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OPEN-ENDED WORKING GROUP OF THE PARTIES TO
THE MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

Fifteenth meeting

Nairobi, 3-6 June, 1997

Item 3 of the provisional agenda*

CONSIDERATION AND CONSOLIDATION OF THE AMENDMENTS
AND ADJUSTMENTS PROPOSED BY PARTIES

Note by the Secretariat

Addendum

Proposal by the European Community

The Secretariat is circulating, in the annex to this note, the text of a letter from the European Community, transmitting its proposed adjustments and amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer.

* UNEP/OzL.Pro/WG/15/1.

Annex

Proposals for adjustments and amendments to the Montreal
Protocol submitted by the European Community

1. The Protocol provides that all proposals for adjustments and amendments should be communicated to the Parties at least six months in advance of the meeting at which they are to be considered. Accordingly, the European Community is pleased to present its proposals to the Secretariat in time for the six-month deadline to be observed.

2. You will be aware that this deadline has presented Parties with some difficulties. Not only is it too early for Parties to have finalized their positions for the Montreal meeting, but we are also having to proceed without the benefit of a preparatory meeting at which draft proposals can be discussed, prior to their formal submission. Furthermore, proposals on certain key topics, for example methyl bromide and HCFCs, would benefit from the results of the latest Technology and Economic Assessment Panel (TEAP) and Methyl Bromide Technical Options Committee (MBTOC) reports, which, I believe, are not scheduled for release until April or May. As things stand, therefore, proposals are having to be drafted before all the necessary technical and economic information is available and without the benefit of discussion with other Parties.

3. These difficulties are particularly acute for the European Community, where there are specific legal and procedural means through which Member States and the Commission arrive at a Community position. You will understand that, with the ink barely dry on the report of the Costa Rica meeting, it has so far only been possible for the European Community to reach agreement on the broad nature of its proposals for the Montreal Protocol meeting. We believe it would hardly be appropriate to stake out a detailed position at this stage, without the benefit of the international discussions scheduled to take place between now and September, especially at the meeting of the Open-ended Working Group in June.

4. Despite these difficulties, there are certain important subjects which the European Community would like to see on the agenda for Montreal and to be the subject of negotiations. Some of these might involve amendments to the Protocol, some might be adjustments, while some might best be dealt with by means of decision. These are matters which could usefully be discussed between Parties and the Legal Drafting Group at the meeting of the Open-ended Working Group. However, given that some of the topics we wish to discuss would most likely form the subject of amendments and adjustments, we have included all of them in the annex to this letter to ensure we meet the six-month deadline and will therefore have the opportunity to discuss them in Montreal.

5. On a final point, given the circumstances outlined above, particularly the absence of the TEAP report, the European Community has submitted proposals which do not, in all cases, specify in detail particular production or consumption limits on dates for reduction schedules. While we have set out clearly the direction in which we want to see the controls move, the speed and size of any such changes can be identified following receipt of the TEAP material and after further discussion with other Parties to the Protocol. Accordingly, I have set out in the appendix in as much detail as possible our proposals and the areas in which the European Community is interested to negotiate this year in Montreal, and trust this will be sufficient to meet the six months deadline.

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Appendix

A. Controls on methyl bromide

1. The European Community believes that there is scope to tighten the current controls on methyl bromide for all Parties. We propose that the Parties, at their Ninth Meeting, should:

(a) Agree a phase-out date and possible intermediate reductions for the production and consumption of methyl bromide by Parties operating under paragraph 1 of Article 5. The phase-out date should be as soon as possible and based on information included in the TEAP/MBTOC assessments pursuant to Decision VII/8;

(b) Adjust the baseline of the freeze on the production and consumption of methyl bromide for Parties operating under paragraph 1 of Article 5 such that it is calculated from the average of 1995-1997, not 1995-1998.

B. HCFCs

2. The European Community believes that the current controls on HCFCs need to be strengthened to take account of recent progress in finding non-ozone-depleting alternatives and to help ensure that, in accordance with Article 2F, paragraph 7, the use of HCFCs is limited to those applications where other more environmentally suitable alternative substances or technologies are not available. We therefore propose, for Parties not operating under paragraph 1 of Article 5,

(a) A reduction in the level of the HCFC cap from 2.8 per cent to 2 per cent;

(b) Advancing the phase-out from 2030 to 2015, with interim cuts of 35 per cent in 2004 (unchanged), 60 per cent in 2007; 80 per cent in 2010 and 95 per cent in 2013;

(c) That consideration should be given to the necessity of controlling the production and uses of HCFCs, taking into account the ozone-depleting potential of individual substances.

C. Control of trade

3. The European Community proposes that the Article 4 restrictions on trade with non-Parties, including bans on the import and export of controlled substances and products containing controlled substances, be extended to methyl bromide. The European Community also proposes that a clause be incorporated into the Protocol to enable these trade controls to be extended to HCFCs with effect from a date to be agreed by decision of the Parties at one of their subsequent meetings.

4. The European Community also proposes that the Parties should agree to a more comprehensive monitoring and licensing system for trade in all controlled substances. The European Community is ready to discuss with all Parties how a suitable system might be identified and incorporated appropriately into the Protocol, whether by amendment, adjustment or decision.
