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OPEN-ENDED WORKING GROUP OF THE
PARTIES TO THE MONTREAL PROTOCOL
Seventh meeting
Geneva, 8-17 July 1992

ANNOTATIONS TO THE PROVISIONAL AGENDA

3. *Substantive matters*

(a) *Further consideration of the proposals for adjustments and amendments to the Montreal Protocol, communicated to the Parties to the Protocol*

1. During the sixth meeting of the Open-Ended Working Group, held in Geneva from 6 to 14 April 1992, several proposals for adjustment and amendment of the Protocol were submitted by Parties. The substance of most of the proposals were framed in appropriate legal language by the Legal Drafting Group. These proposals, contained in document UNEP/OzL.Pro.4/2, together with five others, annexed to the report of that meeting (UNEP/OzL.Pro/WG.1/6/5), which were submitted too late for consideration by the Legal Drafting Group were circulated to all Governments in May 1992. The Working Group may wish to further consider these proposals.

(b) *Further elaboration of any remaining details of the various components of the Financial Mechanism*

2. The issues raised under this item during the sixth meeting of the Working Group included timely contribution to the Interim Multilateral Fund, follow-up on the commitment to contribute "additional" financial resources, definition of "additional", procedures of the United Nations Development Programme and the World Bank, reporting by the Executive Committee, inability of some Parties to contribute to the Fund and the percentage of the bilateral contributions which could be set off against the contributions to the Fund. The Working Group may wish to discuss these matters further and make its recommendations.

(c) *Review and development of an indicative list of categories of incremental costs*

3. At the sixth meeting of the Open-Ended Working Group, some suggestions were put forward on the indicative categories of incremental costs (see UNEP/OzL.Pro/WG.1/6/5. paras. 77-80). The Working Group decided to discuss the matter further at its meeting in July 1992 in the light of further information from the Executive Committee of the Fund. The next meeting of the Executive Committee is from 24 to 26 June 1992, and its conclusions will be available to the Working Group during its seventh meeting.

(d) *Criteria for future classification as a developing country for the purpose of the Montreal Protocol*

4. During the sixth meeting of the Working Group, various views were expressed on criteria for future classification as a developing country for the purpose of the Montreal Protocol. While some delegates urged caution to avoid upsetting the balance achieved by the Parties to the Protocol, others suggested that it was desirable to establish objective criteria on classification. The Working Group is invited to further consider this issue.

(e) Review of relevant articles in order to consider possible consequences of a Party operating under Article 5 that exceeds the consumption ceiling specified in the Article; measures to clarify the situation of such a Party with respect to Article 2 control measures; and, possible implications of a Party losing its Article 5 status if at the time a member of the Executive Committee

5. The matters under item 3 (e) of the provisional agenda were considered jointly by the Working Group at its sixth meeting. A small ad hoc working group that was set up to examine the questions involved concluded that there was no need for an amendment to the Protocol to address the situation, which could be handled within the existing provisions and mechanisms. The delegation chairing the ad hoc working group offered to prepare the text of an explanatory statement or a clarificatory decision that might give guidance on the use of the provisions and mechanisms. The Working Group may invite that delegation (Canada) to do so and consider the drafts prepared.
