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FOURTH MEETING OF THE PARTIES TO THE
MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER

Copenhagen, 23-25 November 1992

Report of the Sub-Committee on Essential Uses

1. The Sub-Committee recommends the following as a decision to be taken by the Fourth Meeting of the Parties on the criteria for essential uses:

[It is a goal of Parties to the Protocol to minimize, as soon as possible, the essential uses, the emissions of controlled substances from essential uses, and the quantity and duration of production for such uses, if any.]

In the course of the 1993 and subsequent Assessments, the Technology and Economic Assessment Panel is requested to investigate the possible essential uses of controlled substances that have been nominated by a Party and to recommend to the Open-ended Working Group, the uses, quantities, and duration of production or import necessary to meet such essential uses, if any, with a view to their consideration at the Sixth and subsequent Meetings of the Parties. Production is to be permitted only if, in addition to the conditions that follow, stocks of banked or recycled substances are not sufficient to meet essential uses.

A use should qualify as "essential" only if:

- It is necessary for the health, safety or well-being (encompassing cultural and intellectual aspects) of society; and
- There are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health, [and consistent with regulatory regimes].

Production, if any, for essential uses should be permitted only if:

- ; - All economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and
- The controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, bearing also in mind the need for controlled substances by the developing countries.

Production for essential use, if any, should be in addition to the production to supply the legitimate needs of Parties operating under Article 5, paragraph 1, prior to the phase-out of controlled substances in these countries.

The nomination of a use of controlled substance for qualification as essential after the phase-out may only be proposed to the Technology and Economic Assessment Panel by a Party to the Protocol. Nominations should be made through the Secretariat to the Technology and Economic Assessment Panel at least 12 months prior to the meeting of the Parties where the essential use decision will be made. After receiving an essential use nomination, the Technology and Economic Assessment Panel will consult with experts as necessary to develop specific recommendations on:

- Essential use (substance, quantity, quality, expected duration of essential use);
- Economically feasible use and emission controls for the proposed essential use;
- Sources of already produced controlled substances for the proposed essential use (quantity, quality, timing); and
- Steps necessary to ensure that alternatives and substitutes are available as soon as possible for the proposed essential use.

The Technology and Economic Assessment Panel shall report early in 1994 to the Open-ended Working Group of the fifth Meeting of the Parties its recommendations on nominations for essential use. Each subsequent report of the Technology and Economic Assessment Panel shall be made at least three months prior to subsequent meetings of the Parties where decisions will be made. The recommendation shall consider if any newly-proposed uses should qualify as essential and which previously-qualified uses, if any, should no longer qualify as essential.

[Any determination by the Meeting of the Parties to withdraw authorization for production of a controlled substance for an essential use should consider a date for cessation of such production.]

The recommendations of the Technology and Economic Assessment Panel will consider the environmental acceptability, health effects, economic feasibility, availability, and regulatory status of alternatives and substitutes.

2. The Sub-Committee also recommends that the Open-ended Working Group should make the following recommendations as part of the instruction by the Fourth Meeting to the Technology and Economic Assessment Panel:

"After the June 1993 submission deadline, the Technology and Economic Assessment Panel will present to the next meeting of the Open-ended Working Group for its information the list of nominations for essential use evaluation, including any preliminary evaluation that it is able to complete by that date."
