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NINETEENTH MEETING OF THE OPEN-ENDED
WORKING GROUP OF THE PARTIES
TO THE MONTREAL PROTOCOL ON
SUBSTANCES THAT DEplete
THE OZONE LAYER
Geneva, 15-18 June 1999

ISSUES BEFORE THE OPEN-ENDED WORKING GROUP
AT ITS NINETEENTH MEETING

Note by the Secretariat

I. ASSESSMENT ISSUES

- A. Presentation of the 1998 assessment reports of the Scientific,
Environmental Effects, and Technology and Economic Assessment
Panels (Article 6 of the Montreal Protocol) (decision VII/34)

1. The reports of the Scientific, Environmental Effects and Technology and Economic Assessment Panels were circulated to all the Governments in English (the language in which they were prepared) in December 1998 and January 1999. A synthesis of the 1998 scientific, environmental effects, and technology and economic assessments, contained in document UNEP/OzL.Pro./WG.1/19/3, was circulated to all Governments on 2 February 1999 and the complete synthesis of the reports of the Scientific, Environmental Effects and Technology and Economic Assessment Panels of the Montreal Protocol was circulated to all Governments in March 1999. The last two documents are also available on the Ozone Secretariat home page at: <http://www.unep.org/ozone> (Nairobi) and <http://www.unep.ch/ozone> (Geneva)

B. Presentation of the Intergovernmental Panel on Climate Change (IPCC) Montreal Protocol special report on aviation and the global atmosphere (decision VII/34)

2. At their Seventh Meeting in Vienna in 1995, in decision VII/34, the Parties requested the Scientific Assessment Panel to carry out an assessment of other aspects of ozone changes, such as the impacts of aircraft emissions, and the role of ozone changes in the alteration of the global climate system. The Panel was also requested to work as appropriate with the International Civil Aviation Organization (ICAO) and IPCC.
3. The report, which will be ready by the end of April, will be published by Cambridge University Press for the Meeting of the Parties to the Montreal Protocol and for the meeting of the Subsidiary Body for Scientific and Technological Advice (SBSTA) of the Framework Convention on Climate Change in early June 1999. The Secretariat will circulate to all the Governments the summary for policy makers in May 1999. It will also be available on the Ozone Secretariat's home page at: <http://www.unep.org/ozone> (Nairobi) and <http://www.unep.ch/ozone> (Geneva).

II. PRESENTATION OF THE REPORTS OF THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL

A. Level of replenishment of the Multilateral Fund for the period 2000-2002 (decision X/13)

4. The report of the Technology and Economic Assessment Panel on this matter will be communicated to all Parties before the end of April 1999.

B. Work of the Technology and Economic Assessment Panel on the implications on the implementation of the Montreal Protocol of the inclusion of hydrofluorocarbons and perfluorocarbons in the Kyoto Protocol to the United Nations Framework Convention on Climate Change (decision X/16)

5. The Technology and Economic Assessment Panel will report to the Open-ended Working Group on progress in the work done to implement this decision.

C. Quarantine and pre-shipment exemption of methyl bromide (decision X/11)

6. The report of the Technology and Economic Assessment Panel on this decision will be communicated to all Parties before the end of April 1999.

D. Application for essential-use exemptions for ozone-depleting substances for 2000 and beyond

7. The following six Parties have submitted essential-use nominations for approval in 1999 by the Eleventh Meeting of the Parties: European Community, Hungary, Japan, Poland, Russian Federation and United States of America (see annex II to the present note). The Technology and Economic Assessment Panel and its Technical Options Committees will make its recommendations on these nominations in April 1999, after which they will be communicated to all Parties.

E. Quantity of CFCs likely to be required by Article 5 Parties for the period 1999-2010, as well as quantities which need to be produced and exported by non-Article 5 Parties in the same period (decision X/15)

8. The report of the Technology and Economic Assessment Panel on this decision will be communicated by the Secretariat to all Parties as soon as it is received from the Panel.

F. Development and availability of laboratory and analytical procedures that can be performed without using controlled substances in Annexes A and B of the Protocol and which should no longer be eligible under the exemption for laboratory and analytical uses and the date from which any such restriction should apply (decision X/19)

9. The report of the Technology and Economic Assessment Panel on this decision will be communicated by the Secretariat to all Parties as soon as it is received from the Panel.

III. PROPOSED ADJUSTMENTS AND AMENDMENTS TO THE MONTREAL PROTOCOL AND ESTABLISHMENT OF THE LEGAL DRAFTING GROUP

10. Following the publication of the 1998 reports of the scientific, environmental effects and technology and economic assessment of the ozone layer, the Secretariat invited the Parties, in accordance with Article 9 of the Vienna Convention and Article 2, paragraph 9, of the Montreal Protocol, to notify the Secretariat by 31 March 1999 of any adjustments or amendments to the Montreal Protocol that they wish to propose. Any proposed adjustments or amendments made on or before 31 March 1999 will be communicated to all Parties as soon as they are received.
11. By decision X/8, the Tenth Meeting of the Parties requested the legal drafting group which the Open-ended Working Group may establish to consider the options available under the Montreal Protocol to introduce controls on new ozone-depleting substances. The legal drafting group will be established during the nineteenth meeting of the Open-ended Working Group and its recommendations will be placed before the meeting of the Open-ended Working Group.

IV. CONSIDERATION OF 1999 REPORT OF THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL ON THE REPLENISHMENT OF THE MULTILATERAL FUND

12. The report of the Technology and Economic Assessment Panel on this matter will be communicated to all Parties before the end of April 1999.

V. CONSIDERATION OF REPORT OF THE TECHNOLOGY AND ECONOMIC ASSESSMENT PANEL ON OTHER ISSUES

13. The report of the Technology and Economic Assessment Panel on other issues will be communicated to all Parties in May 1999.

VI. IMPORTS AND EXPORTS OF PRODUCTS AND EQUIPMENT RELYING ON ANNEX A AND ANNEX B SUBSTANCES (DECISION X/9, PARAGRAPH 6)

14. The Secretariat has communicated this decision to all Parties to the Montreal Protocol and invited those Parties that do not manufacture for domestic use products and equipment whose continued use relies on the supply of substances listed in Annex A or Annex B and do not permit the importation of such products and equipment from any source to inform the Secretariat. To date, the Secretariat has not yet received any information from any Party on this matter.

15. This matter has been included in the agenda of this meeting because of the acknowledgment by Parties that the issue of imports and exports of products and equipment whose continued functioning relies on Annex A and Annex B substances should be further considered at the Eleventh Meeting of the Parties with a view to addressing more specifically the concerns of countries in the process of phasing out production of those products and equipment. The Working Group may wish to discuss this matter further.

VII. ACTION TAKEN BY 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, IN ACCORDANCE WITH DECISION IX/23 OF THE NINTH MEETING OF THE PARTIES (DECISION IX/23)

16. The Secretariat has communicated this decision to all non-Article 5 Parties. The information received from them will be placed before the meeting of the Open-ended Working Group of the Parties to the Montreal Protocol.

VIII. CONSIDERATION OF THE REPORT OF THE SECRETARIAT ON THE CUSTOMS CODES OF THE HARMONIZED SYSTEM (DECISION X/8)

17. Following decision X/18, regarding the establishment of a group of interested experts that would provide advice to the Secretariat on customs codes for ozone-depleting substances under the Harmonized System of the World Customs Organization (WCO), the Secretariat has established on the internet a discussion group on ozone-depleting substances customs codes. Experts from seven Parties have so far agreed to participate in this group (Chile, Germany, Malaysia, New Zealand, Poland, Sweden and the United Kingdom of Great Britain and Northern Ireland).
18. In response to the input from the Secretariat, the Harmonized Systems Committee of WCO, at its last session in November 1998, adopted a provisional draft recommendation regarding customs codes for ozone-depleting substances and ozone-depleting substances mixtures ("Draft recommendation on the insertion in national statistical nomenclatures of subheadings to facilitate the collection and comparison of data on the international movement of substances controlled by virtue of amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer"). The final text of the recommendations will be adopted by the Harmonized System Committee at its next meeting in May 1999, taking into account any comments received during the intersession.
19. The provisional draft recommendation adopted by the Harmonized System Committee in November 1998 recommends that the Contracting Parties to the Harmonized System Convention on Customs

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Codes take all appropriate action to insert the additional codes (see annex I to the present note) in their statistical nomenclature for the identification of ozone-depleting substances.

20. The draft recommendation, as well as the comments on it made by some of the members of the discussion group, can be reviewed on the internet at the site:
http://www.unep.org/ozone/ods-customs-codes. Those wishing to contribute to the discussion can do so through the link named "Contributions and comments" provided on that website. Users will be able to post their own contributions and comments to the site, as well as to view other users' contributions. All the comments generated by the discussion group by the end of April 1999 will be transmitted to WCO, for the consideration of the Harmonized System Committee at its meeting in May 1999, when the final text of the recommendation will be adopted. The Secretariat shall thereafter transmit the text of the recommendation to all Parties.

**IX. CONSIDERATION OF THE REPORT OF THE TREASURER ON FIXED
CURRENCY EXCHANGE RATE MECHANISM FOR THE REPLENISHMENT
OF THE MULTILATERAL FUND (DECISION X/32)**

21. The report of the Treasurer on this matter will be communicated to all Parties as document UNEP/OzL.Pro.WG.1/19/4. The Working Group may wish to consider the report and make appropriate recommendations to the Parties.

**X. ISSUES ARISING OUT OF THE TWENTY-SECOND
MEETING OF THE IMPLEMENTATION COMMITTEE
(ITEM 12 OF THE PROVISIONAL AGENDA)**

22. The Implementation Committee is meeting on 14 June 1999. Its President will report to the Open-ended Working Group at its nineteenth meeting.

Annex I

ADDITIONAL HARMONIZED SYSTEM CUSTOMS CODES RECOMMENDED
FOR INCLUSION IN THE STATISTICAL NOMENCLATURE FOR THE
IDENTIFICATION OF OZONE-DEPLETING SUBSTANCES

- (a) Subheading 2903.19 of the Harmonized System
- 1,1,1 - Trichloroethane (methyl chloroform)
- (b) Subheading 2903.45 of the Harmonized system
- Chlorotrifluoromethane (CFC-13)
Pentachlorofluoroethane (CFC-111)
Tetrachlorodifluoroethane (CFC-112)
Heptachlorofluoropropanes (CFC-211)
Hexachlorodifluoropropanes (CFC-212)
Pentachlorotrifluoropropanes (CFC-213)
Tetrachlorotetrafluoropropanes (CFC-214)
Trichloropentafluoropropanes (CFC-215)
Dichlorohexafluoropropanes (CFC-216)
Chloroheptafluoropropanes (CFC-217)
- (c) Subheading 2903.49 of the Harmonized System
- Chlorodifluoromethane (HCFC-22)
Dichlorotrifluoroethanes (HCFC-123)
Chlorotetrafluoroethanes (HCFC-124)
Dichlorofluoroethanes (HCFC-141 and 141b)
Chlorodifluoroethanes (HCFC-142 and 142b)
Dichloropentafluoropropanes (HCFC-225, 225ca and 225cb)
Other derivatives of methane, ethane or propane halogenated only with fluorine and chlorine (HCFC-21, 31 and 133)
Derivatives of methane, ethane or propane halogenated only with fluorine and bromine (HBFCs, Annex C, Group II substances)
- (d) Subheading 3813.00 of the Harmonized System
- Preparations and charges for fire-extinguishers containing chlorotetrafluoroethane (HCFC-124), dichlorotrifluoroethane (HCFC-123) or chlorodifluoromethane (HCFC-22)
- (e) Subheading 3824.90 of the Harmonized System
- Mixture containing chlorotetrafluoroethane (HCFC-124), chlorodifluoroethane (HCFC-142 and 142b) or chlorodifluoromethane (HCFC-22)
Mixtures containing methyl bromide.

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Annex IIEssential use nominations by the Parties for 2000-2001 in metric tonnes

No.	Party	Date of Submission of Nomination	CFC-11		CFC-12		CFC-113		CFC-114		Halon 2402
			2000	2001	2000	2001	2000	2001	2000	2001	2000
1	European Community	16.2.99	-	1,243.0	-	1,813.0	-	7.0	-	207.0	-
2	Hungary	4.1.99	0.5	0.5	0.5	0.5	0.25	0.25	0.5	0.5	-
3	Japan	29.1.99	32.0	27.0	55.0	54.0	0.2	0.2	11.0	7.0	-
4	Poland	29.1.99	-	-	-	-	1.7	1.7	-	-	-
5	Russian Federation	2.2.99	-	-	-	-	-	-	-	-	90.0
6	United States of America	25.1.99	-	918.0	-	1,947.0	-	-	-	236.0	-
7	Total		32.5	2,188.5	55.5	3,814.5	2.15	9.15	11.5	450.5	90.0
