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ELEVENTH MEETING OF THE PARTIES TO THE
MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER
Beijing, 29 November - 3 December 1999

[DRAFT DECISIONS]

The Eleventh Meeting of the Parties decides:

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

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annex A to the Protocol, as set out in annex (...) to the report of the Eleventh Meeting of the Parties.]

(Source: Report of the Legal Drafting Group on possible adjustments and amendment of the Montreal Protocol (UNEP/OzL.Pro.11/3))

[Decision XI/2: Further adjustments with regard to Annex B substances

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annex B to the Protocol, as set out in annex (...) to the report of the Eleventh Meeting of the Parties.]

(Source: Report of the Legal Drafting Group on possible adjustments and amendment of the Montreal Protocol)

[Decision XI/3. Further adjustments with regard to Annex C and E substances

- To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annexes C and E to the Protocol, as set out in annex (...) to the report of the Eleventh Meeting of the Parties;]

(Source: Report of the Legal Drafting Group on possible adjustments and amendment of the Montreal Protocol)

[Decision XI/4. Further Amendment of the Montreal Protocol

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

(Source: Report of the Legal Drafting Group on possible adjustments and amendment of the Montreal Protocol)

Decision XI/5. Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

[.....]

Decision XI/6. Replenishment of the Multilateral Fund for the period 2000-2002

[.....]

(Source: Decisions X/13 and X/32 of the Tenth Meeting of the Parties)

Decision XI/7. Membership of the Implementation Committee

1. To note with appreciation the work done by the Implementation Committee for 1999;
2. To confirm the positions of Antigua and Barbuda, Mali, Poland, Saudi Arabia and United Kingdom for one further year and to select as members of the Committee for a two-year period;

(Source: Secretariat)

Decision XI/8. Membership of the Executive Committee of the Multilateral Fund

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 1999;
2. To endorse the selection of, as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol, and the selection of, as members representing Parties operating under paragraph 1 of Article 5, for one year effective 1 January 2000;

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3. To endorse the selection of to act as Chair and of to act as Vice-Chair of the Executive Committee for one year effective 1 January 2000;

(Source: Secretariat)

Decision XI/9. Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

- To endorse the selection of and as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 2000;

(Source: Secretariat)

Decision XI/10. Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that 22 Parties out of the 166 that should have reported data for 1997 have not reported to date;
3. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol as well as relevant decisions of the Parties on data and information reporting;

(Source: Secretariat)

Decision XI/11. Ratification of the Vienna Convention, the Montreal Protocol, and the London, Copenhagen and Montreal Amendments

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note that 131 Parties have ratified the London Amendment to the Montreal Protocol, while only 93 Parties have ratified the Copenhagen Amendment to the Montreal Protocol and only 16 Parties have ratified the Montreal Amendment to the Montreal Protocol as of 21 July 1999;
3. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer;

(Source: Secretariat)

Decision XI/12. Definition of pre-shipment applications of methyl bromide

- [- That pre-shipment applications are those non-quarantine applications applied within 14 days prior to export to meet the official requirements of the importing country or existing official requirements of the exporting country. Official requirements are those which are performed

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by, or authorized by, a national plant, animal, environmental, health or stored product authority;]

(Source: TEAP report of 1999 and document UNEP/OzL.Pro/WG.1/19/5, as modified by the Open-ended Working Group at its the nineteenth meeting and referred to the Legal Drafting Group)

Decision XI/13. Essential-use nominations for non-Article 5 Parties for controlled substances for 2000 and 2001

- [1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;
2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114 for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, CFC-113 for torpedo maintenance, and halon 2402 for fire protection are authorized as specified in annex to the report of the Eleventh Meeting of the Parties,* subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;
3. That the quantities approved in paragraph 2 above and all future approvals are for total CFC volumes with flexibility between CFCs within each group;]

(Source: paras. 131, 132 and 133 of the report of the nineteenth meeting of the Open-ended Working Group)

[Decision XI/14. Global exemption for laboratory and analytical uses

- To eliminate the following uses from the global exemption for laboratory and analytical uses for controlled substances, approved in decision XI/19:
 - (a) Testing of oil, grease and total petroleum hydrocarbons in water;
 - (b) Testing of tar in road-paving materials; and
 - (c) Forensic finger-printing;]

(Source: paras. 139-142 of the report of the nineteenth meeting of the Open-ended Working Group)

[Decision XI/15. Measures to facilitate the MDI transition

Having reviewed with appreciation the assessment by the Technology and Economic Assessment Panel (TEAP) on the transition to CFC-free treatments for asthma and chronic obstructive pulmonary disease and the Panel's recommendations for a transition framework under the Montreal Protocol that facilitates a rapid CFC phase-out while protecting patient health;

Noting that the Technology and Economic Assessment Panel has predicted that, by the year 2000, the transition will be making good progress in Parties not operating under Article 5 and

* See the annex to the present document.

that, by the year 2005, there will be minimal need for CFCs for metered-dose inhalers in these Parties;

1. To urge all Parties not operating under Article 5, and to encourage Parties operating under Article 5, to develop and implement national transition strategies, with the goal of completing the transition in their domestic markets as expeditiously as possible while protecting patient health;
2. To require each nominating Party to apply the following criteria, in addition to the criteria in decision IV/25, to determine essentiality for purposes of Article 2 of the Protocol:
 - (a) That the MDI product for which quantities of CFCs are requested:
 - (i) Has been approved by the Party's national health authority prior to the Eleventh Meeting of the Parties to the Montreal Protocol, unless that authority has determined that the product will serve an otherwise unmet medical need;
 - (ii) Is not intended for export to any other Party that has determined the product to be non-essential and has so notified the Secretariat;
 - (b) That the company requesting the quantities of CFC demonstrates that it is:
 - (i) Actively pursuing research and development for CFC-free alternatives for its products, individually or jointly with another company, or engaging in good faith legal negotiations with another company in order to obtain such alternatives;
 - (ii) Not increasing its strategic reserves of CFCs beyond reasonable levels, as determined by the nominating Party;
 - (iii) Decreasing its strategic reserves of CFCs in line with declining annual demand for CFCs;
 - (iv) Committed to, upon completion of its MDI transition, destroying any of its remaining strategic reserves of CFCs, using technologies approved by the Protocol, or transferring such remaining reserves in accordance with paragraph 5 of the present decision;
3. To urge each nominating Party to apply the criteria in paragraph 2 of the present decision with respect to essential uses already authorized by the Parties but not yet allocated to MDI companies by the nominating Party;
4. To strongly urge all nominating Parties to continue to nominate and license the quantities for use in CFC-containing MDIs for export to other Parties, except for products which the importing Party has determined to be non-essential;
5. To allow transfers of CFCs for essential uses between MDI companies as a means of avoiding production of new CFCs, provided that the recipient company has the essential-use authorization and that any such transfer is subsequently reported in the essential-use accounting framework;
6. To request the Executive Committee of the Multilateral Fund for the implementation of the Montreal Protocol to assess the need for financial and technical assistance for Parties

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operating under Article 5 to develop and implement national transition strategies, and to report to the Twelfth Meeting of the Parties on the results of this assessment;

7. To request the Technology and Economic Assessment Panel to revise its Handbook on Essential Use Nominations to incorporate the criteria in paragraph 2 of the present decision and to utilize these criteria when reviewing essential-use nominations;]

(Source: para. 138 of the report of the nineteenth meeting of the Open-ended Working Group and UNEP/OzL.Pro/WG.1/19/CRP.1, introduced by Costa Rica)

Decision XI/16. Imports and exports of products and equipment relying on Annex A and Annex B substances

[.....]

(Source: para. 148 of the report of the nineteenth meeting of the Open-ended Working Group)

Decision XI/17. Limitation of emissions of CFCs from equipment in non-Article 5 Parties

- [1. To recall that decision IV/24 urges all Parties to take all practicable measures to prevent releases of controlled substances into the atmosphere;
2. To recall also that decision IX/23 requests non-Article 5 Parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of Article 5 Parties and other exempted uses;
3. To note that in order to further reduce emissions of CFCs from existing equipment in non-Article 5 Parties, further measures to those recommended in decision IX/23 will be required;
4. To note that in the case of halons, decision X/7 requests Parties to develop strategies for the management of halons, including emissions reductions and ultimate elimination of their use;
5. To request that each non-Article 5 Party develops and submits to the Ozone Secretary by July 2001, a strategy for the management of CFCs, including options for recovery, recycling, disposal and eventual elimination of their use. In preparing such a strategy, taking into account technological and economic feasibility, Parties should consider the following options:
 - (a) Recovering CFCs from existing equipment;
 - (b) Setting target dates for bans on refilling refrigeration and air-conditioning equipment with CFCs and/or any other regulatory or non-regulatory measures to encourage the reduction of CFC use;
 - (c) Ensuring that appropriate measures are taken for the environmentally safe and effective storage, management and final disposition of recovered CFCs;
 - (d) Encouraging the use of CFC substitutes and replacements acceptable from the standpoint of environment and health, taking into account their impact on the ozone layer, and any other environmental issues;
6. To request the Technology and Economic Assessment Panel to assist non-Article 5 Parties to develop estimates of emissions from existing equipment and to request non-Article 5 Parties

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to provide information on such emissions from existing equipment in their countries by 31 July 2001;

7. To request the Technology and Economic Assessment Panel to develop estimates of emissions of CFCs from existing equipment in non-Article 5 Parties and to assess the means, cost and feasibility of eliminating these emissions; and to request the Scientific and Environmental Effects Assessment Panels to assess the impact of these emissions on ozone depletion by 31 March 2002 in order to enable the Parties to consider this issue at their fourteenth meeting;
8. To encourage Article 5 Parties to use the results of the study and the experience gained by non-Article 5 Parties to limit the emissions of CFCs from equipment in their countries;]

(Source: paras. 155 and 156 of the report of the nineteenth meeting of the Open-ended Working Group and UNEP/OzL.Pro/WG.1/19/CRP.2/Rev.1, introduced by Canada)

Decision XI/18. Terms of reference for Assessment Panels

1. To note with appreciation the excellent and highly useful work done by the Scientific, Environmental Effects, and Technology and Economics Assessment Panels and their colleagues worldwide in preparing their reports of 1998 including the Synthesis Report of 1999 and its decadal perspective of the information provided by the Panels over the period 1989-1999;
2. To also note with appreciation, and encourage as appropriate, the ongoing fruitful collaboration of the Panels with the Subsidiary Body on Science and Technology under the United Nations Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change, and the International Civil Aviation Organization;
3. To request the three Assessment Panels to update their 1998 reports in 2002 and submit them to the Secretariat by 1 January 2003 for consideration by the Open-ended Working Group and by the Fifteenth Meeting of the Parties to the Montreal Protocol in 2003;
4. To request the Assessment Panels to keep the Parties to the Montreal Protocol informed of any important new developments on a year-to-year basis;
5. To request the Scientific Assessment Panel to include the following in the 2002 scientific assessment:
 - (a) An evaluation of the observed trends in controlled substances and their consistency with reported production;
 - (b) A quantification of the ozone-depleting impacts of new (e.g. short-lived) halogen-containing substances;
 - (c) A characterization of the known interrelations between ozone depletion and climate change; and

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- (d) A description and interpretation of the observed changes in global and polar ozone and in ultraviolet radiation, as well as set future projections and scenarios for these variables;

(Source: paras. 36 and 37 of the report of the nineteenth meeting of the Open-ended Working Group and the Secretariat's consultations with Co-Chairs of the Assessment Panels)

Decision XI/19. Special Report on Aviation and the Global Atmosphere

- [1. To note with appreciation the work done by the Scientific Assessment Panel and the Intergovernmental Panel on Climate Change (IPCC) in preparing the Special Report on Aviation and the Global Atmosphere;
2. To express its appreciation to the Scientific Assessment Panel for its collaboration with IPCC in preparing the above-mentioned report;
3. To note with appreciation the message of the President of the Council of the International Civil Aviation Organization (ICAO) on the willingness of ICAO to continue the process of working together on the issues with the Montreal Protocol;
4. To recommend that the Scientific Assessment Panel should continue its collaboration with IPCC and keep the Parties to the Montreal Protocol informed on the potential impacts of the aircraft emissions on stratospheric ozone depletion and climate change;]

(Source: para. 42 of the report of the nineteenth meeting of the Open-ended Working Group)

[Decision XI/20. New ozone-depleting substances*

- To request the Technology and Economic Assessment and the Scientific Assessment Panel to develop and report on the criteria that would be taken into account by the Parties when adopting any further control measures on any new substances. The following should be considered while developing the reports:
 - (a) The focus should first be on those substances with the highest ozone-depleting potential;
 - (b) Comprehensive information should be provided on the alternatives available to the new substances;
 - (c) Current and possible future uses of the substances, and their potential to replace substances with a higher ozone-depleting potential for which no other alternatives were available; and
 - (d) Whether a substance with a significant ozone-depleting potential served medical, scientific and other environmental objectives;]

(Source: paras. 90 and 92 of the report of the nineteenth meeting of the Open-ended Working Group)

* To be discussed together and subject to the amendment proposed by the European Community as contained in the report of the Legal Drafting Group (UNEP/OzL.Pro.11/3).

Decision XI/21. Financial matters: financial report and budgets

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1998 as contained in document UNEP/OzL.Pro.11/4
2. To urge all Parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by Parties as set out in annex (...) to the report of the Eleventh Meeting of the Parties;
3. To approve the revised budget of US\$ for 2000 and proposed budget of US\$ for 2001 as set out in annex (...) to the report of the Eleventh Meeting of the Parties;
4. To encourage Parties not operating under Article 5 to continue offering financial assistance to their members in the three Assessment Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

(Source: Secretariat)

Decision XI/22. Global Environment Facility (GEF)

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

(Source: Secretariat)

Decision XI/23. Twelfth Meeting of the Parties to the Montreal Protocol

- To convene the Twelfth Meeting of the Parties to the Montreal Protocol in [Nairobi], in November 2000;

(Source: Secretariat)

Decision XI/24. Non-compliance with the Montreal Protocol

[Recommendations to be made and submitted by the Implementation Committee at its meeting on 27 November 1999.]

Annex

ESSENTIAL-USE NOMINATIONS FOR 2000-2001 RECOMMENDED BY THE OPEN-ENDED WORKING GROUP FOR APPROVAL BY THE
ELEVENTH MEETING OF THE PARTIES

(in metric tonnes)

No.	Party	CFC-11		CFC-12		CFC-113		CFC-114		Halon-2402
		2000	2001	2000	2001	2000	2001	2000	2001	2000
1	European Community	-	1,243.0	-	1,813.0	-	7.0	-	207.0	-
2	Hungary	0.5	0.5	0.5	0.5	0.25	0.25	0.5	0.5	-
3	Japan	32.0	27.0	55.0	54.0	0.2	0.2	11.0	7.0	-
4	Poland	-	-	-	-	1.7		-	-	-
5	Russian Federation	-	-	-	-	-	-	-	-	90.0
6	United States of America	-	918.0	-	1,947.0	-	-	-	236.0	-
7	Total	32.5	2,188.5	55.5	3,814.5	2.15	7.45	11.5	450.5	90.0

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