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**Seventh meeting of the Conference
of the Parties to the Vienna
Convention for the Protection
of the Ozone Layer**

**Seventeenth Meeting of the Parties
to the Montreal Protocol on
Substances that Deplete the
Ozone Layer**

Dakar, 12–16 December 2005

Items 9 and 10 of the provisional agenda of the high-level segment*

**Adoption of Vienna Convention decisions by
the seventh meeting of the Conference of the
Parties to the Vienna Convention**

**Adoption of Montreal Protocol decisions by
the seventeenth Meeting of the Parties to the
Montreal Protocol**

Draft decisions and draft placeholder decisions

Note by the Secretariat

To facilitate the work of the Parties to the Vienna Convention and its Montreal Protocol at their joint meeting, the Secretariat has prepared the present document, which contains three chapters. Chapter I sets forth the draft decisions which the Open-ended Working Group at its twenty-fifth meeting decided to forward for consideration by the seventeenth Meeting of the Parties to the Montreal Protocol. Chapter II reproduces the proposals by the European Community for adjustment and amendment of the Protocol which the Open-ended Working Group at that same meeting agreed should be forwarded for consideration by the seventeenth Meeting of the Parties. Chapter III, which is intended solely to facilitate the work of the Meeting, contains draft placeholder decisions which primarily reflect the traditional administrative decisions for the Vienna Convention and its Montreal Protocol that have historically been approved by the Parties.

* UNEP/OzL.Conv.7/1–UNEP/OzL.Pro.17/1.

I. Draft decisions forwarded by the Open-ended Working Group for consideration by the seventeenth Meeting of the Parties

The seventeenth Meeting of the Parties to the Montreal Protocol *decides*:

A. Draft decision XVII/A: Essential-use nominations for Parties not operating under paragraph 1 of Article 5 for controlled substances for 2006

1. To note with appreciation the assessment carried out by the Technology and Economic Assessment Panel and its Medical Technical Options Committee;

2. To authorize the following levels of production and consumption necessary to satisfy essential uses of chlorofluorocarbons for metered-dose inhalers for asthma and chronic obstructive pulmonary disease:

Party	Total amount approved for 2006 (tonnes) (supersedes 2006 amounts in decision XVI/12)
European Community	[539 tonnes, including 181 tonnes for salbutamol CFC MDIs for export to Parties not operating under Article 5]
Russian Federation	[400]
United States of America	[1242 <i>minus</i> any available pre-1996 stockpile that satisfies the United States regulatory requirements sold into the United States market for use in MDIs, <i>plus</i> up to 180 tonnes if salbutamol CFC MDIs are not imported from the European Community in 2006] ¹

3. That a nominating Party shall not permit production or consumption of the quantity authorized by a Meeting of the Parties to any domestic metered-dose inhalers company to the extent that the company's operational supply of chlorofluorocarbons exceeds or would exceed one year of consumption, and from 1 January 2007, to any metered-dose inhalers company that has a chlorofluorocarbon-free alternative on the market;

4. To request nominating Parties to submit essential-use nominations only one year in advance;

5. That the information requested in paragraph 6 of decision XV/5 should be submitted by 31 March 2006;

B. Draft decision XVII/B: Essential-use nominations for Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol for controlled substances for 2006 and 2007

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committee,

To authorize the levels of production and consumption necessary to satisfy essential uses of chlorofluorocarbons for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as specified in the appendix to the present decision, subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

Appendix

Essential-use nominations for 2006 and 2007 of chlorofluorocarbons for metered-dose inhalers approved by the seventeenth Meeting of the Parties (metric tonnes)

Party	2006		2007	
	Amount nominated	Amount approved	Amount nominated	Amount approved
European Community	539	539		
Russian Federation	286	400	243	[243]
United States of America	1702	[1702]	1493	[1493]

¹ A single number not to exceed 1242 metric tonnes will be inserted by the Meeting of the Parties.

C. Draft decision XVII/C: Technical and financial implications of the environmentally sound destruction of concentrated and diluted sources of ozone-depleting substances

Recognizing that, in the preamble to the Montreal Protocol on Substances that Deplete the Ozone Layer, the Parties affirmed that, for the protection of the ozone layer, precautionary measures should be taken to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge,

Bearing in mind that, for most Parties operating under paragraph 1 of Article 5, chlorofluorocarbons which remain to be phased out are concentrated in the refrigeration servicing sector and that, as a result, their final elimination will only be achieved when all the existing installed equipment has been replaced,

Considering that the replacement of the said equipment necessitates a range of complex activities, including, among other things, economic incentives for the end users, the development of recovery, transport and environmentally sound destruction processes for the obsolete equipment, with particular attention to the capture and destruction of the chlorofluorocarbons released in this that process,

1. To request the Technology and Economic Assessment Panel to prepare a case study in a Party operating under Article 5 of the Protocol on the technology and costs associated with a process for the replacement of chlorofluorocarbon-containing refrigerators, including the environmentally sound recovery, transport and final disposal of the said equipment and of the associated chlorofluorocarbons;

2. That the Parties should adopt, with regard to diluted sources, in particular foams, the recovery and destruction efficiency (RDE) parameter proposed by the Technology and Economic Assessment Panel in the report submitted to the Open-ended Working Group at its twenty-fifth meeting, a parameter which should be applied in developing the proposed study referred to above;

D. Draft decision XVII/D: Process agents

1. To note with appreciation the report of the Technology and Economic Assessment Panel;

2. To note with appreciation the report by the Executive Committee on process agent uses in Article 5 Parties (UNEP/OzL.Pro.WG.1/25/INF/4) which states that process change with zero residual emission has become established as the predominant modality for achieving phase-out in the process agent sector in the Parties operating under Article 5 of the Protocol;

3. To consider the following applications in the table as process agents, in accordance with the provisions of decision X/14 for 2006, to be reconsidered at the Eighteenth Meeting of the Parties, based on the information reported in accordance with paragraph 4 of the present decision;

Table

No	Party	Process agent application	Substance
33	DPR Korea	Synthesis of ascorbic acid	CTC
34	DPR Korea	Synthesis of ciprofloxacin	CTC
35	DPR Korea	Synthesis of norfloxacin	CTC
36	DPR Korea	Production of sodium dichloroisocyanurate	CTC
37	Romania	Synthesis of 2,4-dichlorophenoxyacetic acid	CTC
38	Romania	Synthesis of diperoxydicarbonate	CTC
39	United Kingdom of Great Britain and Northern Ireland	Production of radio-labelled cyanocobalamin	CTC
40	United States of America	Production of high modulus polyethylene fibre	CFC-113

4. To request the nominating Parties listed in the table to submit before 1 January 2006 data to the Technology and Economic Assessment Panel on plant start-up date, annual make-up or consumption of controlled ozone-depleting substances, in-plant inventory and stockpiled amounts, total emissions of ozone-depleting substances per year and actual annual production data for each year for the past eight years (1997–2004);

5. In the case of the installation or commissioning of new plant after 30 June 1999, using controlled substances as process agents, to request Parties to submit their applications by 1 January 2006 for consideration subject to the criteria for essential uses under decision IV/25, in accordance with paragraph 7 of decision X/14;

6. To agree that the essential-use exemptions referred to in decision X/14 are for a limited period and subject to regular review by the Technology and Economic Assessment Panel and the Meeting of the Parties every two years;

7. To request the Technology and Economic Assessment Panel to review the information submitted in accordance with paragraphs 4 and 5 of the present decision and to report and make recommendations to the Parties at their Eighteenth Meeting in 2006 on essential-use exemptions and on uses that could be added to or deleted from table A of decision X/14;

E. Draft decision XVII/E: Laboratory and analytical uses of carbon tetrachloride

Bearing in mind that the Parties operating under paragraph 1 of Article 5 must reduce by 2005 consumption of carbon tetrachloride by 85 per cent with respect to their base line,

Taking into account that carbon tetrachloride has an important use in laboratory and analytical processes, which are also fundamental for many applications in the Parties operating under Article 5, and that alternatives are not yet available to allow application of international standards,

Recalling that decision IX/17 introduced an essential-use exemption for laboratory and analytical uses of ozone-depleting substances and decision XV/8 extended that exemption to 31 December 2007,

Considering that the drastic control measure for carbon tetrachloride that has been referred to puts at risk the analytical and laboratory uses required in Parties operating under Article 5,

To allow from 2006 Parties operating under Article 5 to apply the criteria and procedures of global exemption for carbon tetrachloride in laboratory and analytical uses that are currently established for Parties not operating under paragraph 1 of Article 5;

F. Draft decision XVII/F: Laboratory and analytical critical uses of methyl bromide

1. To permit Parties not operating under paragraph 1 of Article 5 of the Protocol the levels of production and consumption of the controlled substance in Annex E of the Protocol necessary to satisfy the laboratory and analytical critical uses agreed in paragraph 2;

2. To agree, subject to paragraph 3, that the uses listed in annex IV to the report of the seventh Meeting of the Parties are laboratory and analytical critical uses until [31 December 2007], subject to the conditions applied to exemption for laboratory and analytical uses contained in annex II to the report of the sixth Meeting of the Parties;

3. That the uses listed in paragraph 6 of decision VII/11 and decision XI/15 are excluded from the uses agreed in paragraph 2;

4. To request the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substance in Annex E of the Protocol;

5. That the Meeting of the Parties shall each year, on the basis of information reported by the Technology and Economic Assessment Panel in accordance with paragraph 4, decide on any uses which should no longer be agreed as laboratory and analytical critical uses and the date from which any such restriction should apply;

6. That the Secretariat should make available to the Parties each year a consolidated list of laboratory and analytical critical uses that the Parties have agreed are no longer laboratory and analytical critical uses;

7. That any decision taken pursuant to paragraph 5 should not prevent a Party from nominating a specific use under the procedure set out in decision IX/6;

G. Draft decision XVII/G: Recapturing/recycling/destruction of methyl bromide from space fumigation

Welcoming the 2005 progress report of the Technology and Economic Assessment Panel,

Noting in particular that the report was inconclusive on recommendations on recapturing/recycling and destruction (Section 7.6 pg 147 of the 2005 progress report) but highlighted the incentives by local environmental and occupational health and safety concerns,

Recalling decision XI/13 paragraph 7, urging the Parties to adopt methyl bromide recapturing technology where such technology is technically and economically feasible,

Noting that recapture of methyl bromide from small-scale fumigations in containers is already carried out in several countries,

Recognizing the need to further reduce methyl bromide emissions in an effort to protect the ozone layer,

1. To encourage Parties who currently deploy or plan to deploy technologies to recapture/recycle/destroy or reduce methyl bromide emissions from space fumigation applications to submit to the Technology and Economic Assessment Panel details of efficacy including destruction and removal efficiency (DRE) and economic feasibility in space fumigation application by [1 January 2006], in the form posted on the website of the Technology and Economic Assessment Panel;
2. To request the Methyl Bromide Technical Options Committee to prepare a form for the purposes of paragraph 1;
3. To include the findings of data submitted in the [2006] progress report of the Methyl Bromide Technical Options Committee;

H. Draft decision XVII/H: Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

Mindful of the conclusions contained in the revised final report by the Treasurer and the secretariat of the Multilateral Fund on the implementation of the fixed-exchange-rate mechanism and its impact on the operations of the Fund, prepared in response to decision XIII/4 and subsequently revised at the request of the Open-ended Working Group at its twenty-second meeting,

Reaffirming the purpose and objective of the fixed-exchange-rate mechanism as set out in paragraph 2, decision XI/6 to promote the timely payment of contributions, and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund,

Recalling that decision XI/6 established the fixed-exchange-rate mechanism on a trial basis for the 2000–2002 replenishment period and that decision XIV/40 extended the trial period for a further three years,

Noting that the latest report by the Treasurer on the status of the Fund as at 31 May 2005 shows that there has been an overall gain due to the fixed-exchange-rate mechanism of \$US 4,644,136,

Mindful that decision XIV/40 included an agreement that, if the fixed-exchange-rate mechanism was to be used for the next replenishment period, Parties choosing to pay in national currencies would calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 July 2004,

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism for a further trial period of three years;
2. That Parties choosing to pay in national currencies will calculate their contributions based on average United Nations exchange rate for the six-month period commencing 1 July 2004. Subject to paragraph 3 below, Parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism, will continue to pay in United States dollars;
3. That no Party should change currency selected for its contribution in the course of the triennium period;
4. That only Parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;

5. To urge Parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

6. To agree, if the fixed-exchange-rate mechanism is to be used for the next replenishment period, that Parties choosing to pay in national currencies will calculate their contributions based on average United Nations exchange rate for the six-month period commencing 1 January 2008;

I. Draft decision XVII/I: Preventing illegal trade in ozone-depleting substances

Mindful of the importance of preventing illegal trade for ensuring the smooth and effective phase-out of ozone-depleting substances,

Understanding the need of controlling both import and export of all ozone-depleting substances by all Parties, as required by the Montreal Amendment to the Montreal Protocol,

Recalling the provisions related to monitoring and control of trade in ozone-depleting substances contained in decisions VII/9, VIII/20, IX/8 and XIV/7,

Recognizing that there are already trade tracking systems established in other environmental conventions,

Mindful of the ongoing work on measures to address the illegal trade issue within the framework of the Strategic Approach to International Chemicals Management and of decision XXIII/9 of the Governing Council of the United Nations Environment Programme, on chemicals management, requesting the Executive Director of the United Nations Environment Programme to promote cooperation between the Montreal Protocol and certain other conventions in addressing international illegal trafficking of hazardous chemicals and hazardous wastes,

Acknowledging with appreciation the draft terms of reference for a study on the feasibility of developing an international system of tracking the movement of ozone-depleting substances between Parties produced by the Ozone Secretariat, as required by decision XVI/33,

Noting with appreciation the outcome of the workshop of experts from the Parties to the Montreal Protocol, organized by the Ozone Secretariat on 3 April 2005 in Montreal, on the development of specific areas and a conceptual framework of cooperation in preventing and combating illegal trade in ozone-depleting substances,

1. To approve the terms of reference for a study on the feasibility of developing an international system of tracking the movement of ozone-depleting substances between Parties, as presented in the appendix to the present decision, and to request the Ozone Secretariat to undertake such a study and present the results to the Eighteenth Meeting of the Parties to the Montreal Protocol in 2006;

2. To call on all Parties, including regional economic integration organizations, to implement comprehensive controls of imports, exports, re-exports (re-exports mean exports of previously imported substances) and transit of all ozone-depleting substances, including mixtures containing them, regardless of whether the Party concerned is or is not recognized as the producer and/or importer, exporter or re-exporter of the particular substance or group of substances;

3. To revise the reporting format resulting from decision VII/9 to cover exports (including re-exports) of all ozone-depleting substances, including mixtures containing them, and to urge the Parties to implement the revised reporting format expeditiously. The Ozone Secretariat is requested to prepare a standard format for reporting according to decision VII/9 that shall take into account the said revision. The Ozone Secretariat is also requested to report back the information received from the exporting/re-exporting Party to the importing Party concerned;

4. To urge Parties that export or re-export ozone-depleting substances to seek information from the importing country on the import license prior to issuing export or re-export license for the shipment concerned;

5. To encourage the Parties to introduce use controls and/or use bans for selected ozone-depleting substances that are used in particular sectors or in particular applications, and for products (including equipment) containing those substances, as this approach may effectively diminish illegal trade activities;

6. To encourage further networking and twinning activities in the framework of regional networks aimed at the exchange of information and experience on both licit and illicit trade in ozone-depleting substances between the Parties, including enforcement agencies;

Appendix

Draft terms of reference for a feasibility study on developing a system for tracking the movement of ozone-depleting substances between the Parties

1. Describe the logistical and regulatory steps necessary for the movement of bulk quantities of ozone-depleting substances from the point of production, via export, to final import for use and suggest an appropriate threshold for bulk quantities.
2. Describe important components that could usefully be included in an effective tracking system for the monitoring and control of trade in ozone-depleting substances between the country of export or re-export and the country of import.
3. Describe potential actions that could be used by Parties to assist in the tracking of bulk quantities of ozone-depleting substances as they move through the various steps from production to final import.
4. Examine whether any Parties already use tracking systems for ozone-depleting substances, in particular for transit trade, and whether this provides any useful lessons.
5. Examine how tracking mechanisms operate in other international agreements (such as the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, the Convention on the International Trade in Endangered Species of Wild Flora and Fauna, the Convention on the Conservation of Antarctic Marine Living Resources and the Cartagena Protocol) and how they may or may not be useful models for the development of a system for tracking the movement of ozone-depleting substances in a manner that would assist in the efforts to reduce illegal trade.
6. Examine costs and practical difficulties associated with tracking systems under the above mentioned international agreements in order to provide an estimate of the practical difficulties and costs with regard to implementation of a tracking system for ozone-depleting substances.
7. Describe sources of information, information requirements (such as carrier, port of import, export, re-export, transit or transshipment, customs information on ozone-depleting substances being shipped, including, inter alia, country of origin and declared producer name, country of final destination and declared purchaser/receiver name) and information flows that would be needed to enable an ozone-depleting substances tracking system to be successful in reducing illegal trade.
8. Describe also the functional governmental or non-governmental units that would need to be involved in providing and monitoring such information, considering both centralized and decentralized systems. Investigate if there are any legal impediments, through, for example, confidentiality law or international trade law that would inhibit the assembly of needed information. Investigate implications of the World Trade Organization and Trade related aspects of intellectual property rights agreements.
9. Communicate with five to seven producing country Governments and producers and international distributors in those countries as well as with five to seven re-exporting country Governments and international distributors in those countries (representing Parties operating under Article 5 and Parties not operating under Article 5) to get their views on the feasibility and cost of implementing a tracking system, and their views on whether such a system would impact on legitimate trade. Also communicate with the Governments and primary distributors in the two or three countries (representing Parties operating under Article 5 and Parties not operating under Article 5) responsible for the majority of the transit and transshipment of ozone-depleting substances to discuss the same matters.
10. Taking into account the above, describe, in an overview fashion, two or three likely workable options for tracking systems that would be useful in reducing illegal trade in ozone-depleting substances. Those options should describe the steps and actions that would have to be taken at the producer, distributor, governmental and Secretariat level to facilitate effective implementation of the system. Finally, estimates of the annual user Government, exporter/importer, Secretariat) costs and system-wide costs for implementation should be provided for each option.

J. Draft decision XVII/J: Dates of future Montreal Protocol meetings

Noting with appreciation the work undertaken by the Ozone Secretariat and the Technology and Economic Assessment Panel in organizing and servicing the Meetings of the Parties, meetings of the Open-ended Working Group and meetings of the Panel and its Technical Options Committees,

Recognizing that certain legal requirements of the Protocol, and actions of the Parties, depend on sufficient time being available for Parties to consider information supplied by the Technology and Economic Assessment Panel related to possible amendments and adjustments of the Protocol, and the requirement under Article 9 of the Vienna Convention for a Party to submit such information six months prior to the Meeting of the Parties,

1. To request the Ozone Secretariat to:
 - (a) Post on its website by 31 January each year the indicative dates for the next two meetings of the Open-ended Working Group and Meetings of the Parties;
 - (b) If, subsequent to such posting, circumstances arise that necessitate a change to such indicative meeting dates, to revise the posting on its website and to notify the Parties within one week of such change;
2. To request the Technology and Economic Assessment Panel to:
 - (a) Post on its website by 15 December of the year prior to the meetings taking place, the dates in the coming year for its meetings and meetings of its Technical Options Committees;
 - (b) Make best endeavours to provide reports approximately seven months before the Meeting of the Parties in order to allow sufficient time for the Parties to take into account information it has supplied related to possible amendments and adjustments;
 - (c) If, subsequent to such posting, circumstances arise that necessitate a change in a meeting date, to revise the posting on its website and notify the Secretariat within one week of such change;

K. Draft decision XVII/K: Multi-year exemptions for methyl bromide

[Recalling that, in decision Ex.I/3, the Parties agreed to consider the elaboration of criteria and a methodology for authorizing multi-year exemptions,

1. That a Party nominating a multi-year critical-use exemption should submit such a nomination consistent with the deadline applicable to single-year nominations for critical-use exemption;
2. That a Party nominating multi-year exemptions should strive to ensure that the amount of methyl bromide requested in the nomination for critical-use exemption generally demonstrates a downward trend over the duration of the exemption request;
3. That the Methyl Bromide Technical Options Committee will evaluate all years of the request in any multi-year nomination for critical-use nomination in accordance with its normal review process and schedule of meetings, and provide recommendations for all years requested with respect to those Parties that have made such a nomination; such reviews will occur simultaneously with reviews by the Methyl Bromide Technical Options Committee of single-year nominations for critical-use exemptions;
4. That, in performing an evaluation on a multi-year nomination for critical-use exemption, the Methyl Bromide Technical Options Committee will apply the relevant criteria agreed upon by the Parties in decision IX/6 and Ex.I/4, paragraph 9 (c), to multi-year nominations for critical-use exemption in the normal course of its meeting schedule, and using the same standards and presumptions that it applies to single-year critical-use exemptions nominations;
5. That the first Meeting of the Parties following the evaluation by the Methyl Bromide Technical Options Committee will consider both single and multi-year nominations for critical-use exemptions made by applicants, and the related recommendations of Methyl Bromide Technical Options Committee, over the full period of time requested by the critical-use exemption applicant, taking into account the criteria set out in decisions IX/6 and Ex.I/4, paragraph 9 (c);

6. That a Party receiving a multi-year critical-use exemption should apply the criteria of decisions IX/6 and Ex.I/4 paragraph 9 (c), where relevant, when licensing, permitting, or authorizing the use of methyl bromide pursuant to a multi-year critical-use exemption that has been approved by the Parties;

7. That each Party receiving a multi-year critical-use exemption approved by the Meeting of the Parties may request reconsideration of its approved critical-use exemption on the basis of changed circumstances; such requests should be submitted by the agreed deadline for annual nominations for critical-use exemption and will be evaluated by the Methyl Bromide Technical Options Committee in accordance with the provisions of paragraph 4 above;

8. That the first Meeting of the Parties following the evaluation by the Methyl Bromide Technical Options Committee will consider any request for reconsideration of an approved nomination for critical-use exemption described in paragraph 7, and the related recommendations from the Methyl Bromide Technical Options Committee.]

(Note – for further related information, the attention of the Parties is drawn to decision XVI/3).

II. Proposed adjustment and amendment of the Montreal Protocol

L. Draft decision XVII/L: Proposed amendment by the European Community for expedited amendment of the Montreal Protocol

To adopt the following amendment to the Montreal Protocol:

Article 1: Amendment

Article 2, paragraph 10

In paragraph 10 of Article 2 of the Protocol:

For the words:

Article 9 of the Convention

there shall be substituted:

paragraph 10bis of this Article

In subparagraph (a), after the word:

any

there shall be added:

new

In subparagraph (a), for the words:

added to or removed from any annex to this Protocol, and

there shall be substituted:

made controlled substances,

The following word shall be added at the end of subparagraph (b):

and

The following subparagraph shall be inserted after subparagraph (b):

(c) Whether any further modifications should be made to the Protocol to deal with matters arising out of or related to decisions made pursuant to subparagraphs (a) and (b).

The following paragraph shall be added after paragraph 10:

10 bis. The following procedure shall apply to the proposal, adoption and entry into force of any decision to modify the Protocol under paragraph 10.

(a) A decision to modify the Protocol shall be proposed and adopted according to the procedure laid down in Article 9, paragraphs 1 to 4 of the Convention.

(b) A decision to modify the Protocol shall be binding on the expiry of a period of two years after its adoption for all Parties that have not within that period notified the depositary in writing that they are unable to accept the decision.

(c) Any Party that has notified the depositary pursuant to subparagraph (b) may subsequently notify the depositary that it is able to accept the decision. In that case the decision shall become binding on that Party, either from the moment of that latter notification or after the expiry of a period of two years after the adoption of the decision, whichever is later.

Article 2: Relationship to the 1999 Amendment

No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Eleventh Meeting of the Parties in Beijing, 3 December 1999.

Article 3: Entry into force

1. This Amendment shall enter into force on 1 January 2007 provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.
2. For the purposes of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
3. After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

Note: For further background information, attention is drawn to the original European Community submission of its proposal, which includes an in-depth explanation (see document UNEP/OzL.Pro.17/8).

M. Draft decision XVII/M: Proposed adjustment by the European Community on further interim reduction steps for methyl bromide in Parties operating under paragraph 1 of Article 5

To adopt the following adjustment to Annex E to the Montreal Protocol:

Adjustments relating to the controlled substance in Annex E

1. The following three paragraphs shall be added after paragraph 8 *ter* (d) (ii) of Article 5 of the Protocol:
 - (ii) *bis* Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on **1 January 2008**, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, **sixty per cent** of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;
 - (ii) *ter* Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on **1 January 2010**, and in each 12-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, **forty per cent** of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;
 - (ii) *qua* Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on **1 January 2012**, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, **thirty per cent** of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

Note: For further background information, attention is drawn to the European Community submission of its proposal, which includes an in-depth explanation (see document UNEP/OzL.Pro.17/7).

III. Draft placeholder decisions on administrative matters

The seventh meeting of the Conference of the Parties to the Vienna Convention and the seventeenth Meeting of the Parties to the Montreal Protocol *decide*:

AA. Draft decisions VII/AA and XVII/AA: Status of ratification of the Vienna Convention, the Montreal Protocol and [the London, Copenhagen, Montreal and Beijing] amendments to the Montreal Protocol

1. To note with satisfaction the large number of countries which 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, as of 15 December 2005, [---] Parties had ratified the London Amendment to the Montreal Protocol, [---] Parties had ratified the Copenhagen Amendment to the Montreal Protocol, and [---] Parties had ratified the Montreal Amendment to the Montreal Protocol, while only [---] Parties had ratified the Beijing Amendment to the Montreal Protocol;

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;

BB. Draft decision XVII/BB: Endorsement of New Co-Chairs of the Technical Options Committees of the Technology and Economic Assessment Panel

1. To endorse the following new Co-Chairs of the Technical Options Committees:
[TBA]

2. To thank the following Co-Chairs who are stepping down from their positions, for their outstanding efforts on behalf of the Montreal Protocol:
[TBA];

CC. Draft decision XVII/CC: Membership of the Implementation Committee

1. To note with appreciation the work done by the Implementation Committee in 2004;

2. To confirm the positions of Cameroon, Georgia, Guatemala, Nepal and the Netherlands for one further year and selects -----, -----, ----- and ----- as members of the Committee for a two-year period from 1 January 2006;

3. To note the selection of ----- to serve as President and of ----- to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2006;

DD. Draft decision XVII/DD: 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 2005;

2. To endorse the selection of -----, -----, -----, -----, -----, ----- and ----- as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of -----, -----, -----, -----, ----- and ----- as members representing Parties operating under that paragraph, for one year with effect from 1 January 2006;

3. To note the selection of ----- to serve as Chair and ----- to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2006;

EE. Draft decision XVII/EE: 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 in 2006;

FF. Draft decision XVII/FF: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

1. To note with appreciation that [--] Parties out of the [--] which should have reported data for 2004 have now done so, and that [--] of those Parties reported their data by 30 June 2005 in conformity with decision XV/15;

2. To note, however, that the following Parties have still not reported data for 2004 to date: [TBA] [and that Tuvalu has still not reported data for 2003];

3. To note that that non-reporting of data places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;

4. To urge those Parties, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;

5. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;

6. To note further that reporting data by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund in assisting Parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;

7. To encourage Parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

GG. Draft decision XVII/GG: Eighteenth Meeting of the Parties to the Montreal Protocol

To convene the eighteenth Meeting of the Parties to the Montreal Protocol in [] with a firm date to be announced as soon as possible.

HH. Draft decision VII/BB: Eighth meeting of the Conference of the Parties to the Vienna Convention

To convene the eighth meeting of the Conference of the Parties to the Vienna Convention back-to-back with the twentieth Meeting of the Parties to the Montreal Protocol.