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OPEN-ENDED WORKING GROUP OF THE PARTIES  
TO THE MONTREAL PROTOCOL

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PROPOSED ADJUSTMENTS AND AMENDMENTS TO THE CONTROL MEASURES  
OF THE MONTREAL PROTOCOL

Note by the Executive Director

1. Prior to, during and after the meeting of the Open-Ended Working Group of the Parties to the Montreal Protocol, which was held in Geneva from 8 to 14 March 1990 to consider the proposed adjustments and amendments to the Protocol, the Executive Director held informal consultations on these adjustments and amendments with representatives of several developed and developing countries from various regions of the world.
2. On the basis of these informal consultations and in an attempt to facilitate the further deliberations in London, at the final Meeting of the Open-Ended Working Group and ultimately at the Second Meeting of the Conference of the Contracting Parties to the Montreal Protocol, the Executive Director now presents for the Governments' consideration the following proposals which are all within the framework of the proposals recommended by the Open-Ended Working Group in March 1990 (UNEP/OzL.Pro.WG.III(1)/3).
3. The proposed reductions in all cases apply to reductions in production and consumption. No proposal in the following paragraphs would take effect before 1 January 1993. This is because of the need to allow time for entry into force of the amendments and to allow Parties to introduce all necessary national implementing measures.
4. In the following paragraphs, reference to a year means 1 January of the year in question. One amendment to the control measures for substances in Group 1 of Annex A is to change the control year period from 1 July - 30 June to 1 January - 31 December. This creates a transitional problem due to the dates for the control periods currently set out in the Protocol. To resolve this problem, the percentage reductions would have to be adjusted to reflect an 18-month (rather than a 12-month) reporting period. This could be done by including the following paragraph in Article 2A after its paragraph 2:

"Each Party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Group 1 of Annex A do not exceed 150 per cent of its calculated levels of consumption and production of those substances in 1986."

A. Reduction of Halons

<u>Year</u>	<u>Reduction</u>
1995	50 per cent
2000	100 per cent

5. The relevant Article of the Protocol would include a special provision allowing "essential uses", which would be identified in a decision adopted by the Parties before 1 January 1993. The Executive Director proposes the following language for inclusion in the Protocol:

"By 1 January 1993, the Parties shall adopt a decision identifying the uses, if any, that are to be regarded as essential uses for the purposes of paragraphs 2 and 3 of Article 2B of the Protocol." (See the Report of the Legal Drafting Group. (UNEP/OzL.Pro.WG.III(1)/3 of 14 March 1990).

6. In addition, the Parties may wish to establish, by means of a decision, an ad hoc technical group to report to the Parties at their meeting in 1992 on the availability of substitutes, the need for essential uses and, if there is such a need, the identification of these uses.

B. Other Halons

7. The Executive Director proposes that the Parties adopt a decision requesting the Scientific Assessment Panel to list potential halons, and in a declaration make it clear to countries and industry alike that it is the intent of the Parties that other halons with an ozone depleting potential greater than 0.1 should not be licensed for production. In addition, the declaration should invite Parties to inform the Secretariat of any intention they have to commercialize other halons, to supply information about the characteristics of such chemicals to the other Parties, and to report to the Secretariat on their annual production and consumption of such other halons. If the Parties were to agree to this proposal, Group II in Annex B (see UNEP/OzL.Pro.WG.III(1)/3, Annex II, page 22) will be deleted.

C. Additional reduction of CFCs

<u>Year</u>	<u>Reduction</u>
1993	20 per cent
1997	85 per cent
2000	100 per cent

D. Reduction of other fully-halogenated CFCs

Base year 1989

<u>Year</u>	<u>Reduction</u>
1993	20 per cent
1997	85 per cent
2000	100 per cent

E. Annex B

8. The ozone depleting potentials of 1.0 for the CFCs listed in Group I, of Annex B have been assigned on an arbitrary basis and it may be necessary to define them more precisely. To meet this concern, the Executive Director suggests the insertion of the following footnote to the Annex:

"These ozone depleting potentials (ODPs) have been adopted on a provisional basis and will be reviewed and revised periodically by decision of the Parties, particularly in light of amounts used of individual substances in the Group."

9. As a consequence of this change, the Executive Director recommends that in Article 2, paragraph 9(a)(i) of the Montreal Protocol the reference to Annex A should be amended to read "Annex A and/or Annex B".

F. Carbon tetrachloride

Base year 1989

<u>Year</u>	<u>Reduction</u>
1995	85 per cent
2000	100 per cent

10. The proposal to phase out carbon tetrachloride by the year 2000 recognizes that its main use as a feedstock for the production of CFCs is not subject to control by the Protocol, as amended.

G. Methyl chloroform

Base year 1989

<u>Year</u>	<u>Reduction</u>
1993	Freeze
1995	30 per cent
2000	50 per cent

11. The Executive Director suggests that the declaration should include a commitment to phase out methyl chloroform not later than 2010; this date should be further considered by the Parties at regular periods on the basis of reviews by the Assessment Panel. The proposal to phase out methyl chloroform is necessary because of the large quantity of the chemical that is produced annually: current estimates are in the region of 700,000 tons per year. A base year of 1989 is recommended for methyl chloroform, recognizing that between 1986 and that year there was considerable growth in production of this chemical. This also provides a precedent for establishing the reference year for future controls as the year prior to the year in which the new controls are decided.

#### H. HCFCs

12. The Executive Director suggests that a separate Annex C on "Transitional substances" be included in the Protocol and that the following provision be substituted for those at present on the table under the heading "Article 2G: HCFCs" (see UNEP/OzL.Pro.WG.III(1)/3, page 12).

"Each Party producing or consuming one or more of the transitional substances specified in Group 1 of Annex C shall ensure that its production and consumption of those substances cease not later than 1 January 2040."\*

13. The Executive Director also proposes that in the declaration the Parties adopt guidelines that would indicate what is expected of industry by way of rational use, recovery and recycling of these substitutes.

#### I. Adoption of amendment

14. The Legal Drafting Group has noted that there is no provision in Article 9 of the Vienna Convention for signature of amendments. Therefore, the Executive Director recommends that draft Article 2 of the amendment instrument (UNEP/OzL.Pro.WG.III(1)/3, Annex II, page 27) be deleted. However, the Executive Director wishes to remind Contracting Parties that the delegations will nevertheless need to ensure that the credentials (already registered by the invitation letter dated 20 March 1990) will enable them to take decisions on the adoption of the adjustments and amendments.

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\* The declaration should also contain calls on Parties to ensure that their production and consumption of the transitional substances in Group 1 of Annex C cease, if possible, by 1 January 2020.