of such export measures, affected importing Parties need also to take appropriate steps to give effect to such measures;
3. To invite importing Parties to inform the Secretariat of the types of [new and/or used] products and equipment whose continued use relies on the supply of substances listed in Annex A and Annex B of the Protocol that they do not want to receive [and to certify that the manufacturing of the same type of products and equipment does not exist, or is prohibited, on their territory;]
4. To note that Parties may wish to refer to Annex D of the Montreal Protocol in identifying relevant types of products and equipment whose continued use relies on the supply of substances listed in Annex A for possible inclusion on such a list;
5. To request the Secretariat to maintain a list of such Parties that do not want to receive certain products and equipment whose continued use relies on the supply of substances listed in Annex A and Annex B of the Protocol with details regarding the types of such equipment and products;
6. To further request the Secretariat to distribute the list of such Parties at the Eleventh Meeting of the Parties, and distribute regular updates of this list thereafter, as deemed necessary;]
(Source: Annex II, part E of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/10. Review of the non-compliance procedure

[.....]

(Source: Report of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance to be submitted by the Working Group at the Tenth Meeting of the Parties)

Decision X/11. Quarantine and pre-shipment exemption

Noting the Technology and Economic Assessment Panel's findings that over 18 per cent of methyl-bromide use is estimated to have been excluded from control under the quarantine and pre-shipment exemption, and that this use is increasing in some regions according to official data,

Noting also that the operation of the exemption criteria might lead to unnecessary use of methyl bromide;

1. To request the Technology and Economic Assessment Panel, as part of its ongoing work:

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- (a) To assess the volumes and uses of methyl bromide under the quarantine and pre-shipment exemption, including the trend in use since the 1991 base year;
 - (b) To report on the existing and potential availability of alternative substances and technologies, identifying those applications where alternative treatments do not currently exist, and also on the availability and economic viability of recovery, containment and recycling technologies;
 - (c) To report on the operation of quarantine and pre-shipment exemptions as set out in decision VII/5, including the scope of the pre-shipment definition;
 - [(d) To assess the possibility of introducing specific provisions to limit the use and emissions of methyl bromide for quarantine and pre-shipment, elaborating further on their recommendations in previous reports, and taking into account the special circumstances of Parties operating under paragraph 1 of Article 5 of the Protocol;]
 - (e) To submit its findings to the Open-ended Working Group of the Parties to the Montreal Protocol at its first meeting in 1999;
2. To request the Open-ended Working Group, in the light of the report of the Technology and Economic Assessment Panel, to make any appropriate recommendations for consideration by the Eleventh Meeting of the Parties;
 3. To request the Parties to submit to the Secretariat by 31 December 1999 a list of regulations that mandate the use of methyl bromide for quarantine and pre-shipment treatments;
 4. To remind the Parties of the need to report on the volumes of methyl bromide consumed under the quarantine and pre-shipment exemption as set out in decision IX/28;
(Source: Annex II, part B, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/12. Quarantine and pre-shipment exemptions for methyl bromide

- To request the Technology and Economic Assessment Panel to review and report on the International Plant Protection Convention (IPPC) amendment to its quarantine and non-quarantine pests definitions, and the FAO/IPPC structure relative to the use of pesticides for regulated non-quarantine pests, to help determine whether clarification of the definitions of quarantine and pre-shipment, taking into account these FAO/IPPC usages, would help encourage consistency in the quarantine and pre-shipment definitions;
(Source: Annex II, part C, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/13. Terms of reference for a study on the 2000-2002 replenishment of the Multilateral Fund

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Eleventh Meeting of the Parties, and present it through the Open-ended Working Group at its [nineteenth] meeting, to enable the Eleventh Meeting of the Parties to take a decision on the appropriate level of the 2000-2002 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, *inter alia*:
 - (a) All control measures, and relevant decisions, agreed by the Parties to the Montreal Protocol, including decisions agreed by the Tenth Meeting of the Parties, in so far as these will necessitate expenditure by the Multilateral Fund during the period 2000-2002;
 - (b) The need to allocate resources to enable all Article 5 Parties to maintain compliance with the Montreal Protocol;
 - (c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including the production sector) and non-investment projects;
 - (d) Approved country programmes;
 - (e) Financial commitments in 2000-2002 relating to sectoral phase-out projects agreed by the Executive Committee;
 - (f) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its Implementing Agencies;
 - (g) The impact that the controls and country activities are likely to have on the supply and demand for ozone-depleting substances, and the effect this will have on the cost of ozone-depleting substances and the resulting incremental cost of investment projects during the period under examination;
 - (h) Administrative costs of the Implementing Agencies, taking into account paragraph 6 of decision VIII/4, and the cost of financing the secretarial services of the Multilateral Fund, including holding meetings;
- [2. That, in undertaking this task, the Technology and Economic Assessment Panel should consult widely with relevant persons and institutions and other relevant sources of information deemed useful;]
3. That the Panel shall strive to complete its work in time to enable its report to be distributed to all Parties two months before the [nineteenth] meeting of the Open-ended Working Group; *(Source: Annex II, part F, of the report of the seventeenth meeting of the Open-ended Working Group)*

Decision X/14. Process agents

Noting with appreciation the report of the Technology and Economic Assessment Panel and the Process Agent Task Force in response to decision VII/10,

Noting the findings of the Technology and Economic Assessment Panel that emissions from the use of ozone-depleting substances as process agents in non-Article 5 Parties are comparable in quantity to the insignificant emissions of controlled substances from feedstock uses, and that yet further reductions in use and emissions are expected by 2000,

Noting also the Technology and Economic Assessment Panel's findings 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, but that reductions in these emissions can be achieved in a cost-effective manner,

Recognizing the usefulness of having the controlled substances produced and used as process agents clearly delineated within the Montreal Protocol,

1. That, for the purposes of this decision, the term "process agents" should be understood to mean the use of controlled substances for the applications listed in table A below;²
2. For non-Article 5 Parties, to treat process agents in a manner similar to feedstock for 1998 and until 31 December 2001;
3. That quantities of controlled substances produced or imported for the purpose of being used as process agents in plants and installations in operation before 1 January 1999, should not be taken into account in the calculation of production and consumption from 1 January 2002 onwards, provided that:
 - (a) In the case of non-Article 5 Parties, the emissions of controlled substances from these processes have been reduced to insignificant levels as defined in table B below;³
 - (b) In the case of Article 5 Parties, the emissions of controlled substances from process-agent use have been reduced to levels agreed by the Executive Committee to be reasonably achievable in a cost-effective manner without undue abandonment of infrastructure;

² The list will contain the applications identified by Technology and Economic Assessment Panel on page 77 of volume II of its April 1997 report, together with any other applications which are agreed by the Parties.

³ The table will be based on the predicted levels for the year 2000 as contained in table 2.2 on page 89 of volume II of the April 1997 report of the Technology and Economic Assessment Panel.

4. That all Parties should:
 - (a) Report to the Secretariat by 30 September 2000 and each year thereafter on their use of controlled substances as process agents, the levels of emissions from those uses and the containment technologies used by them to minimize emissions of controlled substances;
 - (b) In reporting annual data to the Secretariat for 2000 and each year thereafter, provide information on the quantities of controlled substances produced or imported by them for process-agent applications;
5. That the incremental costs of a range of cost-effective measures to reduce emissions of controlled substances from process-agent uses in Article 5 Parties to the levels referred to in paragraph 3 (b) above should be eligible for funding in accordance with the rules and guidelines of the Executive Committee of the Multilateral Fund;
6. That the Executive Committee of the Multilateral Fund should, as a matter of priority, develop funding guidelines and begin to consider initial project proposals;
7. That Parties should not install or commission new plant using controlled substances as process agents after 31 December 1998, unless the Meeting of the Parties has decided that the use in question meets the criteria for essential uses under decision IV/25;
8. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Meeting of the Parties in 2001 on the progress made in reducing emissions of controlled substances from process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances;
(Source: Annex II, part G, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/15. Exports of controlled substances in Annex A and Annex B to the Montreal Protocol from non-Article 5 Parties to meet the basic domestic needs of Article 5 Parties

Aware that Parties operating under Article 5 are taking measures under the Protocol to limit their production of ozone-depleting substances in Annex A,

Concerned that this reduction should not be offset by any unnecessary increase in exports of controlled substances from non-Article 5 Parties under the provisions of Article 2 of the Protocol,

- To request the Technology and Economic Assessment Panel:
 - (a) To make an assessment of the quantities of controlled substances in Annex A to the Protocol likely to be required and produced by Parties operating under Article 5 of the Protocol for the period 1999-2010;

/...

(b) To make an assessment of the quantities of controlled substances in Annex A to the Protocol which need to be produced and exported by Parties not operating under Article 5 in order to meet the basic domestic needs of Parties operating under Article 5 during the period 1999-2010;

(c) To make appropriate recommendations to the Open-ended Working Group in time for the issue to be considered by the Eleventh Meeting of the Parties;

(Source: Annex II, part H, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/16. Implementation of the Montreal Protocol in the light of the Kyoto Protocol

- [1. To note that the Conference of the Parties to the United Nations Framework Convention on Climate Change adopted the Kyoto Protocol to the Convention at its third session, held in Kyoto from 1 to 11 December 1997;
2. To note that the Kyoto Protocol requires Parties listed in Annex I of the Convention to ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A of the Protocol do not exceed their assigned amounts as listed in Annex B, during the first commitment period of 2008-2012;
3. To note that the basket of greenhouse gases controlled under the Kyoto Protocol includes hydrofluorocarbons (HFCs), in view of their high global warming potentials;
4. To note that the Technology and Economic Assessment Panel has identified HFCs as alternative substances to CFCs, and some Parties have already changed over, and others are changing over, to such HFC technologies;
- [5. To request the Technology and Economic Assessment Panel, in consultation as appropriate with the relevant scientific and technical bodies of the Framework Convention on Climate Change:
 - [(a) To assess the implications for implementation of the Montreal Protocol of any measures to control the emission of HFCs under the Kyoto Protocol that Parties listed in Annex B to the Kyoto Protocol may adopt and to report its findings;]
 - [(b) To report on the existing and potential availability of alternatives to HFCs and technologies, identifying those applications where suitable alternatives are not currently available, and on the technical and economic viability of such alternative technologies;]]

(Source: Annex II, part J, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/17. Production sector

Noting the recent estimation by the Technology and Economic Assessment Panel of high atmospheric emissions of carbon tetrachloride (almost 41,000 tonnes in 1996), out of which about 70 per cent was contributed by use of carbon tetrachloride as a feedstock to produce CFCs,

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Noting the assessment of the Technology and Economic Assessment Panel that closure of CFC-manufacturing facilities in Article 5 Parties and Parties with economies in transition with accelerated introduction of alternatives could lead to a reduction in carbon tetrachloride emissions to the environment,

Noting that the Ninth Meeting of the Parties had requested the Executive Committee to accelerate the formulation of guidelines for funding the production sector and subsequent approval of relevant projects in this sector,

1. To request the Executive Committee to complete the task of formulation of guidelines for funding the production sector on a priority basis and expeditiously;
2. To further request the Executive Committee to facilitate the formulation of projects for funding the CFC-production sector and their subsequent approval on a priority basis.
(Source: Annex II, part L, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/18. Amendment of rule 18 of the rules of procedure to allow credentials to be issued by someone other than the Head of State or Minister of Foreign Affairs

- To amend rule 18 of the rules of procedure to read as follows:

"The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or by any other person of authority specifically authorized for that purpose by them or, in the case of a regional economic integration organization, by the competent authority of that organization."

(Source: Annex II, part I, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/19. Periodicity of the Meetings of the Parties

- [1. That the Secretariat of the Montreal Protocol and Vienna Convention should consult with the secretariats of other major environmental conventions before proposing the dates for future meetings;
2. That the Secretariat of the Montreal Protocol and Vienna Convention should strive to schedule meetings for, as nearly as possible, only the number of days that are necessary to allow the Parties to complete their work in an effective manner. The determination of the number of days necessary should involve consultations with the Co-Chairs of the Open-ended Working Group of the Parties on the basis of the likely agenda for the year;]
3. That, considering the desirability of holding the Meeting of the Parties only when substantial action is required by senior government officials, the Secretariat be requested to report to the Eleventh Meeting of the Parties, through the Open-ended Working Group at its first meeting

in 1999, on changes to existing Protocol procedures that might have to take place if the Parties should decide, at some future time, to hold Meetings of the Parties once every 18 months rather than annually;

(Source: Annex II, part K, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/20. Exemption for laboratory and analytical uses

- [1. To extend the global laboratory and analytical essential-use exemption to 2005 so long as the exemption meets the conditions in annex II to the report of the Sixth Meeting of the Parties, subject to paragraph 3 below;
2. To request the Technology and Economic Assessment Panel to report annually on the development of laboratory and analytical procedures that can be performed without controlled substances in Annex A and Annex B of the Protocol, for recommendation to the Parties to be included in the annex below;
3. That, for Parties not operating under Article 5 of the Protocol, production and consumption of controlled substances necessary to satisfy the global laboratory and analytical essential-use exemption will not be authorized for a specific laboratory and analytical use beginning two years following the listing of such laboratory and analytical use in the annex below unless the Parties agree to a specific essential-use exemption for that use;

Annex

LABORATORY AND ANALYTICAL USES FOR WHICH CONTROLLED SUBSTANCES CANNOT BE OBTAINED UNDER THE ESSENTIAL-USE EXEMPTION (NEGATIVE LIST) AND THE YEARS WHEN THE RESTRICTION APPLIES

1. The testing of oil, grease and total petroleum hydrocarbons in surface and sea waters and industrial and domestic aqueous waste, including the testing of water that is separated from oil and discharged from offshore drilling and production platforms in 2001 and subsequent years.
2. The testing of tar in road-paving material by dissolving tar and separating it from the aggregate in 2001 and subsequent years.
3. Forensic finger-printing in 2001 and subsequent years.
(Source: Annex II, part D, of the report of the seventeenth meeting of the Open-ended Working Group)

Decision X/21. Non-compliance with the Montreal Protocol by the Czech Republic

- (a) To note the Czech Republic's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;

/...

- (b) To note the information provided by the Czech Republic with respect to ozone-depleting substances phase-out activities within the Czech Republic, including its expected compliance in 1997;
- (c) To note that, as the Czech Republic has been out of compliance with the controls on different substances for 1994, 1995 and 1996, respectively, there is an expectation that failure to achieve compliance in the future will result in a recommendation by the Committee for specific actions to address this persistent non-compliance;
- (d) To note that no further action will be necessary so long as the Czech Republic meets its stated commitment to a complete phase-out of ozone-depleting substances and its expected compliance in 1997 and 1998.

(Source: Paragraph 61 of the report of the twentieth Implementation Committee)

Decision X/22. Financial matters: financial report and budgets

- 1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1997 as contained in document UNEP/OzL.Pro.10/5;
- 2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties as set out in annex ... to the report of the Tenth Meeting of the Parties;
- 3. To approve the revised budget of US\$ for 1999 and proposed budget of US\$ for 2000, as set out in annex to the report of the Tenth Meeting of the Parties;
- 4. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the three Assessment Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

(Source: Secretariat)

Decision X/23. Measures taken to improve the Financial Mechanism and technology transfer

[.....]

(Source: Decision IX/14 of the Ninth Meeting of the Parties to the Montreal Protocol)

Decision X/24. Global Environment Facility (GEF)

- To note with appreciation the assistance given by the GEF Council to the countries with economies in transition;

Decision X/25. Eleventh Meeting of the Parties to the Montreal Protocol

- To convene the Eleventh Meeting of the Parties to the Montreal Protocol in [Nairobi], in November 1999.

(Source: Secretariat)

Annex

ESSENTIAL-USE EXEMPTIONS RECOMMENDED BY THE OPEN-ENDED WORKING GROUP FOR 1999-2000
(in metric tonnes)

Party	CFC-11		CFC-12		CFC-113		CFC-114		Halon-2402
	1999	2000	1999	2000	1999	2000	1999	2000	
1. Australia	45.0	63.0	90.0	153.7	--	--	--	3.3	1999
2. Canada *		--		--	--	--	--	--	--
2. European Community		1,415.0	--	2,057.0	0.1	6.1	--	292.0	--
3. Poland **	120.0	125.0	235.0	245.0	1.7	--	25.0	30.0	--
4. Russian Federation	--	--	--	--	--	--	--	--	160.0
5. United States of America ***	--	1,013.0	--	2,391.0	--	--	--	331.0	--
TOTAL	165.0	2,616.0	325.0	4,846.7	1.8	6.1	25.0	656.3	160.0

* 140 ODP tonnes of CFC for each of the years 1999 and 2000.

** 1,700 kilograms (1.7 metric tonnes) of CFC-113 for torpedo maintenance was authorized as an emergency use for 1997 and for 1998, by the Ozone Secretariat, in consultation with the Technology and Economic Assessment Panel and its Solvents Technical Options Committee.

*** It is not requested that the quantity of methyl chloroform already allocated be changed. It is requested and unanimously recommended by the Technology and Economic Assessment Panel and its Solvents Technical Options Committee that the remaining authorized quantity of methyl chloroform be made available for use in manufacturing solid rocket motors until such time as the 1999-2001 quantity of 176.4 tonnes (17.6 ODP-weighted tonnes) allowance is depleted, or until such time as safe alternatives are implemented for remaining essential uses.
