



MEETINGS OF THE PARTIES PRIMER

An introduction to the meetings of the
Vienna Convention and the Montreal Protocol

Vienna Convention and Montreal Protocol Meetings: A Primer

- May, 2017

Foreword

This primer is intended to provide participants, especially new delegates, attending the meetings of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (the Vienna Convention), the Meetings of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (the Montreal Protocol) and meetings of the Open-ended Working Group of the Montreal Protocol, with the necessary information to understand the procedures of those bodies and to enable them to effectively participate in those meetings.

The primer will introduce participants to the various institutions involved in the meetings and guide them through the process of the meetings; from preparations, to an explanation of the way business is conducted and conclusions reached.

Since more activities take place under the Montreal Protocol than under the Vienna Convention, this primer focuses more on meetings concerning the Protocol.

The primer will be updated as and when there is a need to do so in the future.

There are plenty of other resources available on the Ozone Secretariat website¹, including reports of the meetings, information material and publications. For additional information, participants may, in particular, wish to refer to the Montreal Protocol and the Vienna Convention Handbooks as well as the rules of procedure² for meetings (see Annex), also available on the website.

The Ozone Secretariat Team

1 <http://ozone.unep.org>

2 The Rules of Procedure for both the Conference of the Parties to the Vienna Convention and the Meeting of the Parties to the Montreal Protocol are substantially the same except for Rules 1 and 2 which are printed separately in the annex.

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PART I: The Vienna Convention

The Vienna Convention was adopted on 22 March 1985 and entered into force on 22 September 1988. It serves as a framework treaty for legal and practical action to protect the planet's ozone layer.

Under the Convention, its parties aim to promote cooperation by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer and to adopt legislative or administrative measures against activities likely to have adverse effects on the ozone layer.

Parties to the Convention may adopt other treaties/protocols and have so far adopted only one Protocol: the Montreal Protocol on Substances that Deplete the Ozone Layer.

The Vienna Convention is an important part of the international ozone regime, providing the forum for discussions on scientific research and observations of the ozone layer.

The Conference of the Parties (COP) to the Convention meets every three years. The Convention requires parties to take very general actions to achieve its objectives; the Montreal Protocol, however, has more specific actions with specific and measurable targets.

The Conference of the Parties to the Vienna Convention

Article 6 of the Vienna Convention lists some specific functions of the COP, which include:

- the review of scientific information;
- promoting the harmonization of appropriate policies, strategies and measures;
- deciding on reporting procedures;
- adopting programmes for research and systematic observations;
- considering and adopting protocols and amendments; and
- establishing subsidiary bodies.

The COP also has a general and more open-ended mandate to undertake any additional action required to achieve the purposes of the Convention.

The meetings of the COP occur once every three years and are held jointly with the Meetings of the Parties to the Montreal Protocol, which are held annually.

The Bureau of the Conference of the Parties

The Bureau of the Conference of the Parties was established by the COP pursuant to Article 6, paragraph 4(i) of the Vienna Convention in 1989³. The Bureau is composed of the President, three Vice-Presidents and a Rapporteur elected by each COP. It holds a maximum of two meetings between two meetings of the COP.

The Bureau's core function is to facilitate, on behalf of the parties, the review of scientific information on the ozone layer, on its possible modification and on possible effects of any such modifications. The Bureau is also mandated to consider programmes for research, systematic observations, scientific and technological cooperation, the exchange of information and the transfer of technology and knowledge. The Bureau reviews the documents prepared by the Secretariat for the COP to facilitate the work of the meeting.

³ Decision VCI/6

Ozone Research Managers

The Ozone Research Managers (ORM) is a subsidiary body that was established in response to Article 3 of the Vienna Convention concerning research and systematic observations. The ORM consists of government research managers dealing with atmospheric research and monitoring as well as research on health and environmental effects of ozone modifications.

The ORM meets every three years to review national and international research and monitoring programmes. The main purpose of the meetings of the ORM is to ensure proper coordination of activities related to ozone research and monitoring, and to identify gaps that need to be addressed. The recommendations of the ORM meetings are forwarded for consideration by the COP at its triennial meetings.

The Trust Funds

The COP will, every three years, make a decision relating to the budget of the Convention, in particular agreeing on the parties' contributions to the Trust Fund of the Convention. The Trust Fund covers the operational costs of the Ozone Secretariat in relation to the activities under the Convention; the organizational costs of COP meetings and other related meetings; and provides support to developing countries and countries with economies in transition to participate in those meetings.

The Trust Fund is financed by voluntary contributions of the parties to the Convention on the basis of the adjusted UN scale of assessments and by other contributions from governmental, intergovernmental and non-governmental organizations and other sources.

In addition, there is another trust fund under the Vienna Convention, the Trust Fund for Research and Systematic Observation⁴ which funds research and observation activities in developing countries and countries with economies in transition. The Advisory Committee, established in 2014⁵ under the Trust Fund, is responsible for the Trust Fund's long-term strategy, short-term action plan and for quality control of individual project proposals under the Trust Fund. The Committee carries out its work in line with the recommendations of the ORM.

⁴ An extra budgetary fund established by decision VCVI/2.

⁵ Decision VCX/3

PART II: The Montreal Protocol

The Montreal Protocol was adopted on 16 September 1987 and entered into force on 1 January 1989. In 2009, it achieved universal ratification together with the Vienna Convention. It is the only Protocol to the Vienna Convention. Its objective is to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

It requires parties to take measures to reduce global emissions of ozone-depleting substances (ODSs) with the ultimate objective of their elimination. This is done through the adoption of control measures for the phase-out of the consumption and production of ODSs.

The Protocol also includes control measures for the phase-down of hydrofluorocarbons (HFCs), which do not deplete the ozone layer but which have a high global-warming potential and are often used as substitutes for ODSs. Those measures are under the Kigali Amendment, the latest Amendment that is yet to enter into force.

In its original form, the Montreal Protocol required developed countries to begin phasing down chlorofluorocarbons (CFCs) in 1989 and set deadlines for achieving specific reductions. Developed countries (non-Article 5 parties) were also required to freeze their production and consumption of halons. Developing countries (Article 5 parties) were granted a 10-year delay before being required to comply with the same measures. The controls in the Protocol have been made progressively more comprehensive, effective and ambitious through a series of amendments to add more substances and other measures and adjustments to tighten the control measures.

1. Amendments and adjustments to the Protocol

1.1 The amendments

The **1990 London Amendment** and adjustments tightened the controls on CFCs and halons and added carbon tetrachloride and methyl chloroform to the list of controlled substances. It also introduced a financial mechanism and technology transfer provisions to assist developing countries to meet their obligations under the Protocol. The amendment entered into force on 10 August 1992.

The **1992 Copenhagen Amendment** and adjustments significantly accelerated the phase-out of ODSs and introduced control measures on the consumption of hydrochlorofluorocarbons (HCFCs) by developed countries, specifying that the parties would decide at a later date the base year and reduction schedule for developing countries. Similarly, methyl bromide was also added to the list of substances controlled under the Protocol, with consumption capped at 1991 levels, hydrobromofluorocarbons were included, to be phased out with effect from January 1996, and trade restrictions were established for these substances. The amendment entered into force on 14 June 1994. Subsequently in 1995, control measures were agreed for developing countries for the newly introduced substances through an adjustment.

The **1997 Montreal Amendment** established restrictions on trade in methyl bromide with non-parties and a requirement for the establishment of licensing systems for imports and exports of controlled substances. It entered into force on 10 November 1999.

The **1999 Beijing Amendment** introduced the controls on the production of HCFCs, added bromochloromethane as a controlled substance and introduced further controls on the trade in controlled substances. It entered into force on 25 February 2002.

The London, the Copenhagen, the Montreal and the Beijing Amendments, have been ratified by all 197 parties to the Montreal Protocol.

The **2016 Kigali Amendment** introduced controls to phase down the production and consumption of HFCs, which are global-warming but not ozone-depleting substances. It was adopted by the parties on 15 October 2016 and will enter into force on 1 January 2019 provided 20 parties will have ratified it by that date; failing which, it will enter into force on the 90th day after the date of ratification by the 20th party.

1.2 The adjustments

The Montreal Protocol includes provision for adjustments that allow parties to agree to accelerate the reduction schedules for substances that are already controlled by the Protocol, usually in response to new scientific information. Adjustments enter into force within six months following the notification by the depositary and, unlike amendments, do not require ratification.

The Protocol was adjusted in 1990, 1992, 1995, 1997, 1999 and 2007.

2. Institutions under the Montreal Protocol

2.1 The Meeting of the Parties to the Montreal Protocol

Like most multilateral environmental treaties, the Montreal Protocol requires its parties to meet regularly at the Meeting of the Parties (MOP). MOPs are held once a year.

Article 11 of the Protocol provides that the parties shall hold their meetings at regular intervals. It also describes the functions of the MOP and sets out rules relating to the participation of observers.

The first MOP made a number of significant decisions, including the adoption of its rules of procedure, the adoption of financial rules and the establishment of a number of panels and subsidiary bodies.

Occasionally when there is a need, an extraordinary MOP may be held, as may be deemed necessary by a MOP or at the written request of a party, provided that one third of the parties support that request⁶.

2.2 The Bureau of the Meeting of the Parties

The Bureau of the Meeting of the Parties to the Montreal Protocol was established by decision I/2 of the First Meeting of the Parties in 1989. It is composed of the President, three Vice-Presidents and a Rapporteur elected by each MOP. The newly elected Bureau meets at least once before the next MOP, usually immediately prior to the Meeting, to review the work of any working groups established by the parties, to consider topics on the agenda of the Meeting and to review the documents prepared by the Secretariat.

2.3 The Open-ended Working Group

The Open-ended Working Group (OEWG) was established in 1989⁷ as a subsidiary body to the MOP to deal with specific issues and recommend action to MOP. At least one OEWG meeting is held per year and all parties to the Protocol may attend.

The OEWG's responsibilities have grown over the years from the original mandate contained in decision I/5; in practice it considers any issue referred to it by the MOP. The OEWG also considers all issues prior to forwarding its recommendations to the MOP. The MOP makes the final decision on any matter referred to it by the OEWG.

⁶ Rule 4 of the Rules of Procedure

⁷ Decision I/5.

2.4 The Assessment Panels

Four Panels were established by the first MOP⁸, but subsequently two Panels were merged⁹ leaving three Panels active today, namely:

- the Technology and Economic Assessment Panel (TEAP);
- the Scientific Assessment Panel (SAP); and
- the Environmental Effects Assessment Panel (EEAP).

Beginning in 1990, and at least every four years thereafter, the parties assess the control measures provided for in Article 2 and Articles 2A to 2J of the Protocol on the basis of available scientific, environmental, technical and economic information, which are reviewed, assessed and compiled into reports by the Assessment Panels.

The quadrennial reports of the Panels are prepared in accordance with a MOP decision¹⁰, which sets out a mandate for each Panel. The Panels report their conclusions, through the Ozone Secretariat, to the parties.

The conclusions reported by the Panels provide independent technical and scientific assessments and information, which enable the MOP to reach technically and scientifically sound decisions that are robust and informed. This has provided the foundation for the successful outcomes achieved under the Vienna Convention and the Montreal Protocol.

The **TEAP** provides technical and economic information related to the alternative technologies that have been investigated and employed, or that are emerging, to replace controlled substances. In addition to undertaking the tasks specified in Article 6 of the Protocol, the TEAP is also requested to perform specific tasks by MOP decisions. The TEAP analyses and presents technical information and recommendations. It does not evaluate policy issues and does not recommend policy. The TEAP co-chairs also provide progress reports to MOPs.

The TEAP currently operates with five Technical Options Committees (TOCs)¹¹ that have been established and agreed to by MOP decisions. The TEAP may also establish temporary subsidiary bodies as needed, generally for one year or less, for the purpose of responding to specific requests made by the MOP¹².

The **SAP** assesses the status of the depletion of the ozone layer and relevant atmospheric science issues such as the interlinkages between ozone and climate. The SAP consists of hundreds of scientists from around the world. Any emerging scientific issues of importance are brought to the attention of the parties by the SAP co-chairs in their annual progress reports for consideration by the MOP.

The **EEAP** assesses the various effects of ozone layer depletion on human health and the environment. Its members are scientists working in photobiology and photochemistry, mainly in universities and research institutes. The EEAP co-chairs also provide progress reports to MOPs.

8 See decision I/3 on Establishment of Assessment Panels

9 Shortly after the second MOP in 1990, the Panel for Technical Assessment and the Panel for Economic Assessment were merged.

10 See, for example decision XXVII/6: Potential areas of focus for the 2018 quadrennial reports of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel.

11 Those committees are: the Foams TOC; the Halons TOC; the Medical and Chemicals TOC; the Methyl Bromide TOC and the Refrigeration TOC.

12 For example a task force was established to report on updating the nomination and operational processes of the TEAP and its subsidiary bodies, following MOP decision XXIII/10.

2.5 The Implementation Committee

The Implementation Committee (ImpCom), and the non-compliance procedure which guides its operations¹³, was first established pursuant to Article 8 of the Montreal Protocol by decision II/5 of the MOP on an interim basis. Subsequently the MOP's decision IV/5 established the ImpCom and the procedure on a permanent basis¹⁴. The procedure is set out in Annex IV to the report of the fourth MOP.

The ImpCom receives, considers and reports on any submission by parties related to non-compliance with the Montreal Protocol, and:

- any information or observations forwarded by the Secretariat in connection with the preparation of its reports on information received under Article 7 and Article 9 of the Protocol; and
- any other information received and forwarded by the Secretariat concerning compliance and non-compliance with the provisions of the Protocol¹⁵.

The ImpCom may also:

- request, where it considers necessary, through the Secretariat, further information on matters under its consideration;
- identify facts and possible causes relating to individual cases of non-compliance referred to it and make appropriate recommendations to the MOP; and
- undertake, upon the invitation of the party concerned, information-gathering in the territory of that party for fulfilling its functions.

The ImpCom is also mandated to maintain, in particular for the purposes of drawing up its recommendations, an exchange of information with the Executive Committee of the Multilateral Fund related to the provision of financial and technical cooperation, including the transfer of technologies to Article 5 parties.

The ImpCom is guided by the mandate to secure an amicable solution of any non-compliance matter on the basis of respect for the provisions of the Protocol.

The ImpCom reports¹⁶ its draft decisions and recommendations to the MOP on matters it considers appropriate, after which the MOP may take a decision on the matter.

2.6 The Financial Mechanism

The Financial Mechanism was created by the London Amendment to the Protocol. Its purpose is to provide financial and technical assistance including the transfer of technologies to Article 5 parties to enable their compliance with the control measures set out in the Protocol. The mechanism includes the Multilateral Fund (MLF), and may include other means of multilateral, regional and bilateral cooperation. The Executive Committee (ExCom) of the MLF was also established under Article 10.

¹³ A primer for the Implementation Committee is available at the following link:

http://ozone.unep.org/Publications/ImpCom_Primer_for_parties.pdf.

¹⁴ The latest version of the rules governing ImpCom and the non-compliance procedure may be found at

<http://ozone.unep.org/en/handbook-montreal-protocol-substances-deplete-ozone-layer/702>.

¹⁵ A list of compliance related FAQs may be found at <http://ozone.unep.org/en/compliance-related-faqs>.

¹⁶ Reports of ImpCom may be found at http://ozone.unep.org/en/meetings/meeting-reports-new?field_committee_target_id=381.

The Multilateral Fund for the implementation of the Montreal Protocol

The Multilateral Fund (MLF) for the implementation of the Montreal Protocol was established pursuant to Article 10 of the Protocol by decision II/8 of the MOP as part of an Interim Financial Mechanism from 1 January 1991. The MLF was established to meet, among other things, and on a grant basis, the agreed incremental costs of phasing out ozone-depleting substances by developing countries. It was agreed that the MLF must be financed by contributions from non-Article 5 parties (mainly developed countries) although contributions by other countries are encouraged. By decision IV/18 the MOP decided in 1992 to make the MLF operative on a permanent basis from 1 January 1993. The MLF was subsequently recognised by the MOP in decision VI/16 as a body under international law, which enjoys juridical personality, privileges and immunities in the exercise of its functions.

With the adoption of the Kigali Amendment to the Montreal Protocol in October 2016, the MLF is also expected to meet agreed incremental costs of phasing down HFCs.

The Executive Committee of the Multilateral Fund

The Executive Committee of the Multilateral Fund (ExCom) was established along with the MLF, and is responsible for developing and monitoring the implementation of specific operational policies and guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the MLF.

The ExCom meets at least twice a year to approve the funding of projects to phase out ozone-depleting substances in Article 5 parties, including institutional strengthening and capacity-building, working through the four implementing agencies (see below) and other bilateral agencies for project implementation. The ExCom has its own Primer¹⁷, which includes the ExCom Rules of Procedure, and reports annually to the MOP on the activities exercised under its mandate, and to make recommendations as appropriate.

The implementing agencies

The four implementing agencies that assist the ExCom in discharging its tasks and responsibilities are the World Bank, the United Nations Environment Programme (UN Environment), the United Nations Development Programme (UNDP) and the United Nations Industrial Development Organization (UNIDO). The implementing agencies, within their respective areas of expertise, facilitate Article 5 parties' compliance with the Protocol by assisting those parties to develop projects and implement activities linked to the phase-out of ozone-depleting substances and transfer of environment-friendly technologies with funds approved by ExCom from MLF.

2.7 The Ozone Secretariat

The United Nations Environment Programme serves as the Secretariat for the Vienna Convention for the Protection of the Ozone Layer and for the Montreal Protocol on Substances that Deplete the Ozone Layer (Ozone Secretariat)¹⁸. The Secretariat is based in Nairobi at the headquarters of the United Nations Environment Programme.

The main duties of the Secretariat include arranging for and servicing the meetings of the COP, MOP, OEWG, ImpCom, ORM, Bureau of the COP, Bureau of the MOP and any other associated meetings or events requested by the parties.

¹⁷ <http://www.multilateralfund.org/MeetingsandDocuments/executive-committee-resources/Shared%20Documents/2016Primer.pdf>

¹⁸ Decision VCI/8

3. Activities leading up to a MOP or OEWG meeting

3.1 Introduction

This part of the primer deals principally with the preparations for a MOP or an OEWG meeting. The Secretariat coordinates pre-session preparations for these meetings and in particular ensures that participants have the information they need to effectively participate in the meetings. The main steps that are taken are as follows:

- i. the provisional agenda is prepared by the Secretariat in agreement with the President or co-chairs;
- ii. invitations, the agenda and logistics information are conveyed to participants well in advance of the meeting; and
- iii. pre-session documents including information, background and working documents, the latter produced in the six United Nations official languages provide information on the various agenda items and are posted on the Ozone Secretariat conference portal at least four weeks before the meeting.

3.2 Place and date of meetings

The default position is that meetings take place at the seat of the Secretariat in Nairobi¹⁹, although more often than not the Secretariat will make arrangements, in consultation with parties, for one of the parties to host a MOP. OEWG meetings are convened in different United Nations conference venues based on availability and costs associated with those venues.

3.3 Invitations

The Secretariat is required to notify all parties of the dates and venues of meetings at least two months before the meetings²⁰ and also to notify international organizations and non-party states²¹ so that they may participate as observers.

Observers may be invited by the President²², or if they have informed the Secretariat of their wish to be represented at the meeting²³. The invitation of observers and their participation in meetings is subject to certain procedural requirements²⁴.

The Secretariat will also, as a matter of practice, publish an information note for participants, giving practical information on the venue of the meeting, the times of the meeting, pre-registration, visa, financial assistance, access to documents, transportation and other practical information that delegates may need.

3.4 The agenda

Before each meeting, a provisional agenda will be prepared by the Ozone Secretariat, in consultation with the President or co-chairs, for adoption by the MOP²⁵ or OEWG meeting respectively. There will also be a separate document, which provides annotations to the provisional agenda.

¹⁹ Rule 3

²⁰ Rule 5

²¹ Rule 6(1)

²² Rules 6(2) and 7(2)

²³ Rule 7: such observers may be national or international, governmental or non-governmental; and must be qualified in fields relating to the protection of the ozone layer.

²⁴ Rules 6(2) and 7

²⁵ Rule 8

The annotations briefly describe the subject matter of each agenda item, referring to relevant substantive documents and also point participants to any draft decisions or relevant information on the agenda item.

The provisional agenda will include²⁶, in the case of the MOP and OEWG:

- all items specified in Article 11 of the Protocol. These are discussed at greater length below;
- items that a previous meeting has decided to include, so that the MOP or OEWG may decide to continue work from meeting to meeting;
- any unfinished agenda item from an earlier meeting²⁷;
- any item proposed by a party before the agenda is circulated; and
- the provisional budget and matters relating to the accounts and financial arrangements.

The provisional agenda of an extraordinary meeting shall consist of only those matters proposed in the request for the extraordinary meeting²⁸.

3.5 Documents for meetings

Documents for a meeting become available on the Montreal Protocol conference portal, through the Ozone Secretariat website. The documents will be organized into a number of categories, which can be accessed by clicking tabs, the names of which are bolded out in the list below:

- **Pre-session documents** are official meeting documents prepared in advance of the meeting. Pre-session documents are normally available no later than four weeks before the start of the meeting. All working documents, with the exception of information documents and Assessment Panel reports (appearing usually as background documents), are translated into all the United Nations official languages. Translated documents are usually available two to four weeks following the issuance of the advance copies of the English documents;
- **Conference Room Papers (or CRPs)** usually contain proposed decisions and represent the position of a delegation, contact group or informal group and are issued during a meeting;
- **Contact and other groups'** documents give information relevant to groups that are convened during a meeting;
- **Events** where the daily schedule of events and activities is presented and updated during the meeting;
- **Statements** made by delegations at the meeting are available and posted by the Secretariat on the meeting portal;
- **Presentations**, many of them by the three Assessment Panels;
- **Side event presentations**, made at side events held on the margins of a meeting;
- **Draft reports** will be issued towards the end of a meeting, for review and approval by the delegates.
- **The final report** of a meeting is issued a few weeks after the meeting has ended. The report of the meeting is a key document as it records the substance of the discussions and all the decisions adopted by the meeting. It is translated in the six United Nations official languages.

The meetings are virtually paperless, and participants need to bring their own laptops and handheld devices to get access to meeting documents.

²⁶ Rule 9

²⁷ Provided the MOP has not decided otherwise (Rule 15).

²⁸ Rule 13

3.6 The work of the Implementation Committee

Before a MOP, the ImpCom will have prepared:

- a report, which will be presented to the parties by the ImpCom President; and
- draft decisions on the implementation and status of parties' compliance and non-compliance with the Montreal Protocol, which have been recommended by the Committee for approval by the MOP and which are normally set out in a Conference Room Paper.

4. Organization of meetings

4.1 The MOP: Preparatory and high-level segments

A MOP will normally include a preparatory segment that focuses on substantive agenda items and related draft decisions and a high-level segment that will normally adopt formally the agreed decisions coming from the preparatory segment and the negotiations of the past year. Heads of delegation at the high-level segment will typically be ministers or senior government officials who normally make statements on behalf of their governments. The host government and representatives of UN Environment deliver statements during the opening of the meeting. The high-level segment may include presentations, for example by the Assessment Panels or the chair of the ExCom of the MLF and the President of the ImpCom. The high-level segment may also include special discussions (round tables) on key topics.

4.2 The OEWG

The OEWG will have met at least once before a MOP and, pursuant to the mandate of the MOP, will have advanced the substantive items that are to be considered by the MOP. Meetings of the OEWG are organized in a similar way to the preparatory segments of the MOPs. The main procedural difference is that the OEWG will make recommendations to the MOP and the MOP will make decisions. The co-chairs of the OEWG also co-chair the preparatory segment of the MOP, which discusses substantive issues and forward decisions to the high-level segment for adoption.

4.3 Decisions

The MOP adopts its decisions formally and they will finally be set out in the report of a meeting. Decisions are given a formal title and a number. If we consider, for example, Decision XXVIII/1: Further Amendment of the Montreal Protocol, part of that decision's number (XXVIII) refers to the twenty-eighth MOP at which the decision was adopted, and the other part of the number (1) indicates that it is the first decision in the report of that meeting.

4.4 Groups

While it is for the MOP to decide how an issue under consideration is to be addressed and resolved, in practice it may always not be feasible to negotiate and reach an agreement on all issues in plenary meetings. In such cases, matters are referred to smaller negotiating groups (commonly called contact groups). The meeting President, co-chairs or a party may propose that a group or committee be established²⁹, with the understanding that any party with an interest in the issue being dealt with by the group should participate in the group deliberations. To enable such participation, especially by small delegations, parallel running of the groups are avoided as much as possible. The work of such groups is often coordinated by two delegates, one from an Article 5 party and another from a non-Article 5 party, usually termed as co-chairs or co-conveners. The MOP or the OEWG will formally approve the work that has been done by such groups. The most commonly used groups are described below.

Contact groups

The MOP may establish contact groups to deal with specific issues that would be difficult to work through in plenary and that might slow down business if considered only in the plenary. Such a group is normally open-ended, and may involve in particular delegations that have strong views on an issue.

Legal drafting group

A legal drafting group is sometimes established to ensure that texts due for adoption, especially Protocol amendment or adjustment texts, are legally robust and coherent. It will normally be an open-ended group composed of mainly lawyers from various delegations.

Budget committee

It is the practice of the MOP to establish a budget committee to review the budget and other finance-related matters and prepare one or more draft decisions on budgetary matters. The budget committee is normally open-ended.

Informal consultations and discussions

In order to resolve some particularly difficult issues, a number of parties may meet informally, often with the participation, depending on the issue, of a chairperson or a facilitator, or a convener, in order to reach an agreement.

Other groups

It is also to be expected that other groups will organize their own meetings in the margin of an OEWG, MOP or COP. This is a matter for the groups themselves, not for the institutions of the Montreal Protocol. Delegates may find themselves involved in meetings of the following groups: regional groups; countries that have a particular legal status, for example Article 5 countries; countries with an issue in common, for example countries with high ambient temperatures; and countries that are bound together by legal arrangements, for example regional economic integration organizations like the European Union.

4.5 Events

Side events

Side events may be hosted by delegations or observers, and are normally scheduled to take place at a time when the plenary is not meeting. They can provide an opportunity to obtain information or to influence discussions on some issues that may be of interest to the parties.

²⁹ See Rules of Procedure, rule 26 paragraph 1

Reception

The Secretariat, and sometimes the hosting government, will usually arrange an evening reception, which sometimes can include some cultural entertainment, depending on the meeting venue.

5. MOP functions under Article 11 of the Protocol

Article 11 of the Protocol lists some specific functions of the MOP, some of which are discussed below.

Decides on any adjustments of control measures

Controlled substances are the chemicals that are controlled under the Protocol. Since CFCs, halons, methyl bromide and other chemicals have been mostly phased out to date, the focus at present is on HCFCs. In addition, the Kigali Amendment has added non-ozone depleting but highly potent global-warming HFC chemicals to the list of controlled substances. HFC control measures will take effect from 1 January 2019, assuming the Amendment enters into force by that date.

A MOP may take decisions on the adjustment of the control measures already in place or to adjust the ozone-depleting potential (or the global-warming potential) of controlled substances³⁰.

Proposals for adjustments must be communicated to the Secretariat at least six months before a MOP at which they are proposed to be adopted. In practice a MOP will take a decision on a proposal by consensus, although according to the rules of procedure, if there is no consensus a decision on an adjustment may be made by a majority³¹ of the MOP.

Establishes guidelines or procedures for reporting information under Articles 7 and 9 of the Protocol

All parties have to collect and submit to the Secretariat data on annual production, imports and exports of ODS in accordance with Article 7 of the Montreal Protocol. The MOP usually takes decisions on data reporting and related matters.

Article 9 of the Protocol contains a number of provisions on research, development, public awareness and exchange of information. Under paragraph 3 of Article 9, parties must send biennial reports of their activities under that Article. The MOP from time to time adopts decisions in this regard.

Adopts decisions with respect to the financial mechanism³²

The MOP has had an extensive role with respect to Article 10 of the Montreal Protocol, which deals with the financial mechanism, and adopts decisions concerning that Article, including decisions on:

- the overall policies of the financial mechanism, the MLF and the ExCom;
- replenishments of the MLF, budgets and contributions;
- the fixed-exchange-rate mechanism;
- the membership and organization of the ExCom;
- the operation of the financial mechanism.

³⁰ See Article 2, paragraph 9

³¹ The required majority for a decision on an adjustment is a two-thirds majority vote of the parties present and voting, which must include a majority of Article 5 parties present and voting representing a majority of the parties operating under paragraph of Article 5 and a majority of non-Article 5 parties present and voting (paragraph 9(c) of Article 2 of the Protocol).

³² Article 11 actually states 'Review requests for technical assistance submitted pursuant to paragraph 2 of Article 10'; however original Article 10, which allowed parties to request technical assistance, was replaced by the financial mechanism under the London Amendment.

5.1 Reviews reports prepared by the Secretariat on information reported under Articles 7 and 9 of the Protocol

The MOP reviews data and information reporting issues under an agenda item that also includes compliance related issues, taking into consideration the outcome of the ImpCom's review. Typically the Secretariat may prepare a note on issues for discussion, and a report on data and information provided by parties under Articles 7 and 9 of the Protocol.

In response, the MOP may note how far up to date parties are with their compliance with data reporting obligations, note which parties have not reported, stress the importance of data reporting, urge specific parties who are in non-compliance with data reporting requirements to report missing information, and request the ImpCom to review the situation of those parties.

5.2 Assesses control measures in accordance with Article 6

Article 6 of the Protocol requires the parties to assess the control measures provided for in the Protocol on the basis of available scientific, environmental, technical and economic information. The assessment work is done by the three Assessment Panels: the SAP, the EEAP and the TEAP.

As mentioned in the section on Assessment Panels under Institutions of the Montreal Protocol, the three Panels carry out periodic assessments at least every four years³³. For each periodic assessment, the key findings of the Panels contained in several volumes of assessment reports are also synthesized into a short report for policymakers.

5.3 Considers and adopts proposals for amendment of the Protocol

Article 9 of the Vienna Convention sets out the procedure for the amendment of the Protocol. The Protocol's five amendments have been adopted by consensus by the MOP. They could have been adopted by a **two-thirds** majority vote of the parties present and voting³⁴ in the absence of consensus. It may take several years for parties to negotiate and reach agreement on amendments. The text of any amendments to the Protocol must be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption.

5.4 Considers and adopts the budget for the implementation of the Protocol

The MOP will, every year, make a decision relating to the budget of the Protocol³⁵, in particular considering the parties' contributions to the Trust Fund of the Protocol. The Trust Fund covers the operational costs of the Ozone Secretariat; the organizational costs of meetings of the OEWG, the MOP and other related meetings; and provides support to developing countries and countries with economies in transition to participate in those meetings. Travel related costs of the members of Assessment Panels from Article 5 parties to the Panels' meetings are also covered.

The Trust Fund is financed by voluntary contributions of the parties to the Protocol on the basis of the adjusted UN scale of assessments and by other contributions from governmental, intergovernmental and non-governmental organizations and other sources. Countries whose UN scale of assessments is 0.1 per cent or less are not required to contribute.

³³ To date, quadrennial assessment reports have been prepared in 1989, 1991, 1994, 1998, 2002, 2006, 2010 and 2014. ³⁴ See paragraph 4 of Article 9 of the Vienna Convention.

³⁵ Parties normally approve a revision to the budget of the current year and approve the budget for the following two years.

5.5 Considers and undertakes any additional action that may be required for the achievement of the purposes of this Protocol

The MOP has a broad scope to set its own agenda and take action that the parties decide may be required to achieve the purpose of the Protocol.

5.6 Other MOP functions

In addition to Article 11, the MOP has the following other functions conferred by or flowing from other articles of the Protocol:

Adopts rules of procedure, financial rules and establishes subsidiary bodies: The MOP is also responsible for adoption of its rules of procedure, financial rules and for the establishment of subsidiary bodies.

The rules of procedure govern the operation of the MOP and its subsidiary bodies (including the OEWG) and are reproduced in the Annex of this primer.

The subsidiary bodies established by the MOP include its Bureau, the OEWG, the Assessment Panels, the ImpCom and the ExCom of the MLF.

Decides on non-compliance issues: Article 8 of the Protocol provides for the MOP to consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and to address issues of non-compliance. Pursuant to Article 8, both the non-compliance procedure³⁶ and the ImpCom were established. As determined by the non-compliance procedure the MOP may, on the basis of ImpCom recommendations, decide upon and call for steps to bring a party into full compliance with the Protocol, including measures to assist the party's compliance and to further the Protocol's objectives.

6. Core subjects that participants may expect to deal with during a meeting

There are a number of core subjects that participants may expect to deal with during a meeting. These are discussed below:

6.1 Opening of the meeting

There will normally be a number of scene-setting opening statements at the beginning of a meeting. Participants may expect a statement from the representatives of a host government and from the United Nations Environment Programme, which may be represented by the Ozone Secretariat.

6.2 Organizational matters

At the beginning of the meeting there will be an item on the agenda dedicated to the organization of the meeting, which will deal with the adoption of the agenda and the organization of work.

Adoption of the agenda

As we have seen, a provisional agenda will have been circulated in advance of the meeting. It may be amended and will be adopted before business proceeds. Parties may also suggest items that they would like the meeting to discuss under "other matters".

³⁶ See Annex IV to the Report of the 4th MOP

Organization of work

The President, chair or co-chairs of a meeting present a proposal on the organization of the work of a meeting, on timing and consideration of particular agenda items.

6.3 Administrative matters

Agenda items on administrative matters can relate to membership of Protocol bodies and to financial reports and budgets for the Convention or Protocol.

Membership of Montreal Protocol bodies

(a) The Implementation Committee

Each year the MOP considers the membership of the Implementation Committee. The Committee consists of 10 members elected by the MOP for two years on the basis of equitable geographical distribution. Two members are elected to represent each of the regional groups of Africa, Asia and Pacific, Eastern Europe, Latin America and Caribbean and Western Europe and others. Committee members are elected to serve a two-year term and are eligible for re-election for one immediate consecutive term³⁷.

The Committee selects its President and Vice-President (who also serves as the rapporteur of the Committee) from among its members, each to serve for one year at a time.

(b) Members of the Executive Committee of the Multilateral Fund

The ExCom comprises seven members from Article 5 parties and seven members from non-Article 5 parties. ExCom membership is considered by the MOP annually, so that new Committee members may be endorsed and the election of a chair and vice-chair noted.

Each of the two groups of parties represented in the ExCom will select its members³⁸ and report their names to the Secretariat for endorsement by the MOP. In addition, a chair and a vice-chair will be selected from amongst the Committee members. The office of the chair is subject to rotation on an annual basis between Article 5 and non-Article 5 parties³⁹.

Co-chairs of the Open-ended Working Group

Each year the MOP endorses the selection of one representative from among Article 5 parties and one representative from among non-Article 5 parties to serve as co-chairs of the OEWG and they serve as co-chairs of the preparatory segment of the MOP in the same year.

6.4 Financial reports of the Trust Fund and budgets for the Montreal Protocol

The financial reports and budgets for the Montreal Protocol are considered annually by the MOP. A proposed budget is sent to all parties at least 90 days before the date of the MOP⁴⁰. Parties usually establish a budget committee to deliberate on and recommend a decision for adoption of the agreed budget.

37 See paragraph 5 of the consolidated version of the non-compliance procedure as set out at <http://ozone.unep.org/en/handbook-montreal-protocol-substances-deplete-ozone-layer/728>.

38 See rule 11 of the ExCom Rules of Procedure.

39 See paragraph 3 of the Terms of reference of the Executive Committee as modified by decisions IX/16, XVI/38 and XIX/11 of the Parties to the Montreal Protocol.

40 Paragraph 6 of the terms of reference for the administration of the Trust Fund for the Montreal Protocol: see Annex II of the report of MOP 1, as amended by Decision XIV/41.

The budget committee's deliberations will be informed by material prepared by the Secretariat, normally including the revised budget for the current year, the proposed budgets for the following two years, and financial reports on the trust funds for the Montreal Protocol and the Vienna Convention.

The MOP decision on the budget will also decide on contributions for the next year and indicative contributions for the following year.

6.5 Reports of the Assessment Panels

The work of the three Panels convened pursuant to Article 6 - the TEAP, the SAP and the EEAP - is discussed regularly by the MOP; typically there will be a number of agenda items relating to the TEAP report at every MOP. There may be agenda items, for example, on work mandated by the MOP, quadrennial reports and on appointments⁴¹.

Regular reports

TEAP prepares annual progress reports including information on the regular work of its TOCs including evaluating alternatives and remaining uses of ODS, its membership and expertise needed to enrich its membership. Annual progress reports are also prepared by the EEAP and SAP.

Quadrennial reports

As we have seen, the three Assessment Panels will prepare quadrennial reports in the light of MOP decisions. The reports will be presented to the MOP by Panel co-chairs and members. Reports are made available to the public on the Ozone Secretariat website.

Work in response to decisions by the MOP

A Panel will undertake work pursuant to decisions by the MOP and present reports such as those on updated and new information on alternatives to ODSs⁴², replenishment study⁴³, and safety standards relevant to low-GWP alternatives⁴⁴.

Appointments

Each Panel has its own terms of reference, which provide for the appointment of its members. For example, part 2 of the TEAP's terms of reference⁴⁵ relates to the size and balance of the TEAP and covers, among other things, nominations and appointments. The MOP will from time to time make decisions to appoint members of the TEAP pursuant to its Terms of Reference (para 2.3).

6.6 Consideration of essential use and critical use exemptions

The MOP regularly makes decisions on essential-use and critical-use exemptions.

⁴¹ The TEAP is also engaged with decisions on critical use exemptions and essential use exemptions, which will be discussed below.

⁴² See, for example, decision XXVII/4.

⁴³ See, for example, decision XXVII/5.

⁴⁴ Decision XXVIII/4

⁴⁵ See the Annex to decision XXIV/8.

Essential-use exemptions

Essential-use exemptions are usually available after phase-out dates of various substances, specifically with respect to CFCs (Article 2A, paragraph 4), halons (Article 2B, paragraph 2), other fully halogenated CFCs (Article 2C, paragraph 3), carbon tetrachloride (Article 2D, paragraph 2), 1,1,1-Trichloroethane (Article 2E, paragraph 3), hydrobromofluorocarbons (Article 2G), and bromochloromethane (Article 2I). The obligations to phase out substances apply save to the extent that the MOP decides to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

Parties request essential use exemptions in accordance with decision IV/25⁴⁶. Each request will be considered by the relevant TOC with the necessary expertise, which will make appropriate recommendations, in the light of which the MOP may decide to give an essential-use exemption.

Critical-use exemptions

Critical-use exemptions are provided for under Article 2H, paragraph 5 of the Protocol, which relates to phase-out steps under the control measures for methyl bromide. That paragraph does not apply 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.

Parties submit nominations for critical-use exemptions⁴⁷. The Methyl Bromide Technical Options Committee will review those nominations together with any additional information that may be submitted by a nominating party upon request by the Committee and will make final recommendations, on the basis of which the MOP may grant or decline a critical-use exemption.

6.7 Replenishment of the MLF

Since its establishment in 1991, initially on an interim basis, the MLF has operated with three-year funding cycles. The MOP adopted decisions on the replenishment of the Fund in 1993, 1996, 1999, 2002, 2005, 2008, 2011 and 2014. The last replenishment was for US\$507.5million⁴⁸.

The parties usually, in the year before the last year of each funding cycle, develop terms of reference for a study designed to estimate the funds necessary to enable Article 5 parties to achieve compliance during the forthcoming replenishment period⁴⁹. This study is normally entrusted to the TEAP, which usually establishes a task force to prepare the study for the parties' consideration.

When the MOP makes a decision on replenishment of the MLF, it will also make a decision on the extension of the fixed-exchange-rate-mechanism, which allows parties to pay contributions to the MLF using their national currencies⁵⁰ rather than using US dollars. Only certain parties may use the fixed-exchange-rate-mechanism⁵¹.

46 The procedures and information requirements are specified in the Handbook on Essential Use Nominations prepared by the TEAP and the Medical Technical Options Committee at: http://ozone.unep.org/en/Assessment_Panels/TEAP/Reports/TEAP_Reports/EUN-Handbook2009.pdf

47 The procedures are complex, and are summarized in the Handbook on Critical Use Nominations for Methyl Bromide prepared by the TEAP and the Methyl Bromide TOC at: http://ozone.unep.org/Assessment_Panels/TEAP/Reports/MBTOC/Handbook%20CUN-version5-27Nov06.pdf

48 This was on the understanding that US\$64m of that budget would be provided from anticipated contributions due to the MLF and other sources for the 2012-2014 triennium, and that US\$6m would be provided from interest accruing to the Fund during the 2015–2017 triennium.

49 See, for example, the terms of reference that were adopted in Decision XXVIII/5.

50 Paragraph 2 of Decision XXVI/11, which was the last decision on the extension of the fixed-exchange-rate mechanism, said "That parties choosing to pay their contributions to the Multilateral Fund for the Implementation of the Montreal Protocol in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2014".

51 Paragraph 5 of Decision XXVI/11 said "That only parties with inflation rate fluctuations of less than 10 per cent, pursuant to published figures of the International Monetary Fund, for the preceding triennium will be eligible to use the fixed-exchange-rate mechanism".

6.8 Compliance and data reporting issues

Compliance: The ImpCom report

Each MOP will consider a report by the President of ImpCom on compliance issues for the previous year based on Article 7 data and information on Article 9 as well as other relevant information reported by the parties and considered by the Committee during the year of the MOP⁵².

The Committee will have drafted and adopted recommendations relating to parties' compliance with the date reporting obligations and the applicable control measures.

Recommendations

Each recommendation adopted by the Committee can refer to one or more parties, usually by name. Recommendations that do not name specific parties usually concern policy or process issues relevant to a large number of parties, such as how to complete the data reporting forms or requests to the Secretariat to prepare a report on a compliance issue for consideration at a future meeting of the Committee.

The recommendations that name specific parties usually fall into one of the following categories:

- recording of a party's or parties' non-compliance situation together with the associated actions expected of such a party or parties;
- requests for information from a party with a compliance matter under consideration, sometimes contained in a draft decision forwarded for consideration and possible adoption by the MOP;
- proposals for the endorsement by the MOP of a party's plan of action for returning to compliance contained in a draft decision; and
- acknowledgments of a party's progress in implementing its plan of action for returning to compliance with the Protocol.

Depending on the nature of the compliance issue concerned and the time it takes to resolve it, a particular party may be the subject of more than one ImpCom recommendation and sometimes also multiple decisions of the parties.

Draft decisions

Decisions of the parties have a higher profile than recommendations of the Committee, so parties are often likely to respond more promptly to decisions rather than recommendations on compliance. The ImpCom is more likely to propose a MOP decision in important circumstances, such as where the Committee wants to prompt a submission by a party with respect to failure to comply with a control measure, or submission by a party of a plan of action for returning to compliance.

Data report by the Secretariat

Under this agenda item, the Secretariat will distribute a report based on information received pursuant to Articles 7 and 9 of the Protocol. That report will give an overview, amongst other things, of data reporting, and compliance with control measures, other provisions of the Protocol and decisions of the parties.

⁵² Please refer to the ImpCom Primer for more detailed information on ImpCom proceedings
http://ozone.unep.org/Publications/ImpCom_Primer_for_parties.pdf.

7. Procedural issues during meetings of the COP, MOP and OEWG

The meetings of the COP, MOP and the OEWG are subject to the rules of procedure as applicable. The rules apply to COPs, ordinary MOPs, as well as extraordinary MOPs and OEWG meetings and are set out in an Annex to this document.

Although the rules of procedure will very rarely be expressly referred to in the course of a meeting, they govern the way meetings are organised and conducted and may need to be referred to when procedural difficulties arise.

The rules of procedure may be amended or replaced by a consensus decision of the parties⁵³.

The rules of procedure are subject to the overriding authority of the Convention or the Protocol, so that in the unlikely event of a conflict between the rules and either of those treaties, the treaties themselves would prevail⁵⁴.

7.1 Representation and credentials

Each party that participates in a meeting will be represented by a delegation led by a head of delegation⁵⁵. Each delegation should be accredited, so that credentials⁵⁶, which are standard-form documents issued by governments indicating who is entitled to speak for them, should be submitted to the Secretariat within 24 hours of the opening of a meeting.

7.2 Officers

At the beginning of a MOP or COP, a President, three Vice-Presidents and a Rapporteur are elected. There is due regard to the principle of equitable geographical representation, and the offices of the President and Rapporteur are normally subject to rotation amongst the regional groups⁵⁷.

Once elected the President relinquishes his/her representative role in the meeting for his/her government and serves solely as an officer of the meeting⁵⁸.

The President has extensive powers and responsibilities, including the ability to declare the opening and closing of a meeting and presides at the sessions of the meeting, making sure the rules of procedure are applied, giving participants the right to speak, putting issues to a vote; announcing decisions, and ruling on points of order. Subject to the rules of procedure, the President has complete control of proceedings. The President may propose closing the list of speakers, limiting the time allowed to speakers and the number of times each representative may speak on a question, the adjournment or the closing of a debate and the suspension or the adjournment of a session⁵⁹. If the President is temporarily absent, he/she will designate a Vice-President to act as President⁶⁰.

If an officer of the Bureau resigns or is unable to complete a term of office or to perform the relevant functions, a representative of the same party replaces that officer⁶¹.

⁵³ See rule 57

⁵⁴ See rule 58

⁵⁵ See rule 16

⁵⁶ Credentials are issued either by a Head of State or Government or by a Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization (Rule 18).

⁵⁷ Rule 21(1)

⁵⁸ Rule 21(3)

⁵⁹ Rule 22(1)

⁶⁰ Rule 23

⁶¹ Rule 24

7.3 The Ozone Secretariat

The Secretariat provides the administrative support for all meetings. It arranges for the venue and all services to the meeting including interpretation. It receives, translates, reproduces and distributes documents. It makes arrangements for the keeping of sound recordings of the meeting and ensures that the meeting runs smoothly⁶².

7.4 Conduct of business

Sessions of meetings, and of committees and working groups established by the meeting, are held in private by default, although the meeting may decide otherwise⁶³.

Two-thirds of the parties need to be present for a decision to be taken⁶⁴.

The president declares a session open⁶⁵ and should generally call upon speakers in the order in which they ask to speak⁶⁶, usually with the understanding that observers speak after all requesting parties have spoken.

A chairman of a committee or working group may take precedence in the order of speakers in order to explain the conclusions of the committee or group⁶⁷. If a point of order – a query about whether the correct procedure is being followed – is raised this must be ruled upon immediately⁶⁸.

Any motion asking for a decision on whether the meeting has the necessary powers to discuss something or to adopt a decision must be dealt with before the matter is discussed or the decision is taken⁶⁹.

There are detailed provisions about how proposals and amendments to proposals should be put to a meeting, the precedence of motions and the reconsideration or proposals in rules 35 to 38 of the rules of procedure.

7.5 Voting

As a matter of practice, the parties to the Montreal Protocol and the Vienna Convention have acted by consensus. But if they are ever needed, there are extensive provisions on voting in rules 39 to 51 of the rules of procedure.

7.6 Languages and sound recordings

The official languages of meetings are Arabic, Chinese, English, French, Russian, and Spanish⁷⁰. Interpretation is provided into all official languages⁷¹. Another language may be used by a representative if that representative provides for interpretation into another official language⁷². Informal groups tend to work in English. Sound records of plenary session of the meetings should be kept⁷³.

62 Rule 28

63 Rule 29

64 Rule 30

65 Rule 30

66 Rule 31(1)

67 Rule 32

68 Rule 33

69 Rule 34

70 Rule 52

71 Rule 53(1)

72 Rule 53(2)

73 Rule 55

ANNEX: Rules of procedure for Meetings of the Parties to the Montreal Protocol

Purposes

Rule 1

These rules of procedure shall apply to any meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer convened in accordance with article 11 of the Protocol.

[Vienna Convention

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer convened in accordance with Article 6 of the Convention].

Definitions

Rule 2

For the purposes of these rules:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985;
2. "Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987;
3. "Parties" means, unless the text otherwise indicates, Parties to the Protocol;
4. "Conference of the Parties" means the Conference of the Parties established in accordance with Article 6 of the Convention;
5. "Meeting of the Parties" means the meeting of the Parties convened in accordance with Article 11 of the Protocol;
6. "Regional economic integration organization" means an organization defined in Article 1, paragraph 6, of the Convention;
7. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;
8. "Secretariat" means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with paragraph 2 of Article 7 of the Convention;
9. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.

[Vienna Convention

For the purposes of these rules:

1. "Convention" means the Vienna Convention for the Protection of the ozone Layer, adopted on 22 March 1985;
2. "Parties" means, unless the text otherwise indicates, Parties to the Convention;
3. "Conference of the Parties" means the Conference of the Parties established in accordance with Article 6 of the Convention;
4. "Regional economic integration organization" means an organization defined in Article 1, paragraph 6, of the Convention;

5. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;
6. "Secretariat" means the international organization designated as Secretariat of the Convention by the Conference of the Parties in accordance with Article 7, paragraph 2 of the Convention;
7. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.]

Place of meetings

Rule 3

The meetings of the Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Ordinary meetings of the Parties shall be held once every year, unless the Parties decide otherwise. In years when there is an ordinary meeting of the Conference of the Parties to the Vienna Convention, that meeting and the meeting of the Parties to the Protocol shall be held in conjunction.
2. At each ordinary meeting, the Parties shall fix the opening date and duration of its next ordinary meeting.
3. Extraordinary meetings of the Parties shall be convened at such times as may be deemed necessary by a meeting of the Parties or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of meetings at least two months before the meeting.

Observers

Rule 6

1. The Secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State not party to the Protocol of any meeting so that they may be represented by observers.
2. Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting.

Rule 7

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the Secretariat of its wish to be represented, of any meeting so that they may be represented by observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.

2. Such observers may, upon invitation of the President, and if there is no objection from the Parties present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent.

Agenda

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include:

1. Items specified in article 11 of the Protocol;
2. Items the inclusion of which has been decided at a previous meeting;
3. Items referred to in rule 15 of the present rules of procedure;
4. Any item proposed by a Party before the agenda is circulated;
5. The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed by the Secretariat to the Parties at least two months before the opening of the meeting.

Rule 11

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplement to the provisional agenda, which the meeting shall examine together with the provisional agenda.

Rule 12

The meeting when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after it has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the meeting of the Parties.

Representation and credentials

Rule 16

Each Party participating in the meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the meeting if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The officers of any meeting shall examine the credentials and submit their report to the meeting.

Rule 20

Pending a decision of the meeting upon their credentials representatives shall be entitled to participate provisionally in the meeting.

Officers

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the officers of the meeting. In electing its officers the Meeting of the Parties shall have due regard to the principle of equitable geographical representation. The offices of the President and Rapporteur of the Meeting of the Parties shall normally be subject to rotation among the five groups of States referred to in Section 1, paragraph 1, of General Assembly resolution 2997 (XXVI) of 15 December 1972, by which the United Nations Environment Programme was established. [This paragraph was subject to amendment at the second meeting of the Parties – see decision II/19.]
2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. On occasion, one or more of these officers may be re-elected for one further consecutive term.
3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the meeting of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
2. The President, in the exercise of his functions, remains under the authority of the meeting of the Parties.

Rule 23

If the President is temporarily absent from a session or any part thereof, he shall designate a Vice-President to act as President. [This paragraph was subject to amendment at the third meeting of the Parties – see decision III/14.]

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate. [This paragraph was subject to amendment at the third meeting of the Parties – see decision III/14.]

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the meeting.

Committees and working groups

Rule 26

1. The meeting may establish such committees or working groups as may be required for the transaction of its business.
2. The meeting may decide that such committees or working groups may meet in the period between ordinary meetings.
3. Unless otherwise decided by the meeting, the chairman for each such committee or working group shall be elected by the meeting. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the chairman of a committee or working group, to adjust the allocation of work.
4. Without prejudice to paragraph 3 of this rule, each committee or working group shall elect its own officers.
5. A majority of the Parties designated by the meeting to take part in the committee or working group shall constitute a quorum, but in the event of the committee or working group being open-ended one quarter of the Parties shall constitute a quorum.
6. Unless otherwise decided by the meeting, these rules shall apply mutatis mutandis to the proceedings of committees and working groups, except that:
 - (a) The chairman of a committee or working group may exercise the right to vote; and

- (b) Decisions of committees or working groups shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

Secretariat

Rule 27

1. The head of the international organization designated as Secretariat of the Convention shall be the Secretary-General of any meeting. He may delegate his functions to a member of the Secretariat. He, or his representative, shall act in that capacity in all sessions of the meeting and in all sessions of committees or working groups of the meeting.
2. The Secretary-General shall appoint an Executive Secretary of the meeting and shall provide and direct the staff required by the meeting and the committees or working groups of the meeting.

Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as secretariat of the Convention; and
- (f) Generally perform all other work that the meeting may require.

Conduct of business

Rule 29

Sessions of the meeting, and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.

Rule 30

The President may declare a session of the meeting open, and permit the debate to proceed and have any decision taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the meeting without having previously obtained the permission of the President. Without prejudice to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.
2. The meeting may, on a proposal from the President, or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 32

The chairman or rapporteur of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.
2. Proposals of amendments to the Protocol, including its annexes, and of additional annexes to the Protocol shall be communicated to the Parties by the Secretariat at least six months before the meeting at which they were proposed for adoption.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:
 - (a) To suspend a session;
 - (b) To adjourn a session;
 - (c) To adjourn the debate on the question under discussion; and
 - (d) For the closure of the debate on the question under discussion.
2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the meeting, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

Voting

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 40

1. Unless otherwise provided by the Convention or by the Protocol, decisions of a meeting on all matters of substance shall be taken by a two-thirds majority vote of the Parties present and voting, except as otherwise provided in the Terms of Reference for the administration of the Trust Fund.
2. Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.
3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.
5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

If two or more proposals relate to the same question, the meeting, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which shall be put immediately to the vote.

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revise parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of the voting on the amendments under this rule.

Rule 46

Except for elections, voting shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the meeting.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter, shall be unrestricted, and so on until all the places have been filled.

Languages

Rule 52

The Official languages of the meeting shall be Arabic, Chinese, English, French, Russian, and Spanish.

Rule 53

1. Statements made in an official language of the meeting shall be interpreted in the official languages.
2. A representative may speak in a language other than an official language of the meeting, if he provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Sound records of the meeting

Rule 55

Sound records of the meeting, and whenever possible of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

Ad hoc meetings

Rule 56

1. A meeting may recommend to the Secretariat, taking duly into account the financial implications, the convening of Ad Hoc meetings, either of representatives of the Parties or of experts nominated by the Parties, in order to deal with matters which, because of their specialized nature, or for other reasons, cannot be adequately discussed during the normal session of a meeting.
2. The terms of reference of these Ad Hoc meetings and the questions to be discussed shall be determined by a meeting.
3. Unless otherwise decided by the meeting, each Ad Hoc meeting shall elect its own officers.
4. These rules of procedure shall apply mutatis mutandis to such Ad Hoc meetings.

Amendments to rules of procedure

Rule 57

1. These rules of procedure may be amended by consensus by a meeting of the Parties.
2. Paragraph 1 of this rule shall likewise apply in case the meeting of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

Overriding authority of the Convention or the Protocol

Rule 58

1. In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.
2. In the event of any conflict between the provisions of these rules and any provision of the Protocol, the Protocol shall prevail.