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

1. The Ninth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the headquarters of the International Civil Aviation Organization (ICAO) in Montreal, from 15 to 17 September 1997.

I. OPENING OF THE MEETING

2. The meeting was opened at 10 a.m. on Monday, 15 September 1997, by Ms. Ianthe Smith (Jamaica), Acting President of the Eighth Meeting of the Parties.

A. Statement by the representative of the Government of Canada

3. Speaking on behalf of the Government of Canada, Ms. Christine S. Stewart, Minister of the Environment of Canada, welcomed all participants and said that the meeting offered an important occasion not only to celebrate and to reflect on what had been accomplished, but to renew the commitments undertaken in Montreal ten years previously. The success of the Protocol was the result of an international commitment to prevent global environmental disaster and could serve as a guide to the resolution of other global environmental problems. She was proud to say that Canada, along with a number of other countries, was ahead of schedule in adhering to the control measures of the Protocol. Drawing attention to a study entitled "The Right Choice at the Right Time", which had been commissioned by her Government, she said that its main conclusion was that the benefits of the actions taken to restore the ozone layer far outweighed the costs and had resulted in real benefits, not only for human health and natural resources but also for

business and industries as well. Nevertheless, the Parties must not become complacent. There were challenging issues that still required strong and clear decisions, such as methyl bromide, metered-dose inhalers, licensing systems and non-compliance procedures.

4. The Montreal Protocol had shown that, with the right elements science, cooperation and flexibility international agreements could lead to real progress and real results. She therefore challenged all those present to recommit themselves to the goals of the Montreal Protocol and to rediscover the Montreal momentum that had existed a decade previously. The elements of success of the Protocol should serve as a guide, not just for the current meeting but also in approaching other global environmental challenges in the months and years ahead.

B. Statement by the Executive Director of UNEP

5. Ms. Elizabeth Dowdeswell, Executive Director of UNEP, expressed her gratitude to the Government of Canada for hosting the Ninth Meeting of the Parties and observed that the tenth anniversary of the conclusion of the Montreal Protocol provided ample cause for celebration, but also for reflection. A unique instrument built on the precautionary principle, the Protocol had achieved impressive and quantifiable results, through a partnership between the developed and the developing world and an acceptance of the concept of differentiated responsibilities and obligations. The Protocol had also bridged the policy/science/technology divide in the search for an understanding of the causes and consequences of ozone depletion and for environmentally, economically and technologically appropriate solutions. She hoped that experience of the Montreal Protocol would encourage similar successes on other environmental issues, notably at the meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Kyoto in December 1997. However, it was not possible to rest on one's laurels: in 1996, the ozone hole over the Antarctica was the longest lasting on record, and dramatic new evidence had emerged about the state of the ozone layer over the Arctic as well. Seen in that light, perhaps the most important issue to be decided by the Ninth Meeting of the Parties was that of the phasing out of methyl bromide. Scientific evidence presented a compelling case for advancing its phase-out in developed countries and for setting a phase-out date for the developing countries. Another issue requiring urgent attention was that of illegal trade in ODS between Parties, as greater volumes of trade led to greater continued use of ODS and continued ozone depletion.

6. Noting that only 21 months remained until freeze on CFC consumption in Article 5 countries would come into force, she said that, although consumption of ODS had doubled in some developing countries in recent years, there had been instances of some such countries, notably Thailand and Cameroon, taking initiatives to phase-out CFCs in advance of their Protocol schedule. Despite those successes, there were several problems in implementation, including the slow pace of ratification of the Copenhagen Amendment, the low number of Parties reporting data in a timely manner, and the trend in the contributions still outstanding to the Multilateral Fund and the Trust Funds for the Vienna Convention and the Montreal Protocol. She therefore appealed to all Governments that had not yet done so to expedite their process of ratification of the London and Copenhagen Amendments. She

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also urged all Parties to pay their 1997 and other outstanding contributions as soon as possible, emphasizing that, for the well-being of future generations, the price that was paid today would indeed be a small one.

7. At the end of her opening statement, the Executive Director bestowed awards for outstanding achievement on the following 12 Article 5 countries which had demonstrated exceptional efforts to implement their commitments to the Montreal Protocol: Burkina Faso, Egypt, Ghana, Islamic Republic of Iran, Malaysia, Peru, Philippines, Singapore, Tunisia, Turkey, Uruguay and Venezuela.

8. She then paid special tribute to officials from a number of organizations, the Global Environment Facility (GEF), the United Nations Office for Project Services (UNOPS), the United Nations Development Programme (UNDP), the United Nations Industrial Development Organization (UNIDO), the World Bank, the World Meteorological Organization (WMO), the Multilateral Fund Secretariat, the United Nations Environment Programme (UNEP) and the Ozone Secretariat. Finally, she paid tribute to her predecessor, Dr. Mostafa K. Tolba, without whose vision and persistence, it would be most unlikely that there would have been a tenth anniversary of the Montreal Protocol to observe.

C. Statement by the President of the Council of the International Civil Aviation Organization (ICAO)

9. Dr. Assad Kotaite, President of the Council of the International Civil Aviation Organization (ICAO), said that Annex 16 to the Convention on International Civil Aviation contained the ICAO environmental protection standards, concerning both aircraft noise and aircraft engine emissions. While the engine emission standards were originally aimed at improving local air quality near airports, the focus of attention had now changed with the emergence of new environmental problems of a global nature to which these emissions might be contributing, including not only depletion of the ozone layer but also climate change and long-range air pollution. In this regard, ICAO was working in cooperation with UNEP and the Intergovernmental Panel on Climate Change to prepare a special report on "Aviation and the Global Atmosphere".

10. ICAO, through its Committee on Aviation Environmental Protection (CAEP), was already exploring means of reducing the impact of aircraft engine emissions. Consequently, if additional policies and measures to control emissions were necessary, ICAO was well placed to respond to the challenge. However, other United Nations policy-making bodies with mandates covering emissions would obviously wish to ensure that any outcome was consistent with their objectives. There was therefore a need for common understanding of who would be doing what, based on an acknowledgement of each body's mandate, mutual cooperation and avoidance of duplication, and he urged the Parties to consider that institutional question within the Montreal Protocol process. In conclusion, he said that it was hoped that the special report might be able to give guidance on whether the expected new generation of supersonic aircraft would have a significant impact on stratospheric ozone depletion and expressed his view that there was a need for ICAO and the Montreal Protocol process to work together on the environmental acceptability of those aircraft.

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D. Statement by the Secretary-General of the World Meteorological Organization (WMO)

11. Professor G.O.P. Obasi, Secretary-General of the World Meteorological Organization (WMO), expressed his appreciation to the Government of Canada for hosting the Ninth Meeting of the Parties and pointed to Canada's leading role in ozone-layer monitoring and the development of the Vienna Convention and the Montreal Protocol. Over the past 25 years, total global ozone had declined by about 6-7 per cent, with far higher declines over the middle and polar latitudes. Of major concern was the significant increase in the rate of global ozone decline in the period 1981-1991 compared to the period 1970-1980. The WMO Global Atmosphere Watch, which continued to provide the only data sets for the determination of the long-term ozone trends, was the basis for his organization's authoritative assessments of the past, current and future state of the ozone layer and had served as background material for the measures taken under the Protocol and its Amendments.

12. To arrest the depletion of the stratospheric ozone layer, the Montreal Protocol and its Amendments must continue to be strengthened. At the same time, it was necessary: to continue to improve ozone- and ODS-monitoring capabilities; to intensify the investigation and quantification of stratospheric and tropospheric processes; to give high priority attention to research related to the interaction between ozone and climate and the impact of aircraft emissions; to ensure progress for coordinated and compatible UV-B radiation measurements and their analysis and archiving; and to keep the decision makers and the general public informed. It must be recognized that only through increased information could the effectiveness of the Protocol be assessed. Unfortunately, however, financial support to improve WMO's capability in ozone-monitoring, especially in many developing countries and countries with economies in transition, had not been adequate. He therefore appealed to participants to facilitate their Governments' contribution in that area particularly to the WMO Special Fund for Climate and Atmospheric Environment Studies.

13. Finally, he said that WMO would continue to work, in close cooperation with UNEP, to give the necessary scientific support to the Vienna Convention, the Montreal Protocol and its Amendments, and he wished the Meeting success in its efforts to find ways and means to save the planet's protective ozone layer.

E. Statement by the Acting President of the Eighth Meeting of the Parties to the Montreal Protocol

14. Ms. Ianthe Smith (Jamaica), Acting President of the Eighth Meeting of the Parties, said that the Bureau had met twice since the Eighth Meeting to review the progress on the implementation of the decisions adopted at that Meeting and to review documents prepared by the Secretariat for the Ninth Meeting. Information on the status of implementation of the decisions was contained in the report of the Executive Director (UNEP/OzL.Pro.9/2, annex I). Noting that 25 members of the United Nations were still not Parties to the Protocol, she appealed to the Meeting to encourage and assist them to become Parties as soon as possible. At the same time, it was disappointing that far fewer countries had ratified the London and Copenhagen Amendments to the Montreal Protocol, and she urged of those countries that had not yet ratified those instruments to the Protocol to do so as soon as possible.

15. With regard to the issues before the current Meeting, she said that, following the 1996 replenishment of the Multilateral Fund, which included US\$ 10 million for funding demonstration projects on methyl bromide alternatives, and taking into account the recommendations of the Technology and Economic Assessment Panel, the Parties should now agree on the phase-out schedule of methyl bromide for Article 5 Parties. She expressed her confidence that those Parties would phase-out ODS within a short time. She further noted that developing countries and countries with economies in transition (CEITs) had made good progress in the phase-out of ozone-depleting substances and would continue to do so with funds contributed by the Multilateral Fund and the Global Environment Facility (GEF). With the freeze in the consumption of CFCs by 1 July 1999, a lot of attention should be focused on measures that would enable each developing country to comply with that requirement.

F. Presentation of tokens of appreciation by the Government of China

16. At the opening session of the Meeting, Mr. Wang Yangu, Deputy Administrator, National Environmental Protection Agency (NEPA), China, said that over the past decade, the Ozone Secretariat, the secretariat of the Multilateral Fund, the Ministry of the Environment of Canada, as well as the four Implementing Agencies, namely, the World Bank, UNDP, UNIDO and UNEP, had done a great deal of work to protect the ozone layer and had also provided enormous assistance to China in its efforts to implement the Montreal Protocol on Substances that Deplete the Ozone Layer. Therefore, on the occasion of the tenth anniversary of the Protocol, the China National Environmental Protection Agency, on behalf of all the other relevant departments of the Chinese Government, wished to express its sincere thanks to them and, as a token of its appreciation, to present a tapestry as a gift to each of the above institutions and agencies. The tapestry depicted a pre-historical Chinese legend where Nuwa, a mythical figure mends a hole in the sky with colourful stones. It symbolized the industrious people of the world working hard to mend holes in the ozone layer.

II. ORGANIZATIONAL MATTERS

A. Attendance

17. The meeting was attended by representatives of the following Parties to

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the Montreal Protocol: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, European Community, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Zambia, Zimbabwe.

18. Representatives of the following United Nations bodies and specialized agencies also attended: secretariat of the Convention on Biological Diversity, secretariat of the Global Environment Facility (GEF), International Civil Aviation Organization (ICAO), secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, United Nations Development Programme (UNDP), United Nations Drug Control Programme, United Nations Environment Programme (UNEP), United Nations Industrial Development Organization (UNIDO), United Nations Office for Project Services (UNOPS), World Bank, World Meteorological Organization (WMO).

19. The following intergovernmental and non-governmental bodies and agencies were also represented: 3M Pharmaceuticals, Air Conditioning and Refrigeration Institute (ACRI), Akzo Nobel, Albermarle Corporation, Allergy and Asthma Network, Alliance for Responsible Atmospheric Policy (ARAP), Allied Signal, Allied Signal Europe, American Lung Association (ALA), Asian NGO Coalition for Agrarian Reform and Rural Development (CANGOC), Association of Home Appliance Manufacturers, Asthma and Allergy Foundation of America (AAFA), Boehringer Ingelheim, Boeing, Bromine Compounds Ltd., California Strawberry Commission, Canadian Environmental Network, Canadian Institute of Fisheries Technology, Canadian Meteorological and Oceanographic Society (CMOS), Cannon, Carrier Corporation, Centre Patronale de l'Environnement du Québec, Champs 100% Natural Products Inc., Chemical Manufacturer NAFGT Inc., Chlorine Institute, Codeff-Foe-Chile, Columbia Earth Institute/Biosphere 2 Center, Columbia University, Commission for Environmental Cooperation, Consortium for International Earth Science Information Network (CIESIN), Crop Protection Coalition (CPC), Dead Sea Bromine, Dehon Service, Diamantina Technology, Doukai Chemical Industry Co. Ltd., Dried Fruit Association of California, Dupont Company, ELF Atochem, Environmental Health Coalition, Environmental Investigation Agency, European Association of Soil Fumigators (SAFE), European Chemical Industry Federation (CEFIC), Federation of Pharmaceutical Manufacturers' Associations of Japan (FPMAJ), FRC International Inc., Friends of the Earth, Geo-Centers Inc., Glaxco Wellcome, Great Lakes Chemical Corporation, Greenpeace, Guandong Kelon Electrical Holdings Company, Halon Alternatives Research Corporation (HARC), Harvard

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University, Hedley Technologies Inc., Indian Chemical Manufacturers' Association, Industrial Technology Research Institute (ITRI), International Pharmaceutical Aerosol Consortium (IPAC), International Society of Doctors for the Environment, International Trade Information Service, Japan Association for Hygiene of Chlorinated Solvents (JAHCS), Japan Electrical Manufacturers' Association, Japan Environmental Sanitation Center (JESC), Japan Fluorocarbon Manufacturers' Association (JFMA), Japan Industrial Conference on Cleaning, Japan Industrial Conference for Ozone Layer Protection (JICOP), Japan Refrigeration and Air Conditioning Industry Association (JRAIA), Japan's Save the Ozone Network (JASON), Jung-IL International, Kelon Electrical Holdings Company, Korean Speciality Chemical Industry Association (KSCIA), Lennox International Inc., Les Célébrations du 10e Anniversaire du Protocole de Montréal, Maua Institute of Technology, Methyl Bromide Global Coalition (MBGC), Methyl Bromide Working Group (MBWG), National Refrigerants, Nippon Chemicals Co. Ltd., Otsuka Pharmaceutical Co. Ltd., Penac Trading A.G. Switzerland, Perros Industriale, Pesticide Action Network North America, Polyurethane Council of India, Project Ville en Santé, Rapalmira, Rapam, Refrigerant and Manufacturers' Association, Refrigerant Gas Manufacturers' Association (REGMA), Refrigerant Gases International, Rhône-Poulenc Rorer, Safe, Safety Hi-Tech-Rome, Sanko Chemical Industry Co. Ltd., Schering-Plough Corp., Seiko Epson, Société pour Vaincre la Pollution (SVP), South African Pulmonology Society, Spray Química C.A., State Fire Service Headquarters, STOP (Montreal), Technology Development Foundation (TDF), Teijin Chemicals Ltd., The Pesticides Trust, Trane Company, Transnational Resource and Action Center, Trical, Uni Coop Japan, United Farmworkers of America, Universidad Nacional, Université Pierre et Marie Curie, University of Natal, Vulcan Materials Company, York International Corporation.

B. Election of the President, three Vice-Presidents and the Rapporteur

20. In accordance with rule 21, paragraph 1, of the rules of procedure, the following officers were elected, by acclamation, at the opening session:

President:	Mr. Won-Hwa Park, Republic of Korea (Asian and Pacific Group)
Vice-Presidents:	Ms. Christine Stewart, Canada (Western European and Others Group)
	Mr. Alexandre Solovianov, Russian Federation (Eastern European Group)
	Mr. Eduardo Lopez, Venezuela (Latin America and Caribbean Group)
Rapporteur:	Mr. Yao Komlavi, Togo (African Group)

C. Adoption of the agenda

21. The following agenda was adopted on the basis of the provisional agenda in document UNEP/OzL.Pro.9/1:

1. Opening of the Meeting:

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- (a) Statement by a representative of the Government of Canada;
 - (b) Statement by the Executive Director of the United Nations Environment Programme (UNEP);
 - (c) Statement by the heads of other United Nations agencies present;
 - (d) Statement by the President of the Eighth Meeting of the Parties.
- 2. Organizational matters:
 - (a) Election of the President, three Vice-Presidents and the Rapporteur;
 - (b) Adoption of the agenda;
 - (c) Organization of work;
 - (d) Credentials of representatives.
 - 3. Statements by heads of delegations.
 - 4. Presentation of report by the Co-Chairs of the Open-ended Working Group and consideration of the recommendations of the Open-ended Working Group and decisions on amendments and adjustments to the Montreal Protocol proposed by the Parties, actions to improve the Financial Mechanism and technology transfer, essential-use nominations for ozone-depleting substances, critical agricultural uses and control of trade with non-Parties in methyl bromide, control of exports of ozone-depleting substances, revised formats for reporting data, proposed budgets for the Montreal Protocol Trust Fund and other issues.
 - 5. Consideration of the report of the President of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol.
 - 6. Consideration of the report of the Chair of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol.
 - 7. Date and venue of the Tenth Meeting of the Parties.
 - 8. Other matters.
 - 9. Adoption of the report.
 - 10. Closure of the meeting.

D. Credentials of representatives

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22. Speaking on behalf of the Bureau, the President reported that the Bureau of the Ninth Meeting of the Parties had approved the credentials of the representatives of 88 Parties to the Ninth Meeting of the Parties to the Montreal Protocol, out of 119 Parties represented at the Meeting. The Bureau had also approved provisionally the representation of nine Parties on the understanding that they would send the credentials to the Secretariat in due course.

23. The report of the Bureau was adopted by consensus.

E. Presentation of the 1997 Ozone Awards

24. During a special session on 16 September 1997, the tenth anniversary of the conclusion of the Montreal Protocol, the United Nations Environment Programme (UNEP) presented the 1997 Ozone Awards to 23 individuals and organizations who had made outstanding contributions to the protection of the Earth's ozone layer in the fields of science, technology, policy and implementation, and awareness-building. The 23 award-winners were: Dr. James G. Anderson; Dr. Ralph J. Cicerone; Dr. Richard S. Stolarski; Dr. Susan Solomon; Prof. Christos S. Zerefos; Dr. Edward C. DeFabo; Dr. Robert C. Worrest; Dr. Jonathan Banks; Dr. Suely Machado Carvalho; Dr. Barbara Kucnerowicz-Polak; Dr. Lambert Kuijpers; Dr. Melanie Miller; Mr. John Carstensen; Mr. Ilkka Ristimäki; Mr. Sateev Seebaluk; The Department of Environment - Malaysia; Prof. Willem J. Kakebeeke; Mr. Paul S. Horwitz; Mr. Richard E. Benedick; Ms. Elizabeth Cook; Northern Telecom (NORTEL); Greenpeace International; the Alliance for Responsible CFC Policy.

III. STATEMENTS BY HEADS OF DELEGATION

25. Taking up agenda item 3 at its opening session, the Meeting first heard presentations from the Co-Chairs of the Assessment Panels and statements by the representatives of the Implementing Agencies of the Multilateral Fund, as well as of the Global Environment Facility (GEF) and the United Nations Office for Project Services (UNOPS).

26. Dr. Dan Albritton, Co-Chair of the Scientific Assessment Panel, summarized the current status of the ozone layer. He pointed out that the overall abundance of ozone-depleting substances had peaked in the lower atmosphere in recent years and was now declining. However, the peak in the stratospheric abundance still lay ahead. As a result, depletion of the ozone layer continued, and recovery remained in the future. The Co-Chairs of the Panel then described their plans for the 1998 assessment requested by the Parties. The Panel's work would include the calculation of the relative benefits of future possible decisions regarding further ozone-layer protection, as well as the degree of back-sliding, such as illegal ODS production and use. The Panel would also collaborate with the Intergovernmental Panel on Climate Change to assess the impact of current and potential future aircraft fleets on the ozone layer and the climate system, work which was being carried out in association with the International Civil Aviation Organization.

27. Dr. Lambert Kuijpers, Co-Chair of the Technology and Economic Assessment Panel (TEAP), presented the Panel's progress report to the

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Parties. He reported that experts from 46 countries were represented in TEAP and its Technical Options Committees (TOCs), listed the membership of TEAP and gave an overview of all TEAP reports submitted during the preceding three years. He reported that progress in the protection of the ozone layer was far greater than had been imagined possible in 1987, due to leadership of companies and associations, encouraged by Governments, NGOs and consumers, where technology cooperation was of paramount importance. For virtually all ODS applications, cost-effective and environmentally acceptable alternatives existed, apart from a number of exceptions, which were described.

28. He continued with a summary of progress in three of the most important sectors. Alternatives were available for a large proportion of the methyl-bromide applications, and further development efforts were in progress, with TEAP finding that a 75 per cent reduction would be feasible for all countries given certain specified conditions. The transition to CFC-free MDIs was under way and should be completed as rapidly as was possible, consistent with safety, it being expected that there would be a minimal need for CFCs in MDIs by the year 2005. Thirdly, emissions from process-agent applications were minor in the developed countries and were expected to be further reduced by 2000, to roughly 1 per cent of the 1990 emissions. However, in Article 5 countries in 1995, they had been twice as high, with further growth likely. However, proven technologies were commercially available that could minimize emissions and/or convert facilities, if financing for such projects were available.

29. He concluded by saying that technical and economic challenges to the protection of the ozone layer remained, particularly in developing and CEIT Parties. Financing was a very important factor. Technology cooperation was shifting to the private sector, government staffing was declining and there were increasing difficulties in the financial support of the Technology and Economic Assessment Panel and its Technical Options Committees by developed countries. That created an additional obstacle for the Protocol process. Finally, he emphasized that TEAP depended on the Parties for success, while striving to maintain independence and objectivity and continuously reorganizing to meet the needs of Parties in the best possible way. Finally, he expressed his gratitude, on behalf of the Panel, to the Parties and the Ozone Secretariat for their support.

30. Dr. J.C. Van der Leun, Co-Chair of the Panel on Environmental Effects of Ozone Depletion, reported that the Panel recently had reviewed new scientific data for the Parties, a summary of which would be available to the participants in the present meeting. It dealt with changes in ultraviolet radiation and the effect of such changes on health, terrestrial and aquatic ecosystems, biogeochemical cycles, air quality and materials.

31. Monitoring of ultraviolet radiation had increased markedly. The effect of short-term ozone variations on ultraviolet radiation had been clearly demonstrated in many places. However, for establishing long-term trends in ultraviolet radiation, it was necessary to continue and expand the monitoring systems currently in place.

32. Research on possible impacts of ozone depletion had continued, but on a small scale, so progress was slow. Skin cancer was still the only impact for which sufficient data were available to make quantitative predictions. A

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recent risk assessment had estimated that, in the absence of the Montreal Protocol, skin cancer incidence would have increased to four times the present levels by the end of the next century. Under the agreements of the original Montreal Protocol, the incidence was estimated to double. With the Copenhagen Amendment, the increased incidence would reach a maximum of almost 10 per cent in the year 2060, after which the incidence would gradually return to the levels without ozone depletion. The latter estimate was based on the assumption of full compliance with the agreements.

33. Speaking on behalf of Dr. Mohamed T. El-Ashry, Chief Executive Officer and Chairman of the Global Environment Facility (GEF), Mr. Ian Johnson, the Assistant Chief Executive Officer of GEF, outlined his organization's work to support the goals of the Montreal Protocol and protect the ozone layer. In launching GEF, participating Governments had decided to include activities to reduce ozone-layer depletion as one of the organization's four focal areas. The GEF Operational Strategy for ozone was built upon four major principles: complementarity, consistency, synergism and effectiveness in operations. Applying these principles in its day-to-day work ensured that GEF and Multilateral Fund operations were complementary and that GEF operations were focused on the phasing out of a maximum amount of ozone-depleting substances in the shortest period of time and with a minimum of cost. Although GEF was not the Financial Mechanism for the Montreal Protocol, it was applying the principles of the Vienna Convention and the Montreal Protocol in its ODS phase-out operations. It had cooperated closely with the Ozone Secretariat, the Implementation Committee, and the Fund Secretariat. GEF was playing a proactive role in assisting eligible countries meet their commitments to phase out ODS. Approved GEF projects totalling nearly US\$ 120 million were helping to eliminate annual consumption of up to 45,000 tonnes of ODS in 11 countries. Six additional ozone projects were in the final state of preparation with GEF assistance, and more would follow as soon as remaining eligible countries had ratified the Protocol. Taking into account the urgency of ODS phase-out in eligible countries, GEF aimed to complete its ozone activities by the year 2000.

34. Mr. Mauricio de Maria y Campos, Secretary-General of the United Nations Industrial Development Organization (UNIDO), said that the Montreal Protocol represented an important example of how industrialized and developing countries could work together to benefit humankind. His organization was committed to working closely with the other Implementing Agencies to assist this process without duplication of efforts and in as cost-efficient manner as possible. The UNIDO programme to date consisted of nearly 260 projects in 58 countries with a total value of some US\$ 111 million, excluding agency support costs. When concluded those projects would phase out more than 15,356 metric tonnes of ODS. UNIDO was also exploring the development of new initiatives in areas that included alternatives to methyl bromide, tobacco fluffing, and the chemical production sector. A reformed UNIDO, he concluded, would continue to work toward the important goals of the Montreal Protocol.

35. Dr. Robert Watson, Director, Environment Department, World Bank, said that the Bank was very pleased to be one of the Implementing Agencies of the Multilateral Fund. In that capacity, its current project portfolio amounted to US\$ 250 million, approximately half of the Fund resources allocated to date. That sum would be used to phase out over 50,000 ODP tonnes out of

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approximately 150,000 tonnes remaining in use in Article 5 countries. As an Implementing Agency for the Global Environment Facility, the Bank's portfolio of ODS phase-out projects was close to US\$ 100 million and would capture 20,000 tonnes. Conscious of the need for strong national institutional capacity for ODS phase-out, the Bank was providing training and support to national ozone units. The Bank also recognized that delivery mechanisms needed to be reviewed and streamlined and that umbrella grant agreements were critical in speeding up the time from project approval to implementation. Looking ahead, he suggested that new approaches would be needed to address the remaining large-scale ODS phase-out challenges: the production sector must be addressed; methyl-bromide phase-out could be integrated into Bank assistance; more support would be needed in the area of policy measures; more effective controls on trade of CFCs were needed to prevent smuggling; and new strategies were needed to assist small ODS users achieve cost-effective phase-out. In concluding, he said that the Bank was committed to working with all countries to achieve the objectives of the Montreal Protocol.

36. Mr. Roberto Lenton, Director, Sustainable Energy and Environment Division of UNDP, reported that UNDP had a portfolio under the Multilateral Fund amounting to US\$ 158 million, which would eliminate 20,130 ODP-tonnes per annum of ozone-depleting substances. As of the end of June 1997, UNDP had disbursed US\$ 62 million of the funds allocated to it. With the United Nations Office for Project Services (UNOPS) efficiently executing three-quarters of UNDP's projects, 225 projects (36 per cent of all approved activities) had been completed. UNDP had 21 ongoing institutional-strengthening projects to assist recipient Governments in their efforts to formulate national policies and legislation to accelerate ODS phase-out and to monitor implementation of their country programmes. By ensuring the presence of at least one national coordination expert in every country, and by having international and national experts work side by side, UNDP was developing national capabilities so that an increasing percentage of activities could be executed nationally. UNDP was pleased that the Executive Committee was striking a balance between selecting projects that directly contributed to helping countries meet the 1999 freeze, while at the same time allowing countries that had already met or exceeded their freeze targets to continue their ODS elimination efforts. With respect to coverage of low-ODS consuming countries, he noted that half of the 61 countries in which UNDP was working were low-volume-consuming countries. As for methyl bromide, UNDP had completed in 1997 the methyl-bromide surveys for certain North African and Middle East countries, and would submit methyl-bromide-alternatives demonstration projects to the Executive Committee for approval in 1998. UNDP would also continue to assist developing countries negotiate beneficial technology-transfer agreements to facilitate the transition process to non-ODS substitutes.

37. Mr. Reinhart Helmke, Executive Director, United Nations Office for Project Services (UNOPS), noted that his organization's efforts were concentrated on the day-to-day management of Montreal Protocol projects, with UNOPS assuming responsibility for the efficient and cost-effective execution of most of the projects entrusted to UNDP. That arrangement had both positive and negative aspects. On the positive side, many private sector firms in developing countries had indicated that the fact UNOPS had to operate like a business had made for a better understanding. In addition, UNOPS' special procurement procedures, tailor-made for the Montreal Protocol,

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had enabled many companies to entrust the Office with considerable financial resources of their own, over and above those made available from the Multilateral Fund. UNOPS had initiated fruitful cooperation with some bilateral donor organizations in particular with Germany and Australia. At the same time, however, UNOPS was now required to move to projects with SMEs, which needed approaches fundamentally different from those that it had applied up to now. Emphasis would have to be placed on group projects, perhaps regrouping entire sectors or branches, and more money would have to be spent on training. UNOPS had encountered increasing difficulties with the responses of recipient companies in countries going through economic recessions, and special financial measures might be required. There were also some countries where hydrocarbons were not only expensive, they were simply not available, and that resulted in significant bottlenecks in implementing Montreal Protocol projects.

38. Ms. Jacqueline Aloisi de Lardereel, Director, UNEP Industry and Environment Centre, described UNEP actions as an Implementing Agency for the Montreal Protocol, including OzonAction, the clearing-house programme funded by the Multilateral Fund which had provided neutral, unbiased information on policies and technologies and assisted in all phases of the technology transfer process. UNEP had assisted 75 countries with the development of their country programmes and was assisting institutional-strengthening support to 49 of them. The OzonAction programme had also brought low-volume ODS-consuming countries, especially small island States, into the mainstream of implementation of the Montreal Protocol. She cited several lessons learned from the programme, including that investment projects would not be implemented in a timely fashion if they were not supported by national policies; that national ozone units played a key role; that partnerships between Governments and industry and other stakeholders was vital; that communication with the various target groups had to be well designed; and that the needs and priorities of Article 5 countries evolved over time. In the future, UNEP expected to focus its efforts on such priority needs as assisting the Article 5 countries meet the 1999 freeze; developing innovative approaches to assist small and medium-sized enterprises and small ODS users in Article 5 countries; and assistance to countries in policy development. She believed the OzonAction programme had made a cost-efficient use of funds and suggested that the knowledge, expertise and know-how developed within the programme could be readily transferred to address other environmental challenges.

39. In the ensuing general debate, the Ninth Meeting of the Parties heard statements by the representatives of 65 States and the European Community and 14 non-governmental organizations.

40. All the representatives who took the floor expressed appreciation to the Government of Canada for hosting the Meeting of the Parties, many of them referring to the favourable conditions that Canada had created ten years earlier for the signing of the Montreal Protocol. Many also expressed their appreciation to the City of Montreal.

41. Many representatives expressed their appreciation of the work of the Ozone Secretariat, the secretariat of the Multilateral Fund, the Assessment Panels and the Implementing Agencies UNEP, UNDP, UNIDO and the World Bank. A number also paid tribute to the work of Dr. Mostafa Tolba, the previous

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Executive Director of UNEP, in bringing about the Montreal Protocol.

42. Many representatives expressed the view that the tenth anniversary of the conclusion of the Montreal Protocol was an opportunity to reflect on an outstanding example of international cooperation: cooperation both between developed and developing countries, with the principle of common but differentiated responsibility; and at the same time cooperation among scientists, policy makers and business interests. A cooperation, too, marked by a unique spirit of compromise and consensus that could serve as a model for other environmental agreements, such as the Framework Convention on Climate Change. Some representatives noted that in their countries the Protocol's concept of partnership among nations was being translated into partnership at the domestic level, with government agencies, the academic community, the private sector and other segments of society joining forces to protect the ozone layer.

43. A number of representatives said that one of the reasons for the Protocol's success was that the development of substitutes for CFCs had made it possible for economic interests to be in concordance with environmental interests. There was, however, a need for vigilance to ensure that short-term economic interests did not now override the environmental concerns. Other reasons advanced for the success were the establishment of an effective interface between science and policy; the setting of realistic commitments; national flexibility in how Parties met their commitments; universality; the flexibility and evolutionary nature of the legal instrument; and the ability and willingness of both industry and consumers to react promptly to the challenges of control actions.

44. Many representatives gave their views on the progress achieved so far in implementing the aims of the Montreal Protocol. Several representatives said that considerable success had been achieved in a remarkably short time, but many, too, stressed that much more needed to be done, and that there was no room for complacency. The current meeting was an opportunity to undertake new commitments to preserve the viability of the planet. Disquiet was expressed that the ozone hole had become even larger over the course of the previous three years, which was already having negative health consequences in some countries. Several representatives spoke of a need for stability in the Protocol, saying that there were adequate provisions to review the phase-out schedule every four years and that frequent changes in it created significant difficulties at the field level.

45. Many representatives reported on the efforts being undertaken to achieve the aims of the Montreal Protocol, both in the phase-out of ODS in their own countries and in the transfer of technology and the provision of bilateral assistance to others. Some representatives also described the First Regional Workshop on Control and Monitoring ODS Consumption for English-speaking African Countries Which are Parties to the Montreal Protocol, which was expected to be a model for other regional workshops. Some of them coupled their remarks with a call for greater assistance to Africa. Some representatives, from both non-Article 5 and Article 5 countries, pointed out that their countries were committed to fulfilling at least some of the provisions of the Protocol ahead of the deadlines set for doing so.

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46. Many representatives spoke on the question of methyl bromide, some of them calling it the most critical issue still to be resolved, and expressed support for strengthening controls for all Parties. Many expressed support for accelerating the phase-out date for the production and consumption of methyl bromide in Parties not operating under Article 5 but did not suggest specific dates. Some representatives supported advancing the phase-out date for non-Article 5 countries to 2005, with others supporting 2001. Some also proposed additional interim cuts. Some representatives expressed specific support for retaining the current control schedule.

47. Many representatives also expressed support for strengthening controls on the production and consumption of methyl bromide in Parties operating under Article 5, including the establishment of phase-out dates as soon as possible. Some representatives expressed specific support for, respectively, phase-outs by 2011 or 2015. Many representatives recalled statements in the TEAP report that there was no significant technical or economic obstacles to prevent the establishment of more stringent controls on methyl bromide for both Article 5 and non-Article 5 Parties.

48. Many representatives expressed support for retaining a grace-period for Article 5 Parties in any control schedule established for methyl bromide. In the view of several representatives, the fundamental principle of common but differentiated responsibility must be included in any discussion of control measures for such Parties. Some representatives expressed support for setting similar phase-out schedules for both Article 5 and non-Article 5 Parties.

49. Several representatives expressed doubt regarding their ability to accept adjustments to the current controls on methyl bromide until more information was gained regarding the availability of proven, reliable, geographically suitable and cost-effective alternatives. In the view of some of those representatives, the TEAP report did not provide a sufficiently reliable basis on which to risk the transition to alternatives.

50. Some representatives of non-Article 5 Parties expressed understanding for the concerns of Article 5 Parties with regard to alternatives to methyl bromide, and said that the demonstration projects recently approved and efforts within their own countries should show that alternatives did exist and could be used successfully. It was pointed out that the TEAP report suggested that it was technically and economically feasible for the developing countries to take steps towards methyl-bromide phase-out. Additionally, it was only by setting a phase-out date that the development of alternative technologies could be stimulated. Several of those representatives further stated what they viewed as a clear commitment that incremental costs of methyl-bromide phase-out would be met through the Multilateral Fund.

51. Many representatives stated that proposals for additional controls on methyl bromide must take into account the particular situations of many developing countries. Many of those representatives stated that additional assistance from the Multilateral Fund and clear provisions for technology transfer would be required before future controls on the production and use of methyl bromide by Article 5 Parties could be agreed to and implemented.

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52. Regarding control exemptions, many representatives expressed support for retaining the current exemptions for methyl bromide used for quarantine and pre-shipment applications and developing a critical-use exemption for methyl bromide. Many noted that such exemptions were important to their views on proposals for strengthening the control schedules for methyl bromide. Some representatives expressed concern that exemptions should not overly weaken controls on methyl bromide.

53. With regard to HCFCs, many of those representatives who spoke on the subject said that the control measures for Parties not operating under Article 5 should be strengthened. Many expressed support for a proposal to adjust the final phase-out of consumption of HCFCs to 2015 from 2030, with substantive interim cuts, and to reduce the level of the HCFC cap from 2.8 per cent to 2 per cent. Many of the same representatives also called for the introduction of controls on HCFC production. In support of their view, those representatives stated, *inter alia*, that such measures would have important environmental benefits; were technically and economical feasible, with HCFCs no longer necessary for most applications; would deter unnecessary expansions in HCFC production; and would promote a wider and more rapid transition to non-ODS alternatives. One representative noted that ending most HCFC emissions by 2004 would result in a 1 per cent reduction in chlorine-loading in the stratosphere, equal to three times the improvement that would result from advancing methyl-bromide phase-out in Article 2 countries from 2010 to 2005. Another representative said that the trade controls with non-Parties under Article 4 should also be extended to HCFCs.

54. Some representatives expressed opposition to the proposals to strengthen the consumption controls for HCFCs and to add controls on production. Some noted the important role that HCFCs had played in the transition from the more harmful CFCs and the need to continue using HCFCs to eliminate the use of CFCs in Parties operating under Article 5.

55. Some representatives stressed that the overall objective had to be the total phase-out of all ozone-depleting substances, within as short a time as possible.

56. Some representatives referred to the obstacles still in the way of complete success in phase-out, such as an incomplete achievement of technology transfer; excessive time-lag between project approval and project implementation under the Multilateral Fund; reluctance of enterprises to adopt recently developed substitutes and technologies; and the low level of disbursement for approved projects in certain countries.

57. One representative said that non-investment projects in general were as important and cost-effective as investment projects and urged the Executive Committee to assign a greater share of the Multilateral Fund to their support.

58. The representative of Germany expressed concern that a number of low-volume-consuming countries had received little or no support from the Multilateral Fund, and expressed her country's willingness to offer them bilateral assistance.

59. Some representatives expressed concern over signs that a large number

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of developing countries might have difficulty in achieving the 1999 freeze of CFC consumption, and called for greater support to permit them to do so. One representative said that particular emphasis should be placed on ensuring that phasing out of CFCs in developing countries did not in turn create a dependence on HCFCs.

60. Some representatives voiced concerns over shortcomings in the implementation of the Montreal Protocol, in particular over failures to transfer substitution technology to the Article 5 countries on fair and most favourable conditions, which would seriously affect the phase-out process in those countries. It was regretted that funding guidelines for projects to close ODS-production facilities were taking too long to be finalized, and that discussions had not even started on preparing guidelines for funding ODS substitute production projects.

61. Some representatives stated that the Multilateral Fund should not just finance investment projects but should give greater priority to the enhancement of capacity-building in Article 5 countries. Such action would help those countries improve their ability to absorb technology as well as become partners in the fight against illegal trade. Another considered it essential that the Ozone Units in Article 5 countries should continue to receive support.

62. One representative said that projects should be evaluated very carefully because it would be unacceptable that funds dedicated to protection of the ozone layer should have a negative impact on biodiversity, health or climate.

63. Representatives from both Article 5 and non-Article 5 countries expressed the view that acceptance of greater commitments to ODS phase-out by the Article 5 countries was dependent on adequate financing and technology transfer being available from the Multilateral Fund. Some representatives spoke of the particular difficulties facing countries with economies in transition, while others warned of the problems facing small and medium-sized enterprises. One representative said that it would be unfortunate if efforts to protect the ozone layer resulted in mass unemployment of small enterprises in developing countries, and expressed the hope that the full incremental costs of phase-out would be paid to small and medium-sized enterprises in the near future. One representative said that countries facing the twin problems of poverty and unemployment had no option but to pursue industrial growth, making it extremely difficult to implement a rapid phase-out programme without due consideration to its impact on the development process. One representative said that giving money to States that would not meet the freeze sent the wrong signal; it was the countries that were on schedule that should receive funding. Some representatives said that the cost-effectiveness thresholds for the approval of projects by the Executive Committee were too high, posing an obstacle to project preparation for small and medium-sized enterprises. One representative drew attention to the advantages of a sectoral approach over a project-by-project approach in allocating Fund resources.

64. A number of representatives called on those Parties who were in arrears to pay their contributions to the Multilateral Fund and to the Trust Funds, pointing out that with alarming levels of arrears the efforts made by

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Article 5 countries to phase out CFCs would be delayed. The representative of Slovakia said that his country would cover both its own future contributions and any possible arrears from the former federal State.

65. Many representatives expressed the view that a worldwide licensing system should be established within the near future, to control the imports and exports of controlled substances and to combat illegal trade. Some representatives reported that their countries had already set up such a system. One representative called for an obligation on Parties to set up a system of checking that what was declared actually matched what was being transported. One representative called on Parties to eliminate the black market for CFCs by decommissioning or modernizing existing equipment. However, one representative said that his country might face difficulty with control of the export of products containing CFCs. One representative recommended a flexible approach to the establishment of licensing systems.

66. Several representatives referred to the dangers of the illegal trade in CFCs, which threatened to undo many of the achievements of the Protocol so far. Together with the licensing system, accurate and reliable data-reporting was also essential to defeat the illegal trade.

67. One representative called for intensified efforts to phase out the use of CFC-based metered-dose inhalers (MDIs), while at the same time ensuring that the health of asthma sufferers was not jeopardized. Others cautioned against the dangers of phasing out CFCs in MDIs too quickly, both because of possible negative consequences for thousands of sufferers and because it would result in an earlier introduction of more costly substitutes and therefore place additional burdens on some developing countries.

68. Some representatives called on the developed countries not to export products made with ODS, or the equipment to make such products, to the developing countries, nor to install new production capacity for such products in the developing countries. Another said that developing countries were suffering from being treated both as a dumping ground for obsolete technology and at the same time as a market for expensive new technology requiring skilled manpower. One representative said that the huge amounts of capital stock in the developing countries should not be discarded prematurely: either funds would have to be provided to convert such equipment to non-ODS technologies or ODS would have to be made available for servicing in a manner that did not cause a financial burden on the developing countries.

69. Some representatives called for an intensification of efforts in the area of compliance, and for a review of the 1992 non-compliance procedure in view of the evolution of the Protocol. One representative drew attention to a report to the Executive Committee indicating that perhaps two thirds of Article 5 Parties would find it difficult to meet the 1999 freeze on CFCs, which underscored the need to review the compliance regime.

70. A number of representatives drew attention to a need for greater resources for monitoring, research and analysis of the state of the ozone layer.

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71. Several representatives noted the importance of advancing the decommissioning of obsolete equipment, without venting ODS to the atmosphere, as quickly as possible. One representative recalled the view of 1994 Scientific Assessment of Ozone Depletion that one of the three most effective measures which could be taken to protect the ozone layer would be the decommissioning of halon systems, which would potentially reduce ozone losses by 10 per cent.

72. One representative expressed interest in the emerging hydrocarbon technology and the need for financial and technical assistance to implement it. Another representative requested that TEAP should make an assessment of the use of hydrocarbons as an alternative to HFCs.

73. The representative of South Africa, which had been recommended by the Open-Ended Working Group for reclassification as a developing country, said that it would not revert to the production or consumption of substances phased out under the existing Amendments to the Montreal Protocol, nor request financial assistance from the Multilateral Fund in connection with projects it had already undertaken when classified as a developed country.

74. Following the statements of heads of government delegations, a number of representatives of non-governmental organizations expressed concern that the proposals put forward by the Parties had not yet equalled the needs of the global environment or the standards set by the original Montreal Protocol signed 10 years ago in Montreal. Several expressed the view that that was due to the influence of the multinational corporations. Several representatives of non-governmental organizations expressed extreme concern over what they saw as the very inadequate control measures being discussed by the Parties, the lack of leadership by particular Parties, and the alarming influence of a small number of international corporations committed to preserving methyl-bromide production. One of those representatives said that methyl bromide needed to be phased out quickly, the phase-out schedule for HCFCs and the grace-period for production of CFCs in the developing world had to be shortened, and the problem of ODS smuggling addressed by true global phase-outs rather than potentially ineffectual licensing systems. Another such representative, stating that the environmental imperative and the precautionary principle dictated that a radically accelerated phase-out of both methyl bromide and HCFCs was absolutely necessary, called for a global emergency action plan including a radically accelerated phase-out schedule of production and consumption of ODSs, legally binding international agreements to reduce greenhouse gas emissions through the Framework Convention on Climate Convention and the establishment of an eco-tax on the producers of fossil fuels and ODSs. Another noted that the proposed pre-shipment, quarantine and critical-use exemptions for methyl bromide use would form loopholes through which more than 50 per cent of current methyl-bromide consumption could continue indefinitely.

75. Several representatives of non-governmental organizations highlighted the availability of effective, cost-efficient alternatives, particularly for non-Article 5 Parties, for many agricultural uses of methyl bromide and argued that only the setting of rapid phase-out deadlines by the Parties would provide the incentives that many needed to reduce production and consumption of that substance. Without such controls, methyl-bromide use would continue to both significantly harm the ozone layer and continue to

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threaten the health of farm workers and local communities.

76. One representative of a non-governmental organization expressed her organization's view that the probable compromise agreement on new controls for methyl bromide would represent financial successes for a small number of international companies and a small number of Parties. She called upon the Secretary-General of the United Nations to take immediate and significant steps to establish accountability and transparency on the part of delegates and financially interested parties attending the Meetings of the Parties to the Montreal Protocol and its advisory bodies, as well as all other global environmental negotiations.

77. Another representative of a non-governmental organization outlined his organization's activities to develop alternatives to several uses of methyl bromide. It was the view of his organization that fully effective and cost-efficient alternatives did not yet exist for many agricultural applications of methyl bromide and that conclusions to the contrary in the relevant reports by the Technology and Economic Assessment Panel were overly optimistic.

78. The representative of Dead Sea Bromine denied rumours being circulated at the Meeting by a non-governmental organization alleging that Dead Sea Bromine planned to establish a methyl bromide production facility in Kenya. Dead Sea Bromine had issued a written denial of these rumours during the Vienna Meeting two years ago and was reiterating that it had no intention whatsoever to build any production facility in Kenya. Dead Sea Bromine also strongly denied exercising improper influence on Kenyan officials, as alleged by some other observers during their statements.

IV. PRESENTATION OF REPORT BY THE CO-CHAIRS OF THE OPEN-ENDED WORKING GROUP AND CONSIDERATION OF THE RECOMMENDATIONS OF THE OPEN-ENDED WORKING GROUP AND DECISIONS ON AMENDMENTS AND ADJUSTMENTS TO THE MONTREAL PROTOCOL PROPOSED BY THE PARTIES, ACTIONS TO IMPROVE THE FINANCIAL MECHANISM AND TECHNOLOGY TRANSFER, ESSENTIAL-USE NOMINATIONS FOR OZONE-DEPLETING SUBSTANCES, CRITICAL AGRICULTURAL USES AND CONTROL OF TRADE WITH NON-PARTIES IN METHYL BROMIDE, CONTROL OF EXPORTS OF OZONE-DEPLETING SUBSTANCES, REVISED FORMATS FOR REPORTING DATA, PROPOSED BUDGETS FOR THE MONTREAL PROTOCOL TRUST FUND AND OTHER ISSUES

79. The Ninth Meeting of the Parties heard a report from the Co-Chairs of the Open-ended Working Group of the Parties, Ms. Clare Fearnley (New Zealand) and Ms. Catalina Mosler-Garcia (Mexico), on some draft decisions had already been recommended by the Open-ended Working.

80. The Co-Chairs also reported that informal subgroups were working on the outstanding issues methyl bromide controls, HCFC controls, carbon tetrachloride phase-out schedule, licensing system, and process agents and requested the facilitators of those subgroups to report on their discussion.

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81. The representative of Venezuela, facilitator of discussions on the issue of methyl bromide as they related to Article 5 countries, reported that, after protracted discussions, the subgroup had finally reached a consensus, which he asked the Meeting to endorse, bearing in mind the very delicate balance of interests involved. He then invited a representative of the negotiating group to present its report.

82. The representative of Australia reported that the contact group had agreed to recommend, for inclusion in the control schedule to be included in paragraph 8 ter (d) of Article 5 of the Protocol, a 20 per cent reduction in 2005 and phase-out in 2015. The baseline of the average of the years 1995-1998 would not change. He presented a draft decision which described the conditions to be met in fulfilling that control schedule. The group had also agreed to recommend a ban on trade with non-Parties of bulk substances from one year after entry into force.

83. The representative of the United Kingdom then reported that regarding the methyl bromide issue as it related to Article 2 countries, the group of like-minded Article 2 States proposed control measures comprising a 25 per cent reduction in 1999, a 50 per cent reduction in 2001, a 70 per cent reduction in 2003 and phase-out, with critical-use exemptions, in 2005. The group had also agreed to recommend for adoption by the Meeting draft decisions on critical-use exemption for methyl bromide and on emergency methyl-bromide use.

84. The Meeting then decided to approve the control measures presented by the two groups and the related decisions.

85. On the issue of carbon tetrachloride, the representative of Australia, facilitator of discussions relating to interim reduction steps in phasing out carbon tetrachloride in Article 5 countries, reported that despite lengthy discussions it had not been possible to reach consensus and Australia therefore reluctantly withdrew its proposed amendment on the subject.

86. The representative of Australia, facilitator of the subgroup on licensing, reported that, following the withdrawal of a conflicting proposal, consensus had been reached on the issue and read out the result of the consensus. The Meeting then approved the amendment and the related decision.

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87. On the question of controls on HCFCs, the representative of the United States of America proposed a draft amendment to enable a future decision on the need, if any, for controls on production of HCFCs five years after the amendment came into force, noting that in their view this represented the last best compromise on the issue. The European Community proposed a similar amendment which would allow the introduction of such controls, by decision, three years after the amendment came into force, noting that the proposal was simply an enabling amendment that introduced no new obligations on the Parties with regard to HCFCs. The proposals were supported by the representative of Switzerland. However, some representatives, one of whom speaking on behalf of the Group of 77 and China, indicated that they did not consider any additional control measures for Article 5 countries were appropriate for the time being. In view of this disagreement, and in spite of further consultations, the proposals were withdrawn. The representative of the European Community said that the Community and its member States had come to the meeting with the strong belief that further controls on HCFCs in Article 2 Parties and the introduction of the concept of production controls on HCFCs for all Parties were both possible and very necessary to protect the environment. They remained convinced of their views and would ask the Parties to revisit the issue in the future.

88. The representative of the United States of America stated that his delegation regretted that the Meeting had been unable to accept its proposal.

89. With regard to process agents, the Co-Chair of the Open-ended Working Group reported that the discussion had been based on a draft decision by which process agents would not be treated in the same or similar way as feedstocks after 1997. Informal consultations on that draft decision had followed and, after extensive discussion, no consensus had been achieved. The representative of India, supported by the representative of China, then submitted a new proposal on the subject, to which the representative of the United States objected because it contained new elements which had not been discussed during long consultations. The representative of the European Community then proposed an alternative draft decision, following which the Chairman requested those representatives to consult further and report back to the meeting. Subsequently, the representative of the European Community reported that no agreement could be reached and therefore both proposals had been withdrawn.

V. REPORT OF THE PRESIDENT OF THE IMPLEMENTATION COMMITTEE

90. Mr. Denis Langlois (Canada), President of the Implementation Committee, reported that it had met three times since the Eighth Meeting of the Parties to discuss two main issues: information relating to non-compliance from the Czech Republic, Latvia, Lithuania and the Russian Federation, and revision of the data-reporting forms. He draw attention to the reports of those meetings, contained in documents UNEP/OzL.Pro/ImpCom/17/3, UNEP/OzL.Pro/ImpCom/18/3 and UNEP/OzL.Pro/ImpCom/19/3.

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91. With regard to the non-compliance issues he said that Lithuania and Latvia had both submitted a timetable for ratification of the London and Copenhagen Amendments and their national programmes for phase-out of ODS by the year 2000, both prepared in cooperation with UNDP and UNEP. The Russian Federation had submitted preliminary data on production, consumption, imports and exports of controlled substances during 1996, in response to decision VIII/25 of the Eighth Meeting of the Parties. It had also informed the Committee that it had set up a system for controlling imports and exports of controlled substances, and had undertaken not to export controlled substances to non-Article 5 countries, other than members of the Commonwealth of Independent States, those exports being intended only to meet the basic domestic needs of the countries and not being for re-export. Efforts had also been made to set up a system of recovery and recycling. Production of controlled substances had dropped from 40,000 to 17,000 tonnes since 1995, and was planned to be phased out completely by the year 2000. The Czech Republic had provided information showing imports of 18.6 tonnes of methyl bromide in 1995, 13.2 tonnes of them being imported in December and used mainly in 1996. In consequence, although the imports in 1995 exceeded the base level of 10.8 tonnes, at which consumption was to be frozen, the consumption averaged over the two years 1995 and 1996 did not exceed 9.3 tonnes. The Committee had prepared draft decisions on compliance by the above four countries, which had been forwarded by the Open-Ended Working Group for the consideration of the Meeting of the Parties.

92. The Committee had also considered a request by Brunei Darussalam for reclassification as a Party operating under paragraph 1 of Article 5 and had agreed to recommend that reclassification for 1 January 1995 to the Ninth Meeting of the Parties.

93. The Committee had reviewed the formats for reporting data in response to decision VIII/21 of the Eighth Meeting of the Parties. The comments received from the Parties regarding the format had been taken into consideration by the Secretariat and the Committee in the various redrafts of the data-reporting forms. The accompanying decision recommended by the Open-Ended Working Group on data-reporting was based on the recommendations of the Implementation Committee.

VI. REPORT OF THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE MULTILATERAL FUND

94. Mr. David Turner (United Kingdom), Chairman of the Executive Committee of the Multilateral Fund, said that the Committee had met twice during the year and would meet for a third time in November. It had so far approved 193 projects and activities with a planned phase-out of 10,842 ODP tonnes of controlled substances and had allocated over US\$ 85 million for their implementation. By the end of the November meeting, it was expected that some US\$ 190 million would have been committed, going a long way towards implementing decision VIII/4 of the Eighth Meeting of the Parties, which had called on the Executive Committee to ensure as far as possible that the whole of the budget for 1997-1999 was committed by the end of 1999. At its November meeting, the Committee would have before it for decision a particularly important project from China on the proposed halon sector strategy.

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95. The Committee had replaced its Sub-Committee on Financial Matters by a Sub-Committee on Monitoring, Evaluation and Finance to oversee the task of monitoring, to consider business plans and to investigate reasons for delays in project implementation. The Executive Committee had adopted the main elements of the work programme and plan for monitoring and evaluation for the following 18 months. The Committee's Subgroup on the Production Sector had met to develop guidelines for the production sector, and a draft decision on the subject was before the Parties by which the Executive Committee would be requested to expedite that work. By another draft decision, the Informal Group on Technology Transfer established by the Eighth Meeting of the Parties would be requested to expedite its report to the Executive Committee for the Committee in turn to make progress in that area.

96. The Committee had continued to pursue approaches to advance the phase-out in the small and medium-sized enterprise (SME) sector through a contact group chaired by the Vice-Chairman, Mr. Marco Gonzalez, and it was expected that a pilot programme on SMEs would be set up at the next meeting.

VII. ADOPTION OF DECISIONS

97. The Ninth Meeting of the Parties adopted a number of decisions, on the basis of the recommendations submitted by the Open-ended Working Group and its subgroups. The text of the decisions, as adopted by consensus, is contained in paragraph 0 below.

98. The Adjustments and Amendments to the Montreal Protocol (see annexes I-IV below) were adopted on the basis of the report of the Legal Drafting Group, which was presented by Mr. Patrick Széll (United Kingdom), the Chairman of the Group, at the closing session of the Meeting, on 17 September.

99. Introducing the report, the Chairman of the Legal Drafting Group pointed out that the adjustments were divided into three annexes to cover the three different categories of Parties: those who had ratified the Protocol only, those who had also ratified the London Amendment and those who had additionally ratified the Copenhagen Amendment. He pointed out that the fourth annex contained the amendment instrument. Within its Article 1, sections A, B, E and F arose directly from the decisions of the Ninth Meeting of the Parties, while its sections C and D were logically required as a consequence of sections A and B. Its Articles 2 and 3 had been drafted by analogy with the corresponding Articles of the Copenhagen Amendment.

A. Decisions

100. The Ninth Meeting of the Parties to the Montreal Protocol decides:

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

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard

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to production of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Ninth Meeting of the Parties;

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

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Ninth Meeting of the Parties;

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

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments and reductions of production and consumption of the controlled substance listed in Annex E to the Protocol, as set out in annex III to the report of the Ninth Meeting of the Parties;

Decision IX/4. Further Amendment of the Protocol

- To adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex IV to the report of the Ninth Meeting of the Parties;

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

1. That, in the fulfilment of the control schedule set out in paragraph 8 ter (d) of Article 5 of the Protocol, the following conditions shall be met:
 - (a) The Multilateral Fund shall meet, on a grant basis, all agreed incremental costs of Parties operating under paragraph 1 of Article 5 to enable their compliance with the control measures on methyl bromide. All methyl-bromide projects will be eligible for funding irrespective of their relative cost-effectiveness. The Executive Committee of the Multilateral Fund should develop and apply specific criteria for methyl-bromide projects in order to decide which projects to fund first and to ensure that all Parties operating under paragraph 1 of Article 5 are able to meet their obligations regarding methyl bromide;
 - (b) While noting that the overall level of resources available to the Multilateral Fund during the 1997-1999 triennium is limited to

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the amounts agreed at the Eighth Meeting of the Parties, immediate priority shall be given to the use of resources of the Multilateral Fund for the purpose of identifying, evaluating, adapting and demonstrating methyl bromide alternative and substitutes in Parties operating under paragraph 1 of Article 5.

In addition to the US\$ 10 million agreed upon at the Eighth Meeting of the Parties, a sum of US\$ 25 million per year should be made available for these activities in both 1998 and 1999 to facilitate the earliest possible action towards enabling compliance with the agreed control measures on methyl bromide;

- (c) Future replenishment of the Multilateral Fund should take into account the requirement to provide new and additional adequate financial and technical assistance to enable Parties operating under paragraph 1 of Article 5 to comply with the agreed control measures on methyl bromide;
 - (d) The alternatives, substitutes and related technologies necessary to enable compliance with the agreed control measures on methyl bromide must be expeditiously transferred to Parties operating under paragraph 1 of Article 5 under fair and most favourable conditions in line with Article 10A of the Protocol. The Executive Committee should consider ways to enable and promote information exchange on methyl bromide alternatives among Parties operating under paragraph 1 of Article 5 and from Parties not operating under paragraph 1 of Article 5 to Parties operating under that paragraph;
 - (e) In light of the assessment by the Technology and Economic Assessment Panel in 2002 and bearing in mind the conditions set out in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties, paragraph 8 of Article 5 of the Protocol, subparagraphs (a) to (d) above and the functioning of the Financial Mechanism as it relates to methyl bromide issues, the Meeting of the Parties shall decide in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to Parties operating under paragraph 1 of Article 5;
2. That the Executive Committee should, during 1998 and 1999, consider and, within the limits of available funding, approve sufficient financial resources for methyl-bromide projects submitted by Parties operating under paragraph 1 of Article 5 in order to assist them to fulfil their obligations in advance of the agreed phase-out schedule;

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

1. To apply the following criteria and procedure in assessing a critical methyl bromide use for the purposes of control measures in Article 2 of the Protocol:
- (a) That a use of methyl bromide should qualify as "critical" only if the nominating Party determines that:

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- (i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and
 - (ii) There are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination;
- (b) That production and consumption, if any, of methyl bromide for critical uses should be permitted only if:
- (i) All technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide;
 - (ii) Methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide, also bearing in mind the developing countries' need for methyl bromide;
 - (iii) It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes, taking into consideration the circumstances of the particular nomination and the special needs of Article 5 Parties, including lack of financial and expert resources, institutional capacity, and information. Non-Article 5 Parties must demonstrate that research programmes are in place to develop and deploy alternatives and substitutes. Article 5 Parties must demonstrate that feasible alternatives shall be adopted as soon as they are confirmed as suitable to the Party's specific conditions and/or that they have applied to the Multilateral Fund or other sources for assistance in identifying, evaluating, adapting and demonstrating such options;
2. To request the Technology and Economic Assessment Panel to review nominations and make recommendations based on the criteria established in paragraphs 1 (a) (ii) and 1 (b) of the present decision;
3. That the present decision will apply to Parties operating under Article 5 and Parties not so operating only after the phase-out date applicable to those Parties;

Decision IX/7. Emergency methyl-bromide use

- To allow a Party, upon notification to the Secretariat, to use, in response to an emergency event, consumption of quantities not exceeding 20 tonnes of methyl bromide. The Secretariat and the Technology and Economic Assessment Panel will evaluate the use according to the "critical methyl bromide use" criteria and present this information to

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the next meeting of the Parties for review and appropriate guidance on future such emergencies, including whether or not the figure of 20 tonnes is appropriate.

Decision IX/8. Licensing system

Noting that decisions V/25 and VI/14 A set in place systems for exchange, recording and reporting of information concerning trade in controlled substances to meet the basic domestic needs of Parties operating under Article 5,

Noting that decision VI/14 B requested that recommendations be made to the Seventh Meeting of the Parties concerning whether reports under Article 7 should be made in relation to trade to meet the basic domestic needs of Parties operating under Article 5,

Noting that decision VII/9 required that an import- and export-licensing system be incorporated into the Montreal Protocol by the Ninth Meeting of the Parties,

Noting that, in response to a report prepared by the Secretariat on illegal imports and exports of ozone-depleting substances, decision VIII/20 urged each Party not operating under Article 5 to establish a system for validation and approval of imports of any used, recycled or reclaimed controlled substances before they are imported and to report to the Ninth Meeting of the Parties on the establishment of such a system,

Noting that decision VIII/20 also requests the Ninth Meeting of the Parties to consider instituting a system to require validation and approval of exports of used and recycled ozone-depleting substances from all Parties,

Noting that the Ninth Meeting of the Parties has adopted an Amendment to the Protocol, requiring all Parties to implement an import and export licensing system,

1. That the licensing system to be established by each Party should:
 - (a) Assist collection of sufficient information to facilitate Parties' compliance with relevant reporting requirements under Article 7 of the Protocol and decisions of the Parties; and
 - (b) Assist Parties in the prevention of illegal traffic of controlled substances, including, as appropriate, through notification and/or regular reporting by exporting countries to importing countries and/or by allowing cross-checking of information between exporting and importing countries;
2. To facilitate the efficient notification and/or reporting and/or cross-checking of information, each Party should inform the Secretariat by 31 January 1998 of the name and contact details of the officer to whom such information and requests should be directed. The Secretariat

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shall periodically prepare, update and circulate to all Parties a full list of these contact details;

3. That the Secretariat and Implementing Agencies should take steps to assist Parties in the design and implementation of appropriate national licensing systems;
4. That Parties operating under Article 5 may require assistance in the development, establishment and operation of such a licensing system and, noting that the Multilateral Fund has provided some funding for such activities, that the Multilateral Fund should provide appropriate additional funding for this purpose;

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

1. To recommend 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 Annexes A and 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 1/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;
2. To recommend to non-Article 5 Parties to adopt appropriate measures to control, in cooperation with the 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 Annexes A and B of the Montreal Protocol;
3. To recommend to Parties to report to the Tenth Meeting of the Parties on actions taken to implement the present decision;

Decision IX/10. Ratification of the Vienna Convention, Montreal Protocol and London and Copenhagen 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 and Copenhagen 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, the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer;

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Decision IX/11. 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 113 Parties out of 152 that should have reported data for 1995 have reported to date and that only 43 Parties have to date reported data for 1996;
3. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol;

Decision IX/12. Membership of the Implementation Committee

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of the Dominican Republic, Germany, Ghana, Indonesia and Lithuania for one further year, and to select Bolivia, Kenya, Latvia, Pakistan and the United States of America as members of the Committee for a two-year period;

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

1. To endorse 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 of the Protocol, and the selection of Burkina Faso, China, Costa Rica, India, Jordan, Peru, and Zimbabwe, as members representing Parties operating under paragraph 1 of Article 5, for one year;
2. To endorse the selection of Costa Rica to act as Chair and of United States of America to act as Vice-Chair of the Executive Committee for one year;

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

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism and the work of the Informal Group on Technology Transfer established under decision VIII/7;
2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and to include in its annual report to the Meeting of the Parties an annex updating information on each action that has not been previously

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- completed, as well as a list of actions that have been completed;
3. To note the status of work undertaken to date pursuant to action 21 under decision VII/22;
 4. To request the Executive Committee, with the assistance of the Informal Group, to expeditiously identify steps that 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;
 5. To review this matter at the Tenth Meeting of the Parties;

Decision IX/15. Production sector

Noting the progress in the preparation of the guidelines for funding the production sector indicated in the report of the Executive Committee to the Ninth Meeting of the Parties,

Recognizing the importance of timely phase-out of ozone-depleting substances in the countries operating under Article 5,

Recognizing the equal importance of funding both the closure of facilities and the production of substitutes for ozone-depleting substances,

Recognizing the importance of technology transfer for the effective implementation of the activities in the production sector,

- To request the Executive Committee to accelerate the formulation of the guidelines for funding the production sector and the subsequent approval of relevant projects in this sector;

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

- To modify the terms of reference of the Executive Committee:
 - (a) By inserting at the end of paragraph 2 of Annex X to the report of the Fourth Meeting of the Parties, the following paragraph:

"2 bis. The members of the Executive Committee whose selection was endorsed by the Eighth Meeting of the Parties shall remain in office until 31 December 1997. Thereafter, the term of office of the members of the Committee shall be the calendar year commencing on 1 January of the calendar year after the date of their endorsement by the Meeting of the Parties; and
 - (b) By substituting the following for paragraph 8:

* The terms of reference of the Executive Committee as modified by the present decision are contained in annex V below.

"The Executive Committee shall hold three meetings a year while retaining the flexibility to take advantage of the opportunity provided by other Montreal Protocol meetings to convene additional meetings where special circumstances make this desirable."

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

1. That for 1999, for Parties not operating under paragraph 1 of Article 5 of the Protocol, production and consumption necessary to satisfy essential uses of controlled substances in Annexes A and B of the Protocol only for laboratory and analytical uses, as listed in annex IV to the report of the Seventh Meeting of the Parties, are authorized, subject to the conditions applied to exemption for laboratory and analytical uses as contained in annex II to the report of the Sixth Meeting of the Parties;
2. That data for consumption and production should be reported annually under a global essential-use exemption framework to the Secretariat so that the success of reduction strategies may be monitored;
3. To clarify that essential-use exemptions for laboratory and analytical uses of controlled substances shall continue to exclude the production of products made with or containing such substances;

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

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 (MDIs) for asthma and chronic obstructive pulmonary diseases, and halon 2402 for fire protection are authorized as specified in annex VI to the report of the Ninth Meeting of the Parties, 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 of the emergency use of 3 tonnes for 1997 for CFC-12 for sterile aerosol talc submitted as an essential-use nomination by United States of America;

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

1. To note with appreciation the interim report of the Technology and Economic Assessment Panel (TEAP) pursuant to decision VIII/12;
2. To request the Technology and Economic Assessment Panel to continue its

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work and submit the final report to the Tenth Meeting of the Parties, through the Open-ended Working Group, taking into account the approach indicated in paragraph 5 of decision VIII/12 and the comments made during the fifteenth and sixteenth meetings of the Open-ended Working Group and the Ninth Meeting of the Parties;

3. To note the expectation of TEAP and its relevant Technical Options Committee that it remains possible that the major part of the MDI transition may occur in non-Article 5 countries by the year 2000 and there will be minimal need for CFCs for metered-dose inhalers by 2005, however, at this point in time there are still many variables and an exact time-scale is not possible to predict with certainty;
4. To note the concerns of some non-Article 5 Parties that they may not be able to convert as soon as they would like unless their independent MDI manufacturers are able to license non-CFC technologies;
5. To require non-Article 5 Parties submitting essential-use nominations for CFCs for MDIs for the treatment of asthma and chronic obstructive pulmonary disease (COPD) to present to the Ozone Secretariat an initial national or regional transition strategy by 31 January 1999 for circulation to all Parties. Where possible, non-Article 5 Parties are encouraged to develop and submit to the Secretariat an initial transition strategy by 31 January 1998. In preparing a transition strategy, non-Article 5 Parties should take into consideration the availability and price of treatments for asthma and COPD in countries currently importing CFC MDIs;

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

1. That all transfers of essential-use authorizations for CFCs for MDIs be reviewed on a case-by-case basis at Meetings of the Parties for approval;
2. Notwithstanding paragraph 1 of the present decision, to allow the Secretariat, in consultation with the Technology and Economic Assessment Panel, to authorize a Party, in an emergency situation, to transfer some or all of its authorized levels of CFCs for essential uses in MDIs to another Party, provided that:
 - (a) The transfer applies only up to the maximum level that has previously been authorized for the calendar year in which the next Meeting of the Parties is to be held;
 - (b) Both Parties involved agree to the transfer;
 - (c) The aggregate annual level of authorizations for all Parties for essential uses of MDIs does not increase as a result of the transfer;
 - (d) The transfer or receipt is reported by each Party involved on the essential-use quantity-accounting format approved by the Eighth

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Meeting of the Parties by paragraph 9 of decision VIII/9;

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

Noting that in its 1994 report, the Scientific Assessment Panel identified decommissioning and destruction of halon as the second most environmentally beneficial potential approach to further lowering stratospheric chlorine and bromine abundances but that the Technology and Economic Assessment Panel concluded that such an approach, while technically feasible, was not appropriate at that time,

Noting that the Seventh Meeting of the Parties took action in relation to methyl bromide controls, which was the approach identified by the Scientific Assessment Panel as the most environmentally beneficial approach at that time,

Noting also that Parties are considering further controls on methyl bromide,

Recognizing that, since 1994, some Parties have taken action to decommission and commence destruction of non-essential halon,

Recognizing that depletion of the ozone layer continues to be a significant environmental concern and that atmospheric concentrations of halons continue to increase,

Recognizing that the Technology and Economic Assessment Panel is currently conducting an assessment of the availability of halons for critical uses under the terms of decision VIII/17,

1. To request the Technology and Economic Assessment Panel to examine the feasibility 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 need of Article 5 Parties for halon. In undertaking such an examination, TEAP should also examine the efficacy of halon alternatives, experience with potential measures to ensure safety and to minimize any emissions of halons during decommissioning, and experience with the cost and efficiency of storage prior to destruction and with halon destruction activities undertaken to date;
2. To request TEAP to report on this matter to the Tenth Meeting of the Parties;

Decision IX/22. Customs codes

1. To express appreciation to the Multilateral Fund, UNEP and the Stockholm Environmental Institute for the useful information on the problems and possibilities of using customs codes for tracking imports of ozone-depleting substances (ODS) contained in the book Monitoring

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Imports of Ozone-Depleting Substances: A Guidebook;

2. To recommend this book as a guide to Parties seeking more information on this issue;
3. In order to facilitate cooperation between customs authorities and the authorities in charge of ODS control and ensure compliance with licensing requirements, to request the Executive Director of UNEP:
 - (a) To request the World Customs Organization (WCO) to revise its decision of 20 June 1995, recommending one joint national code on all HCFCs under subheading 2903.49, by instead recommending separate national codes under subheading 2903.48 for the most commonly used HCFCs (e.g., HCFC-21; HCFC-22; HCFC-31; HCFC-123; HCFC-124; HCFC-133; HCFC-141b; HCFC-142b; HCFC-225; HCFC-225ca; HCFC-225cb);
 - (b) To further ask the World Customs Organization to work with major ODS suppliers to develop and provide the Parties to the Montreal Protocol, through UNEP, with a check-list of relevant customs codes for ODS that are commonly marketed as mixtures, for use by national customs authorities and authorities in charge of control of ODS to ensure compliance with import licensing requirements;
4. To request all Parties with ODS production facilities to urge their producing companies to cooperate fully with WCO in the preparation of this check-list;

Decision IX/23. Continuing availability of CFCs

1. To note that despite the phase-out of the production and consumption of CFCs by 1 January 1996 in Parties not operating under paragraph 1 of Article 5, CFCs continue to remain available in fairly significant quantities in a number of such Parties, thereby preventing the timely elimination of the use and emissions of CFCs;
2. To note that information suggests that illegal trade in CFCs is contributing to their continued availability, and therefore to increased and unnecessary damage to the ozone layer;
3. To note that apart from agreed exempted uses, the continued supply of new CFCs is no longer necessary, as technically and economically feasible alternatives are widely available;
4. To request non-Article 5 Parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 and other exempted uses. Parties may also consider extending this ban to include other substances listed in Annex A and B to the Montreal Protocol and recovered, recycled and reclaimed substances, provided that adequate steps are taken to ensure their disposal;
5. To request the Parties concerned to report to the Secretariat in time

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for the Eleventh Meeting of the Parties on action taken under this decision.

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

1. That any Party may bring to the attention of the Secretariat the existence of new substances which it believes have the potential to deplete the ozone layer and have the likelihood of substantial production, but which are not listed as controlled substances under Article 2 of the Protocol;
2. To request the Secretariat to forward such information forthwith to the Scientific Assessment Panel and the Technology and Economic Assessment Panel;
3. To request the Scientific Assessment Panel to carry out an assessment of the ozone-depleting potential of any such substances of which it is aware either as a result of information provided by Parties, or otherwise, to pass that information to the Technology and Economic Assessment Panel as soon as possible, and to report to the next ordinary Meeting of the Parties;
4. To request the Technology and Economic Assessment Panel to report to each ordinary Meeting of the Parties on any such new substances of which it is aware either as a result of information provided by Parties, or otherwise, and for which the Scientific Assessment Panel has estimated to have a significant ozone-depleting potential. The report shall include an evaluation of the extent of use or potential use of each substance and if necessary the potential alternatives, and shall make recommendations on actions which the Parties should consider taking;
5. To request Parties to discourage the development and promotion of new substances with a significant potential to deplete the ozone layer, technologies to use such substances and use of such substances in various applications;

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

1. To note the statement of the Co-Chairs of the Scientific Assessment Panel that, while the Scientific Assessment of Ozone Depletion will be ready by October 1998, as requested by the Seventh Meeting of the Parties in its decision VII/34, the Special Report on Aviation and the Global Atmosphere being prepared pursuant to the same decision, will not be ready until March 1999;
2. To approve the date of 31 March 1999 for the submission of the Special Report on Aviation and the Global Atmosphere;

Decision IX/26. Application of the Republic of Moldova for

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developing country status under the
Montreal Protocol

- To accept the application of the Republic of Moldova to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the Republic of Moldova is classified as a developing country by the World Bank and the Organisation for Economic Cooperation and Development and as a net recipient country by the United Nations Development Programme;

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

Noting that South Africa is classified as a developing country by the United Nations Development Programme and the Organisation for Economic Cooperation and Development,

Noting that South Africa is regarded as a developing country in all other international environmental agreements and protocols to which it is a party and where this distinction is made,

Noting that South Africa's 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 its accession to the Montreal Protocol,

Noting that South Africa has thus far totally complied with the requirements of the existing Amendments to the Montreal Protocol and undertakes not to revert to producing or consuming substances phased out under these Amendments, and

Noting that South Africa has undertaken not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties,

- To accept the classification of South Africa as a developing country for the purposes of the Montreal Protocol;

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

1. To note with appreciation the work done by the Implementation Committee and the Secretariat on the review and redesign of the formats for reporting data under Article 7 of the Montreal Protocol;
2. To note that the issue of reporting data is an important one and that it is an area to which the Parties may consider giving greater consideration;
3. To approve the revised forms for reporting data prepared according to the reporting mandates of the Protocol. The data forms are set out in

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annex VII to the report of the Ninth Meeting of the Parties;

4. To recall decision IV/10 and decision IX/17, paragraph 3, and request TEAP, in cooperation with the UNEP Industry and Environment Centre, to prepare a list of mixtures known to contain controlled substances and the percentage proportions of those substances. In particular, the list should provide information on refrigerant mixtures and solvents. It should report this information to the Parties at the seventeenth meeting of the Open-ended Working Group, and annually thereafter;
5. To request UNEP Industry and Environment Centre to draw on its existing reports and its OzonAction Information Clearing-house (OAIC) diskette database, and, in collaboration with the other Implementing Agencies and the Secretariat of the Multilateral Fund, prepare a handbook on data-reporting which will provide information to the Parties to assist all Parties with data-reporting. This information should include techniques for data collection, trade names, as identified by TEAP, customs codes (where these exist), and advice on what sectors of industry may be using these products;
6. To stipulate that, for the purpose of the data-collection only, when reporting data on the consumption of methyl bromide for quarantine and pre-shipment applications, the Parties shall report the amount consumed (i.e., import plus production minus export) and not actual "use";
7. To note that the revised data forms in annex VII to the report of the Ninth Meeting of the Parties, when completed, largely fulfil the reporting requirements under the Montreal Protocol, excluding those for essential-use exemptions;

Decision IX/29. Compliance with the Montreal Protocol by Latvia

1. To note the timetable for the ratification of the London Amendment of the Montreal Protocol provided by Latvia and urge Latvia to ratify the London Amendment by October 1997 as indicated in their timetable;
2. To note that, according to the information contained in Latvia's country programme for the phase-out of ozone-depleting substances, Latvia is a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance with the Montreal Protocol in 1998, so that the Implementation Committee might have to revert to that question that year;
3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Latvia to the Parties in line with decision VIII/22, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Latvia for projects to implement the country programme for phasing out ozone-depleting substances in the country;
4. To keep under review the situation with regard to ODS phase-out in Latvia;

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Decision IX/30. Compliance with the Montreal Protocol
by Lithuania

1. To note the timetable for the ratification of the London Amendment to the Montreal Protocol provided by Lithuania and urge Lithuania to ratify the London Amendment in September 1997 as indicated in their timetable;
2. To note that, according to the information contained in Lithuania's country programme for the phase-out of ozone-depleting substances, Lithuania is in a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance in 1998, so that the Implementation Committee might have to revert to that question that year;
3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Lithuania to the Parties in line with decision VIII/23, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Lithuania for projects to implement the country programme for phasing out ozone-depleting substances in the country;
4. To keep under review the situation with regard to ODS phase-out in Lithuania;

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

1. To note the detailed information reported by the Russian Federation in response to decision VIII/25 of the Eighth Meeting of the Parties on quantities of imports and exports of ODS and products containing such substances; data on the type of ODS (new, recovered, recycled, reclaimed, reused, used as feedstock); details of suppliers, recipient countries and conditions of delivery of the substances for 1996;
2. To note with appreciation the clarifications on details of imports and/or exports of ODS from the Russian Federation in 1996, provided by some Parties mentioned in the Russian Federation's submission to the Implementation Committee;
3. To note the information reported by the Russian Federation in response to the Implementation Committee's request at its seventeenth meeting regarding information on ways in which the Russian Federation was maximizing the use of its recycling facilities to meet internal needs and to diminish production of new CFCs;
4. That the Russian Federation was in a situation of non-compliance with the Protocol in 1996 as noted in decision VIII/25 and there is an expectation of non-compliance in 1997 so that the Implementation Committee might have to revert to this question at the appropriate time;

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5. To note also that the Russian Federation had exported both new and reclaimed substances to some Parties operating under Article 5 and those Parties not operating under that Article and those Parties had imported small quantities of ODS from the Russian Federation in 1996;
6. To note further that the Russian Federation had started implementation of its exports control of ozone-depleting substances from July 1996 by not exporting any ODS including used, new, recycled or reclaimed substances, to any Party with the exception of Parties operating under Article 5 and of Parties that are members of the Commonwealth of Independent States, including Belarus and Ukraine, as per decision VII/18;
7. In the light of the information on the recovery and recycling in the Russian Federation provided by the representative of that country, international assistance, particularly by the Global Environment Facility, should continue to be considered favourably in order to provide funding for the Russian Federation for projects to implement the programme for the phase-out of the production and consumption of ozone-depleting substances in the country;
8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation;

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

1. To note the Czech Republic's non-compliance in 1995 with the freeze in the consumption of methyl bromide. According to the information provided by the Czech Republic, in 1995 a total of 11.16 ODP tonnes of methyl bromide was imported, of which 7.9 ODP tonnes was consumed in 1996, and no methyl bromide was imported in 1996;
2. To note that, consequently, although the 1995 imports of methyl bromide exceeded the freeze level of 6.0 ODP tonnes for the Czech Republic, the average annual consumption for the two years 1995 and 1996 was below that level;
3. That no action is required on this incident of non-compliance but the Czech Republic should ensure that a similar case does not occur again;

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

1. To recall decision VI/5, subparagraph (c), of the Sixth Meeting of the Parties to the Montreal Protocol under which a Party is allowed to correct the data submitted by it in the interest of accuracy for a given year but no change of classification is permitted for that year pertaining to which the data has been corrected;
2. To note the revised data on consumption of ozone-depleting substances

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- reported by Brunei Darussalam for 1994 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;
3. To note further the data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1995 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;
 4. To reclassify Brunei Darussalam as a Party operating under paragraph 1 of the Article 5 effective 1 January 1995 on the basis of its data submitted for 1995;

Decision IX/34. Compliance with the Montreal Protocol

- To remind all Parties that the Parties decided in their decision IV/14, adopted at the Fourth Meeting of the Parties, to clarify as follows, for purposes of Article 7, the distinction to be made between cases of transshipment of controlled substances through a third country and cases of imports and subsequent re-exports:
- (a) For cases of transshipment of controlled substances through a third country, it was clarified that the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer; and
 - (b) For cases of import and re-export, it was clarified that import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import;

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

Recalling the non-compliance procedure adopted by the Fourth Meeting of the Parties in its decision IV/5,

Noting that these procedures have not been reviewed since their adoption in 1992,

Aware that the effective operation of the Protocol requires that these procedures should be reviewed on a regular basis,

Also aware of the fundamental importance of ensuring compliance with the provisions of the Montreal Protocol and of assisting Parties to that end,

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1. To establish an Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance composed of fourteen members: seven representatives from Parties operating under paragraph 1 of Article 5 and seven representatives from Parties not operating under Article 5, to review the non-compliance procedure of the Montreal Protocol and to develop appropriate conclusions and recommendations, for consideration by the Parties, on the need and modalities for the further elaboration and the strengthening of this procedure;
2. To select the following seven Parties: Australia, Canada, European Community, Russian Federation, Slovakia, Switzerland and United Kingdom of Great Britain and Northern Ireland from those Parties not operating under paragraph 1 of Article 5, and to select the following seven Parties: Argentina, Botswana, China, Georgia, Morocco, Sri Lanka and St. Lucia, from those Parties operating under paragraph 1 of Article 5, as members of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance;
3. To note that the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance shall select two Co-Chairs, one from those Parties operating under paragraph 1 of Article 5 and one from Parties not so operating;
4. To adopt the following timetable for the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance:
 - (a) 1 November 1997: each of the selected Parties is invited to indicate to the Secretariat the name of its representative to the Ad Hoc Working Group;
 - (b) 1 January 1998: all Parties are also invited to submit to the Secretariat any comments or proposals they wish to see considered in the work of the Ad Hoc Working Group;
 - (c) The Ad Hoc Working Group will meet during the three days immediately prior to the seventeenth meeting of the Open-ended Working Group of the Parties. It should provide a short report at the seventeenth meeting of the Open-ended Working Group of the Parties on the status of its work;
 - (d) The Ad Hoc Working Group will meet during the three days immediately prior to the Tenth Meeting of the Parties. It should provide a status report on the outcome of its work, including any conclusions and recommendations;
 - (e) The Group may also consider carrying out additional work through correspondence or any other means it considers appropriate;
5. To request the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, when reviewing the non-compliance procedure to:
 - (a) Consider any proposals presented by Parties for strengthening the non-compliance procedure, including, inter alia, how repeated instances of major significance of non-compliance with the

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Protocol could trigger the adoption of measures under the indicative list of measures with a view to ensuring prompt compliance with the Protocol;

- (b) Consider any proposals presented by Parties for improving the effectiveness of the functioning of the Implementation Committee, including with respect to data-reporting and the conduct of its work;
- 6. To consider and adopt any appropriate decision at the Tenth Meeting of the Parties upon the review of the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, including its conclusions and/or recommendations;
- 7. To note that the review of the "Indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance with the Protocol" is not included in the mandate of the Ad Hoc Working Group;

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

- To endorse the selection of Mr. V. Anand (India) and Mr. Jukka Uosukainen (Finland) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1998;

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

- 1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1996 as contained in document UNEP/OzL.Pro.9/5;
- 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 VIII to the report of the Ninth Meeting of the Parties;
- 3. To approve the proposed budget of US\$ 3,679,704 for 1998 and US\$ 3,615,740 for 1999, as set out in annex IX to the report of the Ninth 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;
- 5. Having in mind the terms of reference agreed to in annex V to the report of the Eighth Meeting of the Parties and approved in decision VIII/19, in particular regarding the size and balance of the Assessment Panels and their subsidiary bodies:
 - (a) To express its desire to move towards a situation when all experts of assessment panels and their subsidiary bodies from

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developing countries and CEIT could be supported to take part in their meetings;

- (b) To note that the budget for 1998 and 1999 provides a reasonable expectation that no request from any developing country and CEIT expert in these bodies will be denied;
6. To request the Secretariat to report to the Tenth Meeting of the Parties on the utilization of the funds for the participation of experts from developing countries and countries with economies in transition in the meetings of the Assessment Panels and their subsidiary bodies;
7. To take note of the report of UNEP on the ways in which the 13 per cent programme support costs has been used; to request the Executive Director of UNEP to ensure that this charge to the Trust Fund for the Montreal Protocol is used fully in support of the Protocol and its Secretariat; and to submit a final report to 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

1. To agree to waive the outstanding contributions to the Multilateral Fund specified in annex X of the report of the Ninth Meeting of the Parties as a one-time measure;
2. To agree that the issue of waiving outstanding contributions to the Multilateral Fund assessed before ratification of the London Amendment by any Party will neither be raised nor will this decision be cited as a precedent in future;

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

- That the amount already paid by Cyprus to the Multilateral Fund should not be refunded.

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

1. To reaffirm decision VII/38 of the Seventh Meeting of the Parties, by which the Parties decided to hold the Tenth Meeting of the Parties in Egypt in 1998;
2. To convene the Tenth Meeting of the Parties to the Montreal Protocol in Cairo, in November 1998.

B. Comments made at the time of adoption of the decisions

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Measures taken to improve the Financial Mechanism and technology transfer
(decision IX/14)

101. Following the adoption of decision IX/14, the representative of Mauritius expressed his concern at the slow progress in effecting the 21 actions to improve the functioning of the financial mechanism approved by the Seventh Meeting of the Parties in its decision VII/22. He appealed to the Executive Committee to ensure that an action programme was developed with target dates for discussion by the Parties at the first possible opportunity, namely, the seventeenth meeting of the Open-ended Working Group.

Essential-use nominations for non-Article 5 Parties for controlled substances
for 1998 and 1999 (decision IX/18)

102. In view of the reclassification of South Africa as a developing country Party, the Meeting of the Parties decided to delete the recommended essential-use exemption for that country appearing in annex I to the draft decisions forwarded by the Open-ended Working Group to the Ninth Meeting of the Parties.

103. The related draft decision, with the amended table of agreed essential-use exemptions, was adopted as decision IX/18.

Metered-dose inhalers (MDIs) (decision IX/19)

104. While not objecting to the decision on metered-dose inhalers, the representative of India reiterated his delegation's view that issues related to affordability, availability, technology transfer, relative implications for ODS phase-out, transition to non-CFC treatments and impact on patients in Article 5 countries had not been adequately dealt with in the TEAP report on the subject.

Decommissioning of non-essential halon systems in non-Article 5 Parties
(decision IX/21)

105. The Ninth Meeting of the Parties took note of a statement by the representative of Uganda that the second and third preambular paragraphs of decision IX/21 were inappropriate and should be deleted.

Compliance with the Montreal Protocol by Lithuania (decision IX/30)

106. On the proposal of the representative of Lithuania, the Ninth Meeting of the Parties decided to amend the words "by September 1997" in paragraph 1 of the draft decision on the above subject to read "in September 1997".

107. The draft decision, as amended, was adopted as decision IX/30.

Compliance with the Montreal Protocol (decision IX/34)

108. The representative of India stated his delegation's understanding that if ships carrying ODS merely used port facilities and the ODS did not enter into a country, the movement would be categorized as a transshipment. If however, ODS did enter into a country, it would be categorized as an import.

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VIII. OTHER MATTERS

Appointment of members of the Technology and Economic Assessment Panel and its Technical Options Committees

109. On the recommendation of the Co-Chairs of the Technology and Economic Assessment Panel, the Meeting agreed to appoint Mrs. Zhang Shiqui (China) as a Co-Chair of the Economic Options Committee.

110. Also on the recommendation of the Co-Chairs of the Technology and Economic Assessment Panel, the Meeting agreed to appoint Dr. Thomas Bachelor (New Zealand) to the post left vacant by Dr. Jonathan Banks, who was retiring from the Methyl Bromide Technical Options Committee for personal reasons. In doing so, the Meeting expressed its appreciation to Dr. Banks for the work that he had done as Co-Chair of that Committee.

Declaration on hydrochlorofluorocarbons

111. At the closing session of the Meeting, the representative of the European Community read out a declaration on HCFCs by Argentina, Austria, Belgium, Botswana, Czech Republic, Denmark, Estonia, the European Community, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Namibia, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Uganda and the United Kingdom.

112. As agreed by the Meeting, the text of the declaration is attached to the present report (see annex XI below).

Declaration on methyl bromide

113. Also at the closing session of the Meeting, the representative of Colombia read out a declaration on methyl bromide by Bolivia, Burundi, Canada, Chile, Colombia, Denmark, Ghana, Iceland, Namibia, the Netherlands, New Zealand, Norway, Romania, Sweden, Switzerland, the United Kingdom and Venezuela.

114. As agreed by the Meeting, the text of the declaration is attached to the present report (see annex XII below).

Expression of appreciation to the Government of Canada

115. The Meeting expressed its appreciation to the Government of Canada for the excellent arrangements made for the Meeting and the warm hospitality shown to participants.

Expression of appreciation to the World Children's Choir

116. The Meeting also expressed its appreciation to the World Children's Choir of Washington, DC, producing and donating to UNEP 1,000 copies of a compact disc, entitled "For the Beauty of the Earth" to commemorate the tenth anniversary of the conclusion of the Montreal Protocol and the twenty-fifth

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anniversary of the establishment of UNEP.

IX. ADOPTION OF THE REPORT

117. The present report was adopted on the basis of the draft report submitted to the Meeting.

X. CLOSURE OF THE MEETING

118. After the customary exchange of courtesies, the President declared the Ninth Meeting of the Parties closed at 9.05 p.m. on 17 September 1997.

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Annex I

ADJUSTMENTS AGREED AT THE NINTH MEETING OF THE PARTIES RELATING
TO CONTROLLED SUBSTANCES IN ANNEX A

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (a) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

(c) For controlled substances under Annex A, either the average of its annual calculated level of production for the period 1995 to 1997 inclusive or a calculated level of production of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

Annex II

ADJUSTMENTS AGREED AT THE NINTH MEETING OF THE PARTIES RELATING
TO CONTROLLED SUBSTANCES IN ANNEX B

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (b) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

(d) For controlled substances under Annex B, either the average of its annual calculated level of production for the period 1998 to 2000 inclusive or a calculated level of production of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

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Annex III

ADJUSTMENTS AGREED AT THE NINTH MEETING OF THE PARTIES RELATING
TO THE CONTROLLED SUBSTANCE IN ANNEX E

A. Article 2H: Methyl bromide

1. Paragraphs 2 to 4 of Article 2H of the Protocol shall be replaced by the following paragraphs:
2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1999, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.
3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.
4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.
5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the

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substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1991. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.

2. Paragraph 5 of Article 2H of the Protocol shall become paragraph 6.

B. Article 5, paragraph 8 ter (d)

1. The following shall be inserted after paragraph 8 *ter* (d) (i) of Article 5 of the Protocol:

(ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses;

2. Paragraph 8 ter (d) (ii) of Article 5 of the Protocol shall become paragraph 8 ter (d) (iv).

Annex IV

AMENDMENT TO THE MONTREAL PROTOCOL ADOPTED BY THE NINTH MEETING
OF THE PARTIES

ARTICLE 1: AMENDMENT

A. Article 4, paragraph 1 qua.

The following paragraph shall be inserted after paragraph 1 *ter* of Article 4 of the Protocol:

1 qua. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Annex E from any State not party to this Protocol.

B. Article 4, paragraph 2 qua.

The following paragraph shall be inserted after paragraph 2 *ter* of Article 4 of the Protocol:

2 qua. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.

C. Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:
and Group II of Annex C

there shall be substituted:

, Group II of Annex C and Annex E

D. Article 4, paragraph 8

In paragraph 8 of Article 4 of the Protocol, for the words:

Article 2G

there shall be substituted:

Articles 2G and 2H

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E. Article 4A: Control of trade with Parties

The following Article shall be added to the Protocol as Article 4A:

1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.
2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.

F. Article 4B: Licensing

The following Article shall be added to the Protocol as Article 4B:

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.
2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.
3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.
4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

ARTICLE 2: RELATIONSHIP TO THE 1992 AMENDMENT

No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Fourth Meeting of the Parties in Copenhagen, 25 November 1992.

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ARTICLE 3: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1999, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment 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.

2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

Annex V

TERMS OF REFERENCE OF THE EXECUTIVE COMMITTEE AS MODIFIED BY THE
NINTH MEETING OF THE PARTIES IN ITS DECISION IX/16

1. The Executive Committee of the Parties is established to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund under the Financial Mechanism.
2. The Executive Committee shall consist of seven Parties from the group of Parties operating under paragraph 1 of Article 5 of the Protocol and seven Parties from the group of Parties not so operating. Each group shall select its Executive Committee members. The members of the Executive Committee shall be formally endorsed by the Meeting of the Parties.
- 2 bis. The members of the Executive Committee whose selection was endorsed by the Eighth Meeting of the Parties shall remain in office until 31 December 1997. Thereafter, the term of office of the members of the Committee shall be the calendar year commencing on 1 January of the calendar year after the date of their endorsement by the Meeting of the Parties.
3. The Chairman and Vice-Chairman shall be selected from the fourteen 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 chairmanship shall select the Chairman from among their members of the Executive Committee. The Vice-Chairman shall be selected by the other group from within their number.
4. Decisions by the Executive Committee shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be taken by a two-thirds majority of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 and a majority of the Parties not so operating present and voting.
5. The meetings of the Executive Committee shall be conducted in those official languages of the United Nations required by members of the Executive Committee. Nevertheless, the Executive Committee may agree to conduct its business in one of the United Nations official languages.
6. Costs of Executive Committee meetings, including travel and subsistence of Committee participants from Parties operating under paragraph 1 of Article 5, shall be disbursed from the Multilateral Fund as necessary.
7. The Executive Committee shall ensure that the expertise required to perform its functions is available to it.

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8. The Executive Committee shall hold three meetings a year while retaining the flexibility to take advantage of the opportunity provided by other Montreal Protocol meetings to convene additional meetings where special circumstances make this desirable.

9. The Executive Committee shall adopt other rules of procedure on a provisional basis and in accordance with paragraphs 1 to 8 of the present terms of reference. Such provisional rules of procedure shall be submitted to the next annual meeting of the Parties for endorsement. This procedure shall also be followed when such rules of procedure are amended.

10. The functions of the Executive Committee shall include:

(a) To develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources;

(b) To develop the plan and budget for the Multilateral Fund, including allocation of Multilateral Fund resources among the agencies identified in paragraph 5 of Article 10 of the Amended Protocol;

(c) To supervise and guide the administration of the Multilateral Fund;

(d) To develop the criteria for project eligibility and guidelines for the implementation of activities supported by the Multilateral Fund;

(e) To review regularly the performance reports on the implementation of activities supported by the Multilateral Fund;

(f) To monitor and evaluate expenditure incurred under the Multilateral Fund;

(g) To consider and, where appropriate, approve country programmes for compliance with the Protocol and, in the context of those country programmes, assess and where applicable approve all project proposals or groups of project proposals where the agreed incremental costs exceed \$500,000;

(h) To review any disagreement by a Party operating under paragraph 1 of Article 5 with any decision taken with regard to a request for financing by that Party of a project or projects where the agreed incremental costs are less than \$500,000;

(i) To assess annually whether the contributions through bilateral cooperation, including particular regional cases, comply with the criteria set out by the Parties for consideration as part of the contributions to the Multilateral Fund;

(j) To report annually to the meeting of the Parties on the activities exercised under the functions outlined above, and to make recommendations as appropriate;

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(k) To nominate, for appointment by the Executive Director of UNEP, the Chief Officer of the Fund Secretariat, who shall work under the Executive Committee and report to it; and

(l) To perform such other functions as may be assigned to it by the Meeting of the Parties.

Annex VI

ESSENTIAL-USE EXEMPTIONS FOR 1998 AND 1999
(in metric tonnes)

Party*	CFC-11		CFC-12		CFC-113		CFC-114		Halon-2402
	1998	1999	1998	1999	1998	1999	1998	1999	1998
1. Australia	35.0	49.0	85.0	120.0	--	--	--	5.0	--
2. European Union	--	1,690.0	--	2,857.0	--	19.0	--	434.0	--
3. Hungary	6.0	3.0	2.25	3.0	0.23	0.23	1.7	3.0	--
4. Russian Federation	226.0	--	226.0	--	--	--	--	--	255.0
5. United States**	--	1,085.3	--	2,539.7	--	--	--	280.8	--
TOTAL	267.0	2,827.3	313.25	5,519.7	0.23	19.23	1.7	722.8	255.0

* TEAP and the Open-ended Working Group had recommended approval of an exemption for South Africa for 1999 of 69 tonnes of CFC-11, 174 tonnes of CFC-12 and 3 tonnes of CFC-114 for use in MDIs for asthma and chronic obstructive pulmonary disease. At the request of the representative of South Africa, the nomination was deleted from the table following the country's reclassification as a developing country Party.

** Three metric tonnes of CFC-12 for sterile aerosol talc authorized as an emergency use for 1997. Any residual quantity available at the end of 1997 could be used in 1998 if needed to effect a safe transition to a non-ODS alternative.

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Annex VII

Data Reporting Forms

Country: _____ Reporting year: _____

Questionnaire

Q1. Did your Country import CFCs, Halons, Carbon Tetrachloride, Methyl Chloroform, HCFCs, or Methyl Bromide in the reporting year?

Yes [] No []

If Yes, go to Data Form 1 and enter the relevant data. Please read Instruction I on page 4 carefully before filling in the form. If No, ignore Data Form 1 and go to Question 2.

Q2. Did your Country export CFCs, Halons, Carbon Tetrachloride, Methyl Chloroform, HCFCs or Methyl Bromide in the reporting year?

Yes [] No []

If Yes, go to Data Form 2 and enter the relevant data. Please read Instruction II on page 5 carefully before filling in the form. If No, ignore Data Form 2 and go to Question 3.

Q3. Did your Country produce CFCs, Halons, Carbon Tetrachloride, Methyl Chloroform, HCFCs or Methyl Bromide in the reporting year?

Yes [] No []

If Yes, go to Data Form 3 and enter the relevant data. Please read Instruction III on page 6 carefully before filling in the form. If No, ignore Data Form 3 and go to Question 4.

Q4. Did your Country destroy any ODSs in the reporting year?

Yes [] No []

If Yes, go to Data Form 4 and enter the relevant data. Please read Instruction IV on page 7 carefully before filling in the form. If No, ignore Data Form 4 and go to Question 5.

Q5. Did your country import from or export to non-Parties in the reporting year?

Yes [] No []

If Yes, go to Data Form 5 and enter the relevant data. Please read Instruction V on page 7 carefully before filling in the form. If No, ignore Data Form 5.

Please return filled in Data Forms with the signed questionnaire to the Ozone Secretariat, before the last day of September following the reporting year.

Signature:
Name of reporting officer:.....
Designation:.....
Organization:.....
Contact details: (Phone, Fax, Postal Address and E-mail Address)
.....
.....
Country:.....
Date:

ANNUAL DATA-REPORTING

I. INTRODUCTION

The data forms have been designed to make reporting easier for the Parties.

The major features of the forms are as follows:

- (a) Five separate data forms are provided for imports, exports, production, trade with non-Parties, and destruction of ozone depleting substances (ODSs). Many Parties do not produce, destroy or export any of the substances. If this is the case in your country, please use only the imports Data Form 1 and Data Form 5, as applicable;
- (b) A row has been provided for each of the substances in Annex A. However, for categories of Annex B, Group I (other fully halogenated CFCs) and Annex C, Group I (HCFCs), the form is made shorter by providing a row only for the substances which has been reported by Parties in the past. One blank row is provided for more substances, if needed. HBFCs (Annex C, Group II) have already been phased out by all the Parties. Hence, only one blank row has been provided for them, as a formality. The use of computerized forms supplied by the Secretariat is encouraged. Paper forms are also available. Parties who use the computerized forms may add more rows as needed, otherwise Parties are free to use additional pages as required;
- (c) The following are the exempted categories of ODSs:
 - Feedstocks for all the substances,
 - Essential uses for Annexes A, B and C substances as approved from time to time, and
 - Quarantine and pre-shipment applications for methyl bromide.

It is necessary for each Party to specify how much of its production, export and import is used for these exempted categories. The Secretariat will deduct these exempted quantities from the total figures. Provision is made in the data forms for these exempted categories;

- (d) The same forms can be used for the base year and other years;
- (e) The basis for reporting requirements and definitions are set out on pages 8 to 10 below.

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II. GENERAL INSTRUCTIONS

- (a) Parties are requested to report the production and consumption of bulk ODSs in metric tonnes, without multiplying by the relevant ODPs (ozone-depleting potentials).
- (b) In order to avoid double-counting, quantities contained in end-products should not be included in a country's consumption.
- (c) The data reported in accordance with the data forms will be used to determine the calculated levels of production and consumption, upon which the control measures are based. It is therefore crucial that data be provided separately for each individual substance listed in the forms.
- (d) When calculating consumption the Montreal Protocol allows countries to deduct amounts of ODS used for feedstock uses, exempted essential uses and for quarantine and pre-shipment applications. However, when reporting data Parties should not deduct these figures from their data. The Secretariat will do this.
- (e) It should be noted that both paragraphs 1 and 2 of Article 7 provide that the Parties should submit the best possible estimates for the base year where actual data are not available.
- (f) Parties producing and consuming controlled substances for approved essential uses should also report to the Parties using the form approved by decision VIII/9, paragraph 9.

INSTRUCTION I: Data on Imports of ODSs

1. For reporting data on imports of substances of Annex A (CFCs and halons), Annex B (other fully halogenated CFCs, methyl chloroform and carbon tetrachloride), Annex C (HCFCs or HBFCs) or Annex E substance (methyl bromide), please use Data Form 1.
2. Please enter the number of metric tonnes imported in Data Form 1 for each substance imported. If you did not import any of the substances listed, or if you have imported only recovered or reclaimed substances, please enter zero (0) in Column 3 ("New Imported Quantities") for each substance.
3. When calculating a Party's consumption, the Montreal Protocol does not include substances used as feedstock for the production of other chemicals. Substances so used are completely transformed in the manufacturing process of the new chemical. In Data Form 1 the quantity of new substances imported to be used as feedstock in your Country should be entered in the form in Column 5, but should not be deducted from the total quantity of new substances imported.
4. When calculating a Party's consumption the Montreal Protocol does not include quantities of methyl bromide which is used for quarantine and pre-shipment. In Data Form 1, quantities of methyl bromide imported for quarantine and pre-shipment applications should be entered separately in Column 6, but not deducted from the quantity imported.
5. If your country imported mixtures (blends) of controlled substances, e.g. R-502 (HCFC-22 48.8%; CFC-115 51.2%), please report the quantity of the individual controlled substances contained in the mixture by entering the appropriate data under each controlled substance (e.g. R-502 should be reported as CFC-115 and HCFC-22). For further information about the composition of other mixtures refer to the diskette version of information circulated by the UNEP Industry and Environment Office (UNEP/IE) known as the OAIC-DV Mk V, or refer directly to UNEP/IE.
6. In Data Form 1, all substances of Annex A and Annex B (Groups II and III) have been listed. For Annex B Group I (Other CFCs), and Annex C Group I (HCFCs), only the substances which has been reported by Parties in the past is listed, and one blank row is provided for more substances, if needed. HBFCs have already been phased out by all Parties and hence for HBFCs only one blank row has been provided as a formality. If you are importing controlled substances other than those listed, please use the blank space to report data on these substances, or use additional sheets, if necessary.

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INSTRUCTION II: Data on Export of ODSs

1. For reporting data on exports of substances of Annex A (CFCs and halons), Annex B (other fully halogenated CFCs, methyl chloroform and carbon tetrachloride), Annex C (HCFCs or HBFCs) or Annex E (methyl bromide), please use Data Form 2.
2. Column 2, (SUBSTANCES) has been left blank because each Party may export different substances. Please add the names and relevant information of only those substances being exported.
3. Approximately 20 per cent of the Parties to the Montreal Protocol export some ODS. Reporting exports is necessary for two purposes. First, it is necessary to determine the level of a country's consumption. Consumption under the Protocol is defined as production plus imports minus exports. Accordingly, if your country exported ODS, please provide in Column 3 of Data Form 2 the appropriate total amount of metric tonnes for the relevant newly produced chemical(s) you exported. If you exported any recovered or reclaimed chemicals, you should enter the data in column 4.
4. Second, decision VII/9, paragraph 4, requests the Parties to report on the destination of Annex A and Annex B substances (new, recovered or reclaimed) that were exported. Accordingly, fill in Column 2 on the destination of exports in Data Form 2.
5. Similarly the quantity of new substances exported for essential uses should be entered in Column 6 of Data Form 2 and not deducted from the total quantity of new substances exported.
6. When calculating a Party's consumption, the Montreal Protocol does not include ODSs used as feedstock for the production of other chemicals. ODSs so used are completely transformed in the manufacturing process of new chemicals. In Data Form 2, the quantity of newly produced substances exported to be used as feedstock should be entered in Column 5 of the form and not deducted from the total quantity of new substances exported. This amount should also be included in Column 3 "Total Production for All Uses" fill in Column 5 of Data Form 3.
7. When calculating a Party's consumption, the Montreal Protocol does not include methyl bromide used for quarantine and pre-shipment (QPS) applications. In Data Form 2, quantities of methyl bromide exported for quarantine and pre-shipment applications should be entered separately in Column 7 of the form and not deducted from the quantity exported.
8. If your country exported mixtures of controlled substances, e.g. R-502, please report the quantity of the respective controlled substances contained in the mixture by entering the appropriate data for each component of the mixture which is a controlled substance (see Instruction I, paragraph 5).

INSTRUCTION III: Data on Production of ODSS

1. For reporting data on production of substances of Annex A (CFCs and halons), Annex B (other fully halogenated CFCs, methyl chloroform and carbon tetrachloride), or Annex C (HCFCs and HBFCs), or Annex E (methyl bromide), use Data Form 3.
2. When calculating a Party's consumption the Montreal Protocol does not include ODS used as a feedstock for the production of other chemicals. ODS so used is completely transformed in the manufacturing process of the new chemical. Very few countries report production for feedstock use. If your country produced ODS for feedstock use within the reporting period, please provide data on the quantity of each ODS produced for feedstock purposes in Column 4 of the form.
3. Producers of Annex A and B substances are allowed to produce additionally, 10 per cent (prior to phase-out) or 15 per cent (after phase-out), of their base-year production to meet the basic domestic needs of Parties operating under Article 5 paragraph 1. If your country produced ODS for this purpose, please enter the amount so produced in Column 6 in Data Form 3.
4. In Data Form 3, please give the total production of your Country without making any deductions for feedstock, destruction, export for feedstock uses, or any other use. The quantity of production used for feedstock within your country and production for supply to Parties operating under Article 5, should be filled in the form and not deducted from the total production. You should report exports of ODS to be used for feedstock in Column 5 of Data Form 2 (Data on Exports).
5. In the case of methyl bromide, the quantity produced for quarantine and pre-shipment (QPS) or feedstock, which is eligible for exemption, should be filled in Column 4 or Column 6 of Data Form 3 and not deducted from the total production. You should report exports of methyl bromide to be used for exempted uses on Data Form 2 (Data on Exports).
6. In Data Form 3, all substances of Annex A and Annex B (Groups II and III) have been listed. For Annex B Group I (Other CFCs) and Annex C Group I (HCFCs), only substances which have been reported by Parties in the past are listed. HBFCs have already been phased out by all Parties and hence for HBFCs only one blank row has been provided as a formality. If you are producing controlled substances other than those listed, please use the blank space to report data on these substances, or use additional sheets, if necessary.

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INSTRUCTION IV: Data on Destruction of ODSs

1. Very few countries have the capacity to destroy ODSs using approved destruction technologies. If you have destroyed any of the substances of Annex A (CFCs and halons), Annex B (other fully halogenated CFCs, methyl chloroform and carbon tetrachloride), Annex C (HCFCs and HBFCs) or Annex E (methyl bromide) in the reporting period, please use Data Form 4.
2. Column 1 ("SUBSTANCES") has been left blank because each Party may destroy different substances. Please add the names of only those substances being destroyed.
3. When calculating a Party's consumption, the Montreal Protocol does not include the amount of substances destroyed, if destruction occurred through the use of a Protocol-approved technology.

INSTRUCTION V: Data on Imports from and Exports to non-Parties

1. Please use Data Form 5 for reporting data on imports from and exports to non-Parties of substances of Annex A (CFCs and Halons), Annex B (other fully halogenated CFCs, methyl chloroform and carbon tetrachloride), Annex C (HCFCs and HBFCs) or Annex E (methyl bromide).
2. Column 1 ("SUBSTANCES") has been left blank because each Party may import different substances from and/or export different substances to non-Parties. Please add the names of only those substances that were imported from and/or exported to non-Parties.
3. "Non-Party", for the purpose of Data Form 5, means:
 - Countries which have not ratified the 1987 Montreal Protocol are considered non-Parties in regard to the substances in Annexes A, B, C and E;
 - Parties which have ratified the 1987 Montreal Protocol, but not the London Amendment of the Montreal Protocol, are considered non-Parties in regard to the substances in Annexes B, C and E;
 - Parties which have ratified the 1987 Montreal Protocol and the London Amendment to the Montreal Protocol, but not the Copenhagen Amendment to the Montreal Protocol, are considered non-Parties in regard to the substances in Annexes C and E;
 - The status of ratification of the Parties to the 1987 Montreal Protocol, the London Amendment and Copenhagen Amendment to the Montreal Protocol can be found in a document published and by the Secretariat and updated four times a year.

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DEFINITIONS

- (a) "Consumption" means production plus imports minus exports of controlled substances.
- (b) "Controlled substance" means a substance in Annex A, Annex B, Annex C or Annex E to the Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance. It excludes any controlled substance or mixture (blend) which is in a manufactured product other than a container used for the transportation or storage of that substance.
- (c) "Destruction process" is one which, when applied to controlled substances, results in the permanent transformation or decomposition of all or a significant portion of such substances (decisions I/12F, IV/11, V/26 and VII/35).
- (d) "Production" means the amount of controlled substances produced minus the amount destroyed by technologies approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "Production".
- (e) "Quarantine and pre-shipment applications" have been defined by the Parties as follows (decision VII/5):
1. "Quarantine applications", with respect to methyl bromide, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:
 - (i) Official control is that performed by, or authorized by, a national plant, animal or environmental protection or health authority;
 - (ii) Quarantine pests are pests of potential importance of the areas endangered hereby and not yet present there, or present but not widely distributed and being officially controlled.
 2. "Pre-shipment applications" are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country.
- (f) "Recovery, recycling and reclamation" have been defined by the Parties as follows (decision IV/24):
1. "Recovery": The collection and storage of controlled substances from machinery, equipment, containment vessels, etc., during servicing or prior to disposal;

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2. "Recycling": The reuse of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment. It often occurs "on-site";
 3. "Reclamation": The reprocessing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance. It often involves processing "off-site" at a central facility.
- (g) "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by the Vienna Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned. The only such organization for the purposes of the Montreal Protocol is the European Community.

The Montreal Protocol stipulates that any Parties which are member States of a regional economic integration organization as defined above may agree that they shall jointly fulfil their obligations respecting consumption provided that their total combined calculated level of consumption under Articles 2, 2A - 2H of the Protocol does not exceed the levels required by these Articles.

The Montreal Protocol further stipulates that the requirements in Article 7 of the Protocol in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization. However if any member of such an organization (the European Community) produces and exports substances to other Parties for exempted uses (e.g. feedstock, essential uses, quarantine and pre-shipment applications for methyl bromide), such members should report these by completing the relevant columns in data form 2. This will enable the Secretariat to deduct their exports for exempted purposes from their levels of production which they report in data form 3.

- (h) At the Fourth Meeting of the Parties, it was decided (decision IV/14):

"To clarify Article 7 of the amended Protocol so that it is understood to mean that, in cases of transshipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment of the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import."

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(i) At the Eighth Meeting of the Parties it was decided (decision VIII/14):

"To clarify decision I/12A of the First Meeting of the Parties as follows: trade and supply of methyl bromide in cylinders or any other container will be regarded as trade in bulk in methyl bromide."

REPORTING REQUIREMENTS

Reporting requirements under the Montreal Protocol and pursuant to requests for data by Meetings of the Parties are as follows:

<u>Basis for reporting</u>	<u>Information to be provided</u>
(a) To verify implementation of Articles 2A - 2H	Increased (annual) production of each ODS to meet meet the basic domestic needs of Articles 5 Parties.
(b) Article 7	Production, imports and exports of each of the controlled substances. Amounts used for feedstock. Amounts destroyed. Imports from and exports to non-Parties.
(c) Article 9	Summary of activities (every two years).
(d) Article 2, paras. 5, 5 <u>bis</u> , 6, 7	Transfer or addition of production (as and when it occurs).
(e) Decision IV/11, paragraph 3	Report on statistical data on the actual quantities of ODS destroyed
(f) Decision IV/17 A, paragraph 1	Information on the Implementation of Article 4.
(g) Decision IV/24, paragraph 2	Import and export of recycled and used controlled substances.
(h) Decision V/15	Information relevant to international halon bank management (to UNEP/IE)
(i) Decision V/25 and VI/14 A	Parties supplying ODS to Article 5 Parties provide annually summary of requests from importing Parties.
(j) Decision VI/19, paragraph 4	List of reclamation facilities and their capacities.
(k) Decision VII/9, paragraph 4	Types, quantities and destinations of exports of Annex A and Annex B substances.
(l) Decision VII/30	Importing countries to report to the Secretariat on the volumes of controlled substances imported for feedstock.
(m) Decision VII/32	Report on measures taken to regulate import and export of products and equipment containing Annex A and Annex B substances and technology used in their manufacture.

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(n) Decision VIII/9, paragraph 9

Reporting quantities and uses of ODSs
produced and consumed for essential
uses.

1. Fill in this form only if the Country imported CFCs, HCFCs, Halons, Methyl Chloroform, Carbon Tetrachloride, or Methyl Bromide.

2. Please read Instruction I carefully before filling in this form.

Data Form 1

DATA ON IMPORTS

in metric tonnes (not ODP tonnes)

Annexes A, B, C and E substances

Country: _____

Period: January - December 19__

ANNEX/GROUP 1	SUBSTANCES 2	TOTAL QUANTITIES IMPORTED FOR ALL USES		QUANTITIES OF NEW SUBSTANCES IMPORTED AS FEEDSTOCK 5	QUANTITIES OF NEW SUBSTANCES IMPORTED FOR EXEMPTED ESSENTIAL USES 6
		NEW 3	RECOVERED AND RECLAIMED 4		
A-Group I	CFC-11 (CFCl ₃)				
	CFC-12 (CFC ₂ Cl ₂)				
	CFC-113 (C ₂ F ₃ Cl ₃)				
	CFC-114 (C ₂ F ₄ Cl ₂)				
	CFC-115 (C ₂ F ₅ Cl)				
A-Group II	HALON 1211 (CF ₂ BrCl)				
	HALON 1301 (CF ₃ Br)				
	HALON 2402 (C ₂ F ₄ Br ₂)				
B-Group I	CFC-13 (CF ₃ Cl)				
B-Group II	Carbon tetrachloride (CCl ₄)				
B-Group III	Methyl chloroform, i.e., 1,1,1-trichloroethane (C ₂ H ₃ Cl ₃)				

Data Form I (continued)

Country: _____

Period: January - December 19__

ANNEX/GROUP 1	SUBSTANCES 2	TOTAL QUANTITIES IMPORTED FOR ALL USES		QUANTITIES OF NEW SUBSTANCES IMPORTED AS FEEDSTOCK 5	QUANTITIES OF NEW SUBSTANCES IMPORTED FOR EXEMPTED ESSENTIAL USES 6
		NEW 3	RECOVERED AND RECLAIMED 4		
C-Group I	HCFC-21 (CHFC1 ₂)				
	HCFC-22 (CHF ₂ Cl)				
	HCFC-31 (CH ₂ FCI)				
	HCFC-123 (C ₂ HF ₃ Cl ₂)				
	HCFC-124(C ₂ HF ₄ Cl)				
	HCFC-133 (C ₂ H ₂ F ₃ Cl)				
	HCFC-141b (CH ₃ CFCl ₂)				
	HCFC-142b (CH ₃ CF ₂ Cl)				
	HCFC-225(C ₃ HF ₅ Cl ₂)				
	HCFC-225ca (CF ₃ CF ₂ CHCl ₂)				
	HCFC-225cb (CF ₂ CICF ₂ CHClF)				
C-Group II	HBFCs				
E-Group I	Methyl Bromide (CH ₃ Br)				
	Quantities of Methyl Bromide imported to be used for quarantine and pre-shipment applications				

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1. Fill in this form only if the country produced CFCs, HCFCs, Halons, Methyl Chloroform, Carbon Tetrachloride or Methyl Bromide.

2. Please read Instruction III carefully before filling in this form.

Data Form 3

DATA ON PRODUCTION

in metric tonnes (not ODP tonnes)

Annexes A, B, C and E substances

Period: January - December 19__

Country: _____

ANNEX/GROUP 1	SUBSTANCES 2	TOTAL PRODUCTION FOR ALL USES 3	QUANTITIES PRODUCED FOR EXEMPTED USES WITHIN YOUR COUNTRY		PRODUCTION FOR SUPPLY TO ARTICLE 5 COUNTRIES IN ACCORDANCE WITH ARTICLE 2A-2H, AND ARTICLE 5 6
			Quantity Produced for Feedstock within your Country 4	Quantity Produced for Essential Uses within your Country 5	
A-Group I	CFC-11 (CFCl ₃)				
	CFC-12 (CFC ₂ Cl ₂)				
	CFC-113 (C ₂ F ₃ Cl ₃)				
	CFC-114 (C ₂ F ₄ Cl ₂)				
	CFC-115 (C ₂ F ₅ Cl)				
A-Group II	HALON 1211 (CF ₂ BrCl)				
	HALON 1301 (CF ₃ Br)				
	HALON 2402 (C ₂ F ₄ Br ₂)				
B-Group I	CFC-13 (CF ₃ C1)				
B-Group II	Carbon tetrachloride (CCl ₄)				
B-Group III	Methyl chloroform, i.e., 1,1,1-trichloroethane (C ₂ H ₃ Cl ₃)				

Data Form 3 (continued)

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Country: _____

Period: January - December 19__

ANNEX/GROUP 1	SUBSTANCES 2	TOTAL QUANTITIES PRODUCED FOR ALL USES 3	QUANTITIES PRODUCED FOR EXEMPTED USES WITHIN YOUR COUNTRY		PRODUCTION FOR SUPPLY TO ARTICLE 5 COUNTRIES IN ACCORDANCE WITH ARTICLE 2A-2H AND ARTICLE 5 6
			Quantity Produced for Feedstock within your Country 4	Quantity Produced for Essential Uses within your Country 5	
C-Group I	HCFC-21 (CH ₂ Cl ₂)				
	HCFC-22 (CHF ₂ Cl)				
	HCFC-31 (CH ₂ FCl)				
	HCFC-123 (C ₂ HF ₃ Cl ₂)				
	HCFC-124 (C ₂ HF ₂ Cl)				
	HCFC-133 (C ₂ H ₂ F ₃ Cl)				
	HCFC-141b (CH ₃ CFCl ₂)				
	HCFC-142b (CH ₃ CF ₂ Cl)				
	HCFC-225 (C ₃ HF ₃ Cl ₂)				
	HCFC-225ca (CF ₃ CF ₂ CHCl ₂)				
	HCFC-225cb (CF ₂ ClCF ₂ CHClF)				
C-Group II	HBFC,				
E-Group I	Methyl Bromide (CH ₃ Br)				
	Quantity of Methyl Bromide Produced for Quarantine and Pre-shipment Applications				

Annex VIII

TRUST FUND FOR THE MONTREAL PROTOCOL ON THE SUBSTANCES
THAT DEplete THE OZONE LAYER:
SCALE OF 1997 AND 1998 CONTRIBUTIONS BY THE PARTIES
BASED ON THE UNITED NATIONS
SCALE OF ASSESSMENTS WITH NO PARTY PAYING MORE THAN 25% (IN US DOLLARS)

PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
Algeria	0.16	0.16	0.16	5,841	5,740
Antigua and Barbuda	0.01	0.00	0.00	0	0
Argentina	0.48	0.48	0.48	17,524	17,220
Australia	1.48	1.48	1.47	54,033	53,094
Austria	0.87	0.87	0.86	31,763	31,210
Azerbaijan	0.11	0.11	0.11	4,016	3,946
Bahamas	0.02	0.00	0.00	0	0
Bahrain	0.02	0.00	0.00	0	0
Bangladesh	0.01	0.00	0.00	0	0
Barbados	0.01	0.00	0.00	0	0
Belarus	0.28	0.28	0.28	10,222	10,045
Belgium	1.01	1.01	1.00	36,874	36,233
Benin	0.01	0.00	0.00	0	0
Bolivia	0.01	0.00	0.00	0	0
Bosnia and Herzegovina	0.01	0.00	0.00	0	0
Botswana	0.01	0.00	0.00	0	0
Brazil	1.62	1.62	1.61	59,144	58,116
Brunei Darussalam	0.02	0.00	0.00	0	0
Bulgaria	0.08	0.00	0.00	0	0
Burkina Faso	0.01	0.00	0.00	0	0
Burundi	0.01	0.00	0.00	0	0
Cameroon	0.01	0.00	0.00	0	0

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PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
Canada	3.11	3.11	3.09	113,542	111,568
Central African Republic	0.01	0.00	0.00	0	0
Chad	0.01	0.00	0.00	0	0
Chile	0.08	0.00	0.00	0	0
China	0.74	0.74	0.73	27,016	26,547
Colombia	0.10	0.10	0.10	3,651	3,587
Comoros	0.01	0.00	0.00	0	0
Congo	0.01	0.00	0.00	0	0
Costa Rica	0.01	0.00	0.00	0	0
Cote d'Ivoire	0.01	0.00	0.00	0	0
Croatia	0.09	0.00	0.00	0	0
Cuba	0.05	0.00	0.00	0	0
Cyprus	0.03	0.00	0.00	0	0
Czech Republic	0.25	0.25	0.25	9,127	8,969
Democratic People's Republic of Korea	0.05	0.00	0.00	0	0
Democratic Republic of the Congo	0.01	0.00	0.00	0	
Denmark	0.72	0.72	0.71	26,286	25,829
Dominica	0.01	0.00	0.00	0	0
Dominican Republic	0.01	0.00	0.00	0	0
Ecuador	0.02	0.00	0.00	0	0
Egypt	0.08	0.00	0.00	0	0
El Salvador	0.01	0.00	0.00	0	0
Estonia	0.04	0.00	0.00	0	
Ethiopia	0.01	0.00	0.00	0	0
Federated States of Micronesia	0.01	0.00	0.00	0	0

PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
Fiji	0.01	0.00	0.00	0	0
Finland	0.62	0.62	0.62	22,635	22,242
France	6.42	6.42	6.37	234,386	230,312
Gabon	0.01	0.00	0.00	0	0
Gambia	0.01	0.00	0.00	0	0
Georgia	0.11	0.11	0.11	4,016	3,946
Germany	9.06	9.06	8.99	330,769	325,019
Ghana	0.01	0.00	0.00	0	0
Greece	0.38	0.38	0.38	13,873	13,632
Grenada	0.01	0.00	0.00	0	0
Guatemala	0.02	0.00	0.00	0	0
Guinea	0.01	0.00	0.00	0	0
Guyana	0.01	0.00	0.00	0	0
Honduras	0.01	0.00	0.00	0	0
Hungary	0.14	0.14	0.14	5,111	5,022
Iceland	0.03	0.00	0.00	0	0
India	0.31	0.31	0.31	11,318	11,121
Indonesia	0.14	0.14	0.14	5,111	5,022
Iran, Islamic Republic of	0.45	0.45	0.45	16,429	16,143
Ireland	0.21	0.21	0.21	7,667	7,534
Israel	0.27	0.27	0.27	9,857	9,686
Italy	5.25	5.25	5.21	191,671	188,339
Jamaica	0.01	0.00	0.00	0	0
Japan	15.65	15.65	15.53	571,361	561,429
Jordan	0.01	0.00	0.00	0	0
Kenya	0.01	0.00	0.00	0	0

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PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
Kiribati	0.01	0.00	0.00	0	0
Kuwait	0.19	0.19	0.19	6,937	6,816
Latvia	0.08	0.00	0.00	0	0
Lebanon	0.01	0.00	0.00	0	0
Lesotho	0.01	0.00	0.00	0	0
Liberia	0.01	0.00	0.00	0	0
Libyan Arab Jamahiriya	0.20	0.20	0.20	7,302	7,175
Liechtenstein	0.01	0.00	0.00	0	0
Lithuania	0.08	0.00	0.00	0	0
Luxembourg	0.07	0.00	0.00	0	0
Madagascar	0.01	0.00	0.00	0	0
Malawi	0.01	0.00	0.00	0	0
Malaysia	0.14	0.14	0.14	5,111	5,022
Maldives	0.01	0.00	0.00	0	0
Mali	0.01	0.00	0.00	0	0
Malta	0.01	0.00	0.00	0	0
Marshall Islands	0.01	0.00	0.00	0	0
Mauritania	0.01	0.00	0.00	0	0
Mauritius	0.01	0.00	0.00	0	0
Mexico	0.79	0.79	0.78	28,842	28,341
Monaco	0.01	0.00	0.00	0	0
Mongolia	0.01	0.00	0.00	0	0
Morocco	0.03	0.00	0.00	0	0
Mozambique	0.01	0.00	0.00	0	0
Myanmar	0.01	0.00	0.00	0	0
Namibia	0.01	0.00	0.00	0	0

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PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
Nepal	0.01	0.00	0.00	0	0
Netherlands	1.59	1.59	1.58	58,049	57,040
New Zealand	0.24	0.24	0.24	8,762	8,610
Nicaragua	0.01	0.00	0.00	0	0
Niger	0.01	0.00	0.00	0	0
Nigeria	0.11	0.11	0.11	4,016	3,946
Norway	0.56	0.56	0.56	20,445	20,089
Pakistan	0.06	0.00	0.00	0	0
Panama	0.01	0.00	0.00	0	0
Papua New Guinea	0.01	0.00	0.00	0	0
Paraguay	0.01	0.00	0.00	0	0
Peru	0.06	0.00	0.00	0	0
Philippines	0.06	0.00	0.00	0	0
Poland	0.33	0.33	0.33	12,048	11,838
Portugal	0.28	0.28	0.28	10,222	10,045
Qatar	0.04	0.00	0.00	0	0
Republic of Korea	0.82	0.82	0.81	29,937	29,417
Republic of Moldova	0.08	0.00	0.00	0	0
Romania	0.15	0.15	0.15	5,476	5,381
Russian Federation	4.27	4.27	4.24	155,892	153,182
Saint Kitts and Nevis	0.01	0.00	0.00	0	0
Saint Lucia	0.01	0.00	0.00	0	0
Saint Vincent and the Grenadines	0.01	0.00	0.00	0	0
Samoa	0.01	0.00	0.00	0	0
Saudi Arabia	0.71	0.71	0.70	25,921	25,471
Senegal	0.01	0.00	0.00	0	0

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PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
Seychelles	0.01	0.00	0.00	0	0
Singapore	0.14	0.14	0.14	5,111	5,022
Slovakia	0.08	0.00	0.00	0	0
Slovenia	0.07	0.00	0.00	0	0
Solomon Islands	0.01	0.00	0.00	0	0
South Africa	0.32	0.32	0.32	11,683	11,480
Spain	2.38	2.38	2.36	86,891	85,380
Sri Lanka	0.01	0.00	0.00	0	0
Sudan	0.01	0.00	0.00	0	0
Swaziland	0.01	0.00	0.00	0	0
Sweden	1.23	1.23	1.22	44,906	44,125
Switzerland	1.21	1.21	1.20	44,176	43,408
Syrian Arab Republic	0.05	0.00	0.00	0	0
Tajikistan	0.02	0.00	0.00	0	0
Thailand	0.13	0.13	0.13	4,746	4,664
The former Yugoslav Republic of Macedonia	0.01	0.00	0.00	0	0
Togo	0.01	0.00	0.00	0	0
Trinidad and Tobago	0.03	0.00	0.00	0	0
Tunisia	0.03	0.00	0.00	0	0
Turkey	0.38	0.38	0.38	13,873	13,632
Turkmenistan	0.03	0.00	0.00	0	0
Tuvalu	0.01	0.00	0.00	0	0
Uganda	0.01	0.00	0.00	0	0
Ukraine	1.09	1.09	1.08	39,794	39,103
United Arab Emirates	0.19	0.19	0.19	6,937	6,816
United Kingdom of Great Britain	5.32	5.32	5.28	194,226	190,850

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PARTY	UNITED NATIONS SCALE OF ASSESSMENTS FOR 1997	ADJUSTED TO EXCLUDE NON- CONTRIBUTORS	ADJUSTED PERCENTAGES WITH 25% CEILING CONSIDERED	CONTRIBUTIONS BY PARTIES	
				1998	1999
and Northern Ireland					
United Republic of Tanzania	0.01	0.00	0.00	0	0
United States of America	25.00	25.00	24.80	912,718	896,852
Uruguay	0.04	0.00	0.00	0	0
Uzbekistan	0.13	0.13	0.13	4,746	4,664
Vanuatu	0.01	0.00	0.00	0	0
Venezuela	0.33	0.33	0.33	12,048	11,838
Viet Nam	0.01	0.00	0.00	0	0
Yemen	0.01	0.00	0.00	0	0
Yugoslavia	0.10	0.10	0.10	3,651	3,587
Zambia	0.01	0.00	0.00	0	0
Zimbabwe	0.01	0.00	0.00	0	0
European Community	2.50	2.50	2.50	91,993	90,394
TOTAL CONTRIBUTIONS	103.08	100.77	100.00	3,679,702	3,615,739
Difference due to rounding				(2)	(1)
TOTAL APPROVED BUDGET				3,679,704	3,615,740

Annex IXTRUST FUND FOR THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
1997, 1998 AND 1999 BUDGETS

			1997		1998		1999	
			w/m	(\$)	w/m	(\$)	w/m	(\$)
10	1100	PROJECT PERSONNEL (a)						
	1101	Executive Secretary (D-2) (shared with the Vienna Convention (VC))	6	68,000	6	69,700	6	71,440
	1102	Deputy Executive Secretary (P-5)	12	130,000	12	113,250	12	116,080
	1103	Programme Officer (Law) (P-4)	12	98,000	12	100,000	12	102,500
	1104	Programme Officer (Science) (P-4) (shared with VC)	6	66,000	6	67,650	6	69,340
	1105	Administrative and Programme Management Officer (P-3) (shared with VC)	6	48,000	6	49,000	6	50,220
	1106	Programme Officer (Data Systems) (P-3) (b)	0	0	12	98,400	12	100,860
	1199	Subtotal		410,000		498,000		510,440
	1200	Consultants						
	1201	Assistance in data-reporting and analysis and promotion of the Protocol		26,250		48,750		49,960
	1299	Subtotal		26,250		48,750		49,960

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1300	Administrative support (a)						
1301	Administrative Assistant (G-6) (shared with VC)	6	9,500	6	9,738	6	9,980
1302	Senior Secretary (G-6)	12	16,000	12	16,400	12	16,810
1303	Senior Secretary (G-6) (VC only)	0	0	0	0	0	0
1304	Secretary (G-5) (shared with VC)	6	8,500	6	8,713	6	8,930
1305	Secretary (G-5) (shared with VC)	6	8,500	6	8,713	6	8,930
1306	Documents Clerk (G-3)	12	8,000	12	8,200	12	8,400
1307	Data Assistant (G-7) (c)		0		0	12	17,850
1308	Programme Assistant (G-6) (paid from programme support costs (PSC) of UNEP)	0	0	0	0	0	0
1309	Messenger (G-2) (paid from programme support costs (PSC) of UNEP)	0	0	0	0	0	0
1320	Temporary assistance		6,000		6,150		6,300
	Total administrative support		56,500		57,914		77,200
	Conference-servicing costs (CSC) (d)(e)						
1321	Open-ended Working Group meetings		400,000		410,000		420,250
1322	Meeting of the Parties and preparatory meetings		405,000		401,661		302,000
1323	Meetings of the Assessment Panels		68,000		69,700		71,440
1324	Meetings of the Bureau		41,000		42,025		43,070
1325	Meetings of the Committees		27,000		27,675		28,360
1326	Informal consultation meetings		11,000		11,275		11,550
	Total conference-servicing costs		952,000		962,336		876,670
1399	Subtotal		1,008,500		1,020,250		953,870

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1600	Travel on official business			
1601	Ozone Secretariat	102,000	104,550	107,160
1602	Conference-servicing	20,000	20,500	21,010
1699	Subtotal	122,000	125,050	128,170
1999	Component total	1,566,750	1,692,050	1,642,440
30	TRAINING/PARTICIPATION COMPONENT			
3300	Participation costs of developing countries and CEITs (f)			
3301	Assessment Panel meetings	500,000	550,000	563,750
3302	Preparatory and Parties meetings	250,000	256,250	262,650
3303	Open-ended Working Group meetings	250,000	256,000	262,400
3304	Bureau meetings	30,000	30,750	31,510
3305	Committee meetings	60,000	61,500	63,030
3306	Meetings for promotion of the Protocol among non-Parties	0	20,000	20,500
3399	Subtotal	1,090,000	1,174,500	1,203,840
3999	Component total	1,090,000	1,174,500	1,203,840
40	EQUIPMENT AND PREMISES COMPONENT			
4100	Expendable equipment (items under \$1,500)			
4101	Miscellaneous expendables (shared with VC)	25,000	20,625	21,140
4199	Subtotal	25,000	20,625	21,140

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4200	Non-expendable equipment (g)			
4201	Personal computers and accessories (shared with VC)	5,000	5,125	5,250
4202	Portable computers (shared with VC)	3,000	3,075	3,150
4203	E-mail/bulletin board and other information systems (shared with VC)	5,500	20,000	5,920
4204	Photocopier	28,000	0	0
4299	Subtotal	41,500	28,200	14,320
4300	Rental of office premises			
4301	Rental of office premises (shared with VC)	30,000	30,750	31,510
4399	Subtotal	30,000	30,750	31,510
4999	Component total	96,500	79,575	66,970
50	MISCELLANEOUS COMPONENT			
5100	Operation and maintenance of equipment			
5101	Maintenance of equipment (shared with VC)	12,000	12,300	12,600
5199	Subtotal	12,000	12,300	12,600
5200	Reporting costs (h)			
5201	Reporting (general)	60,000	61,500	63,030
5202	Reporting (Assessment Panel reports)	30,000	61,425	31,510
5299	Subtotal	90,000	122,925	94,540

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5300	Sundry			
5301	Communication costs	75,000	76,875	78,790
5302	Freight charges (documents shipment)	73,000	64,825	66,440
5303	Training	25,000	10,000	10,250
5304	Others	0	4,875	4,990
5399	Subtotal	173,000	156,575	160,470
5400	Hospitality			
5401	Hospitality	18,000	18,450	18,910
5499	Subtotal	18,000	18,450	18,910
5999	Component total	293,000	310,250	286,520
GRAND TOTAL		3,046,250	3,256,375	3,199,770
Programme support costs (13%)		396,013	423,329	415,970
Contingency		100,000	0	0
OVERALL GRAND TOTAL		3,542,263	3,679,704	3,615,740

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Explanatory notes for the budget for the Montreal Protocol

Notes for the 1998 and 1999 budgets

The inflation in general is assumed to be 2.5 per cent.

All figures (except programme support cost) in 1999 budget are rounded downwards to the closest US\$10.

Budget line

- (a) 1100 and 1300 Classification of the posts in UNEP is currently taking place in accordance with the guidelines of the United Nations. Provision is made for upgrading, if found necessary in the classification and if approved by the Executive Director, after review. Salaries are updated to reflect the current and estimated future salary levels in Nairobi.
- (b) 1106 A post for a Programme Officer (Data Systems) was approved by the Eighth Meeting of the Parties to take care of and analyse the data on ozone-depleting substances (ODS) reported by the large number of Parties and to co-ordinate the computer systems of the Secretariat (bulletin boards, the "World Wide Web, etc.). The post was to be funded from the Trust Fund only if JPO funding was not available. It is now expected that the Government of the Netherlands would finance this post. If this materialises before the end of 1997 or in 1998, the expenditure under this item for 1998 and 1999 will be zero (0).
- (c) 1307 The post of a Data Assistant has been necessitated by the increased workload of the Secretariat due to higher volume of correspondence with an increasing number of Parties reporting data, in order to guarantee high level of quality and continuity in the processing of data.
- (d) 1321-1326 Necessary funds may be transferred from conference-servicing budget lines (1321-1326) should such services be required to be rendered either through individual consultancies or corporate contracts. The total cost of organising the meeting should not, however, exceed the amounts agreed in this budget.
- (e) 1321-1326 The conference-servicing costs have been based on the following assumptions:
- 1321 One Open-ended Working Group meeting will be held each year during 1998 and 1999 in Nairobi or Geneva using six languages.
- 1322 The Meeting of the Parties and its Preparatory meeting will be held in Nairobi, in six languages. When meetings are not held in Nairobi, the incremental cost will be paid by the host Government.

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- 1323 \$37,000 is included in the budget to cover the communication and other sundry costs related to the work of TEAP members from developing countries and countries with economies in transition.
- 1324 Two Bureau meetings are scheduled for each of the years 1998 and 1999.
- 1325 Two Implementation Committee meetings, in English only, are assumed to take place in Nairobi.
- 1326 One informal consultation a year, in English only, is assumed to take place in Nairobi.

(f) 3300

This item includes assistance to participants from countries with economies in transition (CEIT) in addition to the participants from developing countries. The average cost of participation from developing countries or countries with economies in transition is assumed to be \$5,000 per participant, with no more than one person's travel cost being covered for each country and using the most appropriate economical fare and United Nations per diem allowances.

- 3301 The number of travels required by the members of the assessment panels for adequate developing country and CEIT participation in 1998 is much larger than usual, since it is a year in which a full assessment is due. It is expected that 150 travels will be required in 1998. The requirement in 1999 is expected to be only some 70 travels. The additional travels for 1998 will be financed by the savings expected of 1999, without amending either years budget. The actual 1998 expenditure will be managed by temporarily utilising the reserves as necessary.

This budget item includes financial assistance to Dr. Aucamp of South Africa as a Co-Chair of the Scientific Assessment Panel to attend meetings of that Panel, as recommended by the Open-ended Working Group of the Parties to the Montreal Protocol at its thirteenth meeting (see UNEP/OzL.Pro/WG.1/13/6, para. 197) and approved by the Eighth Meeting of the Parties.

- 3304 The participation costs for the two Bureau meetings are based on four participants from developing countries or CEITs in each meeting.
- 3305 The participation costs for the two Committee meetings are based on eight participants from developing countries or CEITs in each meeting.

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3306 Funds are required for assisting non-Parties to participate in the meetings of the Protocol for promoting awareness regarding the benefits of ratification of the Protocol.

(g) 4200

The cost of non-expendable equipment is increased marginally from 1997 to 1999 to cover inflation.

4203 The Secretariat is developing its electronic data storage and retrieval system in order to make the documentation of the Protocol and the Convention available electronically. This development will require procurement of a high-speed scanner, establishment of a server with a mirror back-up server as well as mass data storage space and related software with licences.

(h) 5202

The next assessment is scheduled to take place in 1998.

Annex X

ARREARS TO THE MULTILATERAL FUND FROM COUNTRIES THAT HAD NOT RATIFIED THE LONDON AMENDMENT

1 PARTY	2 DATE OF RATIFICATION OF MONTREAL PROTOCOL DD/MM/YY	3 DATE OF RATIFICATION OF LONDON AMENDMENT DD/MM/YY	4 DATE OF ENTRY INTO FORCE OF THE RATIFICATION OF LONDON AMENDMENT DD/MM/YY	5 OUTSTANDING CONTRIBUTIONS 1991-1996 (US\$)	6 ARREARS PRIOR TO ENTRY INTO FORCE OF LONDON AMENDMEN T (1/1/1991 - 10/8/92)	7 ARREARS AFTER THE ENTRY INTO FORCE OF THE LONDON AMENDMENT AND PRIOR TO RATIFICATION OF THE LONDON AMENDMENT BY THE PARTY CONCERNED					
						1992	1993	1994	1995	1996	TOTAL (1992- 1996)
POLAND	13/7/90	2/10/96	31/12/96	2,853,711	-	0	626,210	819,851	819,851	586,193	2,852,105
BELARUS	31/10/88	10/6/96	8/9/96	3,309,593	376,304	109,739	639,534	837,295	837,295	349,360	2,773,223
BRUNEI DARUSSALAM	27/5/93			34,833	-	-	-	-	-	34,833	34,833
BULGARIA	20/11/90			68,000	-	0	0	0	0	68,000	68,000
GEORGIA	21/3/96			90,020	-	-	-	-	-	90,020	90,020
LATVIA	28/4/95			241,846	-	-	-	-	98,162	143,684	241,846
LITHUANIA	18/1/95			332,988	-	-	-	-	184,950	148,038	332,988
UKRAINE	20/9/88			12,056,367	639,796	415,677	2,491,517	3,261,961	3,261,961	1,985,455	11,416,571
UNITED ARAB EMIRATES	22/12/89			1,063,543	0	0	0	366,317	366,317	330,909	1,063,543
UZBEKISTAN	18/5/93			1,362,934	-	-	216,390	453,535	453,535	239,474	1,362,934
TOTAL				21,413,835	1,016,100	525,416	3,973,651	5,738,959	6,022,071	3,975,966	20,236,063

Notes:

- (1) A hyphen (-) indicates that the country has not been assessed for that year, either due to classification as operating under paragraph 1 of Article 5 or due to non-ratification of the Protocol, while a zero (0) indicates that the contributions due prior to the ratification of the London Amendment have been paid.
- (2) The London Amendment entered into force on 10 August 1992.

Annex XI

DECLARATION ON HYDROCHLOROFLUOROCARBONS

by

ARGENTINA, AUSTRIA, BELGIUM, BOTSWANA, CZECH REPUBLIC, DENMARK, EUROPEAN COMMUNITY, FINLAND, FRANCE, GEORGIA, GERMANY, GHANA, GREECE, ICELAND, IRELAND, ITALY, LATVIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, NAMIBIA, NETHERLANDS, NORWAY, POLAND, PORTUGAL, ROMANIA, SLOVAKIA, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, UGANDA, AND THE UNITED KINGDOM

The above Parties present at the Ninth Meeting of the Parties to the Montreal Protocol,

Concerned about the effects of HCFCs on the ozone layer,

Being aware that scientific data indicate the need for further consumption controls as well as for the introduction of production controls on HCFCs,

Being also aware that environmentally sound and economically viable alternative substances and technologies are or are rapidly becoming available,

Concerned by the absence of any results on HCFCs at the tenth anniversary meeting of the Parties to the Montreal Protocol,

Declare their position that the Parties should, at their Eleventh Meeting, decide, on the basis of scientific evidence, the next steps to control the consumption of HCFCs, including phase-out date, reduction of the cap and use restrictions, and production controls for HCFCs.

Montreal, 17 September 1997

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Annex XII

DECLARATION REGARDING METHYL BROMIDE AT THE NINTH MEETING OF THE PARTIES

by

BOLIVIA, BURUNDI, CANADA, CHILE, COLOMBIA, DENMARK, GHANA, ICELAND, NAMIBIA, NETHERLANDS, NEW ZEALAND, ROMANIA, SWITZERLAND, URUGUAY AND VENEZUELA

Whereas, the World Meteorological Organization has concluded that methyl bromide is highly destructive to the ozone layer, and that the 1994 Scientific Assessment Panel concluded that the elimination of methyl bromide is the single most significant step Governments can take to reduce future ozone loss,

Whereas, it is also clear that methyl bromide is highly toxic to workers, public health, and the global ecosystem,

Whereas, TEAP 1994 and 1997 reports have identified a wide range of economically viable alternatives to methyl bromide in both industrialized and developing countries,

Whereas, a recent report by Environment Canada has estimated the global economic benefits associated with reduced UV-B exposure to be \$459 billion by 2060,

Whereas, the tenth anniversary Meeting of the Parties to the Montreal Protocol failed to adopt a phase-out schedule which will adequately protect public health and the environment from increased UV-B radiation,

Be it resolved that:

Urgent action is needed on the national and international level to phase-out methyl bromide as soon as possible.

Therefore, the undersigned countries pledge to promote sustainable alternatives to methyl bromide in their own nations and worldwide.

Montreal, 17 September 1997
