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BUREAU OF THE THIRD MEETING OF THE
PARTIES TO THE MONTREAL PROTOCOL

First meeting
Geneva, 7 July 1992

REPORT OF THE FIRST MEETING OF THE BUREAU OF THE THIRD
MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL

I. INTRODUCTION

1. The first meeting of the Bureau of the Third Meeting of the Parties to the Montreal Protocol was held at the International Conference Centre, Geneva (CICG), on 7 July 1992, to review the implementation of the decisions adopted by the Third Meeting of the Parties (Nairobi, 19-21 June 1991) and to consider the various reports by the Working Groups and Committees.

II. ORGANIZATIONAL MATTERS

A. *Opening of the Meeting*

2. The meeting was opened by the President of the Third Meeting, Mr. Ojwang K'Ombudo.

B. *Attendance*

3. The meeting was attended by:

(a) The members of the Bureau of the Third Meeting of the Parties to the Montreal Protocol:

President:	Mr. Ojwang K'Ombudo (Kenya)
Vice-Presidents:	Mr. Peter Chin Fah Kui (Malaysia) Mr. Ryszard Purski (Poland) Mr. Eduardo Lopez (Venezuela)
Rapporteur:	Mr. Michael Smith (Australia)

(b) The following officers of organs established by the Contracting Parties:

Mr. John Reed (Canada), representing the Chairman of the Ad Hoc Technical Advisory Committee on Destruction Technologies;

Mr. Patrick Szell (United Kingdom), Chairman of the Legal Drafting Group and Chairman of the Ad Hoc Working Group of Legal Experts on Non-Compliance with the Montreal Protocol;

Mr. Omar El-Arini, Chief Officer, Fund Secretariat, Interim Multilateral Fund for the implementation of the Montreal Protocol;

Mr. Robert T. Watson (United States of America), overall Chairman of the Assessment Panels and Co-Chairman of the Science Assessment Panel;

Mr. Stephen Andersen (United States of America), Chairman of the Technology and Economic Assessment Panel; and

(c) Mr. William H. Mansfield III, representing the Executive Director, UNEP, Mr. K.M. Sarma (Coordinator of the Secretariat) and other Secretariat officials.

C. Adoption of the agenda

4. The meeting adopted the following agenda, as contained in document UNEP/OzL.Pro.3/Bur/1/1:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Substantive matters:
 - (a) Review of implementation of the decisions adopted by the Third Meeting of the Parties to the Montreal Protocol (Nairobi, 19-21 June 1991);
 - (b) Budget review;
 - (c) Report of the Third Meeting of the Ad Hoc Working Group of Legal Experts on Non-Compliance with the Montreal Protocol;
 - (d) Reports of the Assessment Panels and the Synthesis Report;
 - (e) Report of the Sixth Meeting of the Open-ended Working Group, including the proposed Adjustments and Amendments;
 - (f) Report on the Interim Multilateral Ozone Fund;
 - (g) Report of the Implementation Committee;
 - (h) Report of the Technical Advisory Committee on Destruction Technologies.
4. Other matters.
5. Adoption of the report.
6. Closure of the meeting.

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III. SUBSTANTIVE MATTERS

A. *Review of implementation of the decisions adopted by the Third Meeting of the Parties to the Montreal Protocol (Nairobi, 19-21 June 1991)*

5. The Secretariat drew the meeting's attention to section A of the note by the Secretariat (UNEP/OzL.Pro.3/Bur/1/2) and briefly summarized the state of implementation of the decisions in question.

6. In reply to a question by one of the Vice-Presidents, the Secretariat stated that the situation regarding ratification was improving from day to day. Document UNEP/OzL.Rat.14 indicated the situation on 30 June 1992. One of the Vice-Presidents stated that his country had not received the notification of the United Nations Secretary-General on Annex D to the Montreal Protocol. The Secretariat explained that the Secretary-General sent all communications to Governments to the specific addresses designated by the Governments themselves. Most Governments gave the addresses of their Ministries of Foreign Affairs. Their Ministries of the Environment, responsible for Montreal Protocol issues, might not receive copies. Any such problems should be settled at the national level.

7. Another Vice-President inquired what was the situation of the successor States to the former Union of Soviet Socialist Republics, whether they were bound by the Montreal Protocol and whether they accepted the financial commitments thereof. The Secretariat replied that Belarus and the Ukraine were Parties to the Montreal Protocol and that the Russian Federation had stated that it was bound by the Protocol - it had, in fact, ratified the London Amendment - but no information had yet been received from the other successor States. The Chief Officer of the Interim Multilateral Ozone Fund added that the delegation of the Russian Federation had stated in the Executive Committee that his Government would negotiate with the other successor republics regarding the Montreal Protocol.

8. The Rapporteur mentioned that the issue of how to divide the financial obligations of the former Union of Soviet Socialist Republics arising under treaties between its successor States was being discussed in a number of forums. In the case of the Montreal Protocol, the formula for determining a Party's financial obligation was the United Nations scale of assessment. Since the scale of assessments for the successor States to the USSR had not been determined yet, it would be better to await the decision of the United Nations Committee on Contributions on this issue before trying to decide it in the Montreal Protocol context.

B. *Budget review*

9. The Secretariat drew the meeting's attention to the 1991 accounts and 1992 financial situation of the Trust Fund for the Montreal Protocol (UNEP/OzL.Pro.3/Bur/1/3). It pointed out that \$2.423 million had been approved for 1991 while only \$1.818 million had been disbursed, thus leaving a surplus of about \$600,000. The budget for 1992 had been revised but there would be no change in the Parties' contributions, since the 1991 surplus would make up the difference. The increases in the 1992 budget were due mainly to the increased duration of meetings of the Open-ended Working Group and increased travel costs. Moreover, a recommendation by the Open-ended Working Group at its sixth meeting had resulted in an - unscheduled - meeting of the Assessment Panels on methyl bromide.

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10. The Rapporteur noted that the increase in the 1992 budget had largely occurred because a meeting of the Open-ended Working Group, scheduled for 1991, had not been held in that year but postponed until 1992. It should be made clearer in the document, before it was placed before the Fourth Meeting of the Parties, together with the fact that the unscheduled meeting of the Assessment Panels to look at methyl bromide had been requested by the Open-ended Working Group i.e. by the Parties themselves.

C. Report of the Third Meeting of the Ad Hoc Working Group of Legal Experts on Non-Compliance with the Montreal Protocol

11. The Chairman of the Ad Hoc Working Group of Legal Experts on Non-Compliance with the Montreal Protocol said that, although the Working Group had been given a phenomenal amount of other work, he would restrict his comments to its core mandate, notably the arrangements to deal with the regime of non-compliance. Article 8 of the Montreal Protocol required the Parties, at their First Meeting, to establish a non-compliance regime. At that meeting, the Parties had set up the Ad Hoc Working Group to design such a regime. The Working Group had submitted a proposal on this to the Second Meeting of the Parties, which had adopted it on a provisional basis.

12. Some issues had not been fully dealt with in the provisional regime, however, and the Working Group had been instructed to address these aspects in preparation of a more developed regime to be put before the Fourth Meeting of the Parties. The revised non-compliance regime was to be found in the annex to the Ad Hoc Working Group's report (UNEP/OzL.Pro/WG.3/3/3).

In reviewing the principal changes proposed by the Working Group, the Chairman of the Group drew attention to the two issues that were still unresolved and thus placed in square brackets. They were described in paragraph 31 of the note by the Secretariat (UNEP/OzL.Pro.3/Bur/1/2). The Fourth Meeting of the Parties in Copenhagen would have to settle those unresolved issues and also decide on the other recommendations by the Working Group on the issues referred to it by the Third Meeting of the Parties.

D. Reports of the Assessment Panels and the Synthesis Report

13. The Chairman of the Assessment Panels, introducing the synthesis of the reports of the Scientific Assessment Panel, the Environmental Effects Assessments Panel and the Technology and Economic Assessment Panel (UNEP/OzL.Pro/WG.I/6/3), which had been submitted to the Open-ended Working Group at its sixth meeting, said that their principal finding was that the phase-out schedule could be significantly advanced, the main problems being refrigeration and air-conditioning and certain essential medical uses.

14. The question of methyl bromide had also come up and, at its sixth meeting, the Open-ended Working Group had asked the Scientific and Technology and Economic Assessment Panels to hold a meeting on the subject and report to it at its seventh meeting. Bromine had a much higher ozone-depletion potential than chlorine and any reduction in methyl bromide would have a significant effect.

15. The meeting had concluded that man-made methyl bromide contributed about 25 per cent of the total methyl bromide in the atmosphere, that it was used primarily as a soil fumigant and that roughly 50 per cent of it escaped to the atmosphere. There was no single alternative to methyl

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bromide. Its use for soil fumigation (80 per cent of the total) could be largely replaced by other chemicals and techniques to reduce emissions. There were no obvious replacements for commodity or quarantine fumigation, but its release to the atmosphere could be prevented.

16. In answer to a question from one of the Vice-Presidents concerning the economic aspects of an accelerated phase-out and developing country concerns, the Chairman of the Technology and Economic Assessment Panel said that, while his Panel had made no attempt to quantify the benefits of phasing-out the controlled substances, it was abundantly clear that such benefits would be very high compared to the phase-out costs. The general consensus in industry was that the costs were affordable.

17. The Rapporteur asked whether the 75 per cent of methyl bromide from natural sources did not affect the ozone depletion projections. The Chairman of the Scientific Assessment Panel replied that ozone was continuously produced and destroyed by natural processes. The result was in a certain balance. Man-made ozone depletion, however, strengthened the destruction side of the equation.

18. In reply to a question by the Rapporteur whether there was observational evidence of the predicted increase in ground-level UV-B radiation due to the observed decrease in ozone, or whether other forms of pollution had offset the predicted increase, the Chairman of the Scientific Assessment Panel stated that increased levels of UV-B had, in fact, been observed under clear-sky conditions in Antarctica and Australia. However, UV-B observations in the United States of America did not reveal an increase, one possible explanation being that an increase in air pollution had masked the predicted increase.

19. One of the Vice-Presidents asked if the Panel had carried out assessment on the economic and ecological damage caused by such ozone depletion. Another Vice-President said that, with regard to the first economic assessment, carried out in 1989, his delegation had entered a reservation since it had found that the assessment did not give the costs accurately. A number of proposals for Adjustments and Amendment had been submitted for consideration at the Fourth Meeting of the Parties, and he agreed with his fellow Vice-President that accurate estimates of costs were required. That was not simply a concern of the developing countries. The developed countries would surely wish to know how much they would be required to contribute.

20. The Chairman of the Technology and Economic Assessment Panel said that the 1989 economic assessment had been very conservative, overestimating costs and underestimating technical feasibility. The costs for eliminating ozone depleting substances were continuously falling. In some sectors, it was indeed profitable to phase-out CFCs. It was currently the considered conclusion of hundreds of scientists in dozens of countries that the changes were economically and technically feasible. The consumption of CFCs has fallen by about 40 per cent, ahead of the schedule of control measures. He confirmed that the Assessment Panel did not carry out any assessment on economic and ecological damage. On the request by one of the Vice-Presidents to include the economic and ecological assessment in the next report, the Secretariat said that there would not be another report.

21. The Bureau expressed its appreciation to the Co-Chairman and members of the Panels for their efforts in preparing such comprehensive reports and to the Chairman of Assessment Panels and Co-Chairman of the Technology and Economic Panel for their presentations.

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*E. Report of the Sixth Meeting of the Open-ended Working Group,
including the proposed Adjustments and Amendment*

22. The Chairman of the Legal Drafting Group said that, on the eve of the seventh meeting of the Open-ended Working Group, his report could not be more than a provisional one - a progress report. At its sixth meeting, the Working Group had reconvened the Legal Drafting Group and entrusted it with the task of putting into an appropriate legal form the 20 to 25 proposals put forward by 14 Parties. In addition, the Legal Drafting Group had suggested consequential changes, so that there were about 50 in all. Footnotes indicated the origin of the proposals.

23. The Legal Drafting Group had prepared three specimen decisions to help the Working Group: on adjustments to the original Montreal Protocol; on adjustments to the Montreal Protocol as amended in London; and on amendments to the Montreal Protocol. These were necessary in order to cover the situation if the Parties proceeded to voting. It would be inequitable for non-Parties to the London Amendment to vote on changes to it.

24. In reply to a question by one of the Vice-Presidents as to whether the Parties would be able to make proposals at Copenhagen regarding substances introduced by the London Amendment and whether those Parties which had not ratified the London Amendment would be able to take part in the amendment process, the Secretariat said that any proposal submitted by any Party six months prior to the Fourth Meeting was in order. Parties which had not ratified the London Amendment would not, however, be entitled to vote on proposed changes to it.

25. Another Vice-President said he was concerned that, by the end of the year, there would be what were virtually three separate protocols - the Protocol of 1987, the Protocol as amended in London and the Protocol as amended in London and in Copenhagen.

26. The Bureau expressed its appreciation to the Chairman of the Legal Drafting Group for his presentation.

F. Report on the Interim Multilateral Ozone Fund

27. The Chief Officer of the Interim Multilateral Ozone Fund introduced the summary of activities of the Executive Committee of the Interim Multilateral Fund to be presented to the Bureau of the Third Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.3/Bur/1/2/Rev.1, Annex). The Bureau thanked the Chief Officer for his presentation.

G. Report of the Implementation Committee

28. A brief summary was presented by the Secretariat in its remarks on the action taken on the decisions of the Third Meeting of the Parties. (UNEP/OzL.Pro.3/Bur.1/2, para. 34).

H. Report of the Technical Advisory Committee on

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Destruction Technologies

29. The representative of the Chairman of the Technical Advisory Committee on Destruction Technologies introduced the Advisory Committee's report, drawing particular attention to the Executive Summary in pages 5 and 6. The report contained a number of recommendations and a draft decision for consideration by the Parties at their Fourth Meeting.

30. He pointed out that an exhaustive inventory of facilities throughout the world had revealed that their capacity might be inadequate. A survey of all the available technologies had been made and six thermal oxidizing processes were recommended for approval.

31. One of the Vice-Presidents said that the cost element did not appear to be considered in the report. It would be useful to have a comparison of the costs of the various technologies.

32. The Secretariat said that the question was an interesting one, but that the terms of reference of the Advisory Committee, established by the Parties at their Second Meeting, had made no mention of the economic aspects. The Secretariat would attempt to obtain further details in that regard.

33. The President expressed the appreciation of the Bureau to the Chairman and members of the Committee for their report and to Mr. John Reed for his presentation.

IV. OTHER MATTERS

34. The Secretariat drew the meeting's attention to a letter on the subject of the financial contribution to the Interim Multilateral Fund by Hungary (UNEP/OzL.Pro.3/Bur/1/2/Add.2). The Government of that country was requesting temporary relief from financial contribution to the Fund. It was decided that the issue should be placed before the Fourth Meeting of the Parties for a decision.

35. The Rapporteur requested that the Secretariat circulate to the members of the Bureau the provisional agenda for the Fourth Meeting of the Parties so that they could consider it before the Fourth Meeting opened. The Secretariat said that that would be done.

V. ADOPTION OF THE REPORT

36. The Secretariat said that, as in the past, it would send the draft report to the members of the Bureau for their comments and would finalize it in the light of the comments made.

VI. CLOSURE OF THE MEETING

37. The President declared the meeting closed at 6.15 p.m. on 7 July 1992.

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