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

First meeting  
Geneva, 6 July 1998

ACTION TAKEN ON THE DECISIONS OF THE NINTH MEETING OF THE  
PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT  
DEplete THE OZONE LAYER

Note by the Secretariat

Decision IX/1. Further adjustments with regard to Annex A substances

1. On 5 December 1997, the Secretary-General of the United Nations, acting in his capacity as Depositary of the Protocol, communicated to all Parties to the Protocol the six authentic language versions of the adjustments with regard to Annex A substances, adopted by the Ninth Meeting of the Parties. In accordance with Article 2, paragraph 9, of the Protocol, the adjustments will enter into force on 5 June 1998, i.e., six months following the date of the notification.

Decision IX/2. Further adjustments with regard to Annex B substances

2. The adjustments relating to Annex B substances adopted by decision IX/2 were communicated to all Parties by the Secretary-General, on the same date and in the same form as those relating to Annex A substances (see para. 0 above). These adjustments will also enter into force on 5 June 1998.

Decision IX/3. Further adjustments and reductions with regard to the Annex E substance

3. The adjustments and reductions relating to the Annex E substance will also enter into force on 5 June 1998, having been communicated by the Secretary-General to all Parties according to the same procedure, on the same date and in the same form as the adjustments with regard to Annex A and B substances (see paras. 0 and 0 above).

Decision IX/4. Further Amendment of the Protocol

4. The Montreal Amendment to the Protocol, adopted by the Ninth Meeting of the Parties in its decision IX/4, was communicated to all Parties by the Secretary-General of the United Nations, acting in his capacity as Depositary of the Protocol, in Depositary Notification C.N.468.1997.TREATIES-4/1, in the six official languages of the United Nations on 5 December 1997.

5. In accordance with Article 3, paragraph 1, of the Amendment, it shall enter into force on 1 January 1999, provided that at least 20 instruments of ratification, acceptance or approval 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.

6. After its entry into force, the Amendment, in accordance with its Article 3, paragraph 3, shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of the instrument of ratification, acceptance or approval.

Decision IX/5. Conditions for control measures on Annex E substance in Article 5 Parties

7. A copy of decision IX/5 was sent to the Multilateral Fund Secretariat and to the Technology and Economic Assessment Panel (TEAP). The Multilateral Fund Secretariat in conjunction with the Implementing Agencies, TEAP and other relevant stakeholders held a workshop in order to develop a strategy and guidelines for investments projects in the methyl bromide sector. At its twenty-fourth meeting, held in Montreal from 25 to 27 March 1998, the Executive Committee of the Multilateral Fund approved the strategy and guidelines for projects in the methyl-bromide sector (UNEP/OzL.Pro/ExCom/24/47, annex IV).

Decision IX/6. Critical-use exemptions for methyl bromide

8. No action was required of the Secretariat under decision IX/6.

Decision IX/7. Emergency methyl-bromide use

9. In its report of April 1998, the Technology and Economic Assessment Panel discussed the adequacy of the provision of a 20 tonnes allowance in the event of a potential emergency. The Methyl Bromide Technical Options Committee had difficulty in identifying any emergency situation that would

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not be covered by quarantine and pre-shipment (QPS) exemptions. It also noted that the frequency of potential use under emergency use provisions is dependent on decisions by the Parties. Furthermore, Methyl Bromide Technical Options Committee discussed likely examples for potential emergency use of methyl bromide and other possible emergency situations. It concluded that 20 tonnes of methyl bromide is sufficient to treat even very large storages, mills or other premises. Treatment of a very large mill or food processing premises would take less than 10 tonnes of methyl bromide, while 20 tonnes of methyl bromide will treat around 50 hectares of soil.

#### Decision IX/8. Licensing system

10. In November 1997, the Secretariat requested each Party to submit contact details of the officer to whom information on the import and export of ozone-depleting substances should be directed. The first list of such addresses was circulated to all Parties in March 1998 and the next updated list will be circulated during the meeting of the Open-ended Working Group of the Parties in July 1998. UNEP is finalizing a guidebook on the licensing system to assist Parties in implementing this decision and the Amendment to the Protocol. At every meeting of the networks of the ozone local points, the principles and operation of a licensing system are discussed and Parties encouraged to put in place a licensing system.

#### Decision IX/9. Control of export of products and equipment whose continuing functioning relies on Annex A and Annex B substances

11. In January 1998, the Secretariat transmitted the contents of decision IX/9 to all Parties and requested them to adopt legislative and administrative measures to control the export of products and equipment whose continuing functioning relies on Annex A and B substances. All Parties were requested to report to the Secretariat on measures taken to implement this decision. The information received from Parties is being compiled and will be submitted to the Tenth Meeting of the Parties to the Montreal Protocol.

#### Decision IX/10. Ratification of the Vienna Convention, the Montreal Protocol and the London and Copenhagen Amendments

12. Through a letter sent in January 1998, the Secretariat invited the Parties who have not ratified the amendments to do so. As of 30 April 1998, there were 166 Parties to the Vienna Convention, 165 to the Montreal Protocol, 120 to the London Amendment, and 78 to the Copenhagen Amendment, while one Government had ratified the Montreal Amendment. At its meeting in March 1998, the Executive Committee of the Multilateral Fund sanctioned methyl-bromide projects only for Parties that have ratified the Copenhagen Amendment or have declared their intention to do so. Methyl-bromide project proposals from other Parties were not approved but were retained in the work programmes until the Parties submitted a letter declaring their intent to ratify the Amendment within nine months, after which time the Committee could re-examine the proposals.

13. The Bureau may wish discuss other ways of enhancing the ratification of the London, Copenhagen and Montreal amendments.

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Decision IX/11. Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol

14. Letters were sent out to 109 Parties reminding them to submit missing data on ODSs for the period 1986-1996. Reminders (in writing and by telephone) to submit annual ODS data reports for 1995 and 1996 as soon as possible were also sent out to Parties that have not done so.

Decision IX/12. Membership of the Implementation Committee

15. The twentieth meeting of the Implementation Committee will take place in Geneva on 6 July 1998.

Decision IX/13. Membership of the Executive Committee of the Multilateral Fund

16. No action was required of the Secretariat with regard to decision IX/13.

Decision IX/14. Measures taken to improve the Financial Mechanism and technology transfer

17. The representative of the Netherlands (in the delegation of Belgium), speaking in the Executive Committee meeting held from 25 to 27 March 1998, on behalf of the Informal Group on Technology Transfer (IGTT), reported that the Group had met during the course of the twenty-second, twenty-third and twenty-fourth meetings of the Executive Committee to prepare advice on what steps could be taken to eliminate potential impediments to the transfer of ozone-friendly technologies. The informal group had held extensive discussions to formulate a common position, as requested by the Eighth Meeting of the Parties, but to date no full agreement could be reached.

Decision IX/15. Production sector

18. Decision IX/15 was conveyed to the Multilateral Fund Secretariat for necessary action. At its March meeting, the Executive Committee approved US\$600,000 for conducting technical audits and requested its subgroup on the production sector to examine the issues related to timing and funding of production-sector related activities at its next meeting.

Decision IX/16. Terms of reference of the Executive Committee

19. Decision IX/16 has been noted by the Secretariat.

Decision IX/17. Essential-use exemption for laboratory and analytical uses of ozone-depleting substances

20. Decision IX/17 exempted, under certain conditions, the production and consumption of substances in Annexes A and B of the Protocol for laboratory and analytical uses for the year 1999. The Technology and Economic Assessment Panel has considered this issue and suggested two options for consideration. These options will be examined by the Open-ended Working Group at its seventeenth meeting.

Decision IX/18. Essential-use nominations for non-Article 5 Parties for controlled substances for 1998 and 1999

21. The following six Parties have submitted essential-use nominations for approval in 1998 by the Tenth Meeting of the Parties: Australia, Canada, European Community, Poland, the Russian Federation and United States of America.

22. The Technology and Economic Assessment Panel and its Technical Options Committees (TOCs) unanimously recommended:

(a) The essential-use exemptions requested for CFCs for MDIs from Australia, European Community, Poland and United States for the years 1999 and 2000, but not for 2001-2004, with the condition that Parties dispense the CFCs as needed, report all stockpiles suitable for use (whether produced prior to 1996 or as an essential-use allocation), and continue to comply with the conditions specified in previous decisions of the Parties;

(b) The quantities of halon 2402 nominated by the Russian Federation for 1999, with the condition that the Russian Federation fully reports to the Secretariat the produced quantities used and technical progress towards the introduction of alternatives;

(c) The quantities nominated by the European Community for use in coating cardiovascular surgical material for 1999 and 2000;

(d) The request by the United States to reschedule the remaining authorized quantity of methyl chloroform for use in manufacturing solid rocket motors until such time that the allowance is depleted or until such time that safe alternatives are implemented for remaining essential uses. The Solvents Technical Options Committee will continue to monitor progress.

23. The Panel was unable to recommend:

(a) The nomination by Canada for 1999 for CFC intended for the introduction of seven new CFC-containing MDI products, because the nomination did not justify the quantities requested and because the nomination did not provide adequate information on the intended markets;

(b) The use nominated by Poland for maintenance of torpedoes on submarines, because the nomination did not provide adequate information.

24. The Open-ended Working Group will consider this issue at its seventeenth meeting.

Decision IX/19. Metered-dose inhalers (MDIs)

25. The Technology and Economic Assessment Panel reported that one reformulated CFC-free salbutamol metered-dose inhaler (MDI) has been on the market for three years and is now available in more than 40 countries. A second salbutamol product and two reformulated inhaled steroids became available in a few countries in early 1998. These and other reformulated products have been submitted for approval by regulatory authorities in some countries. It is likely that a wide range of reformulated products will be available in many developed nations, and the transition will be progressing well by the year 2000. Minimal need for CFCs for MDIs is envisaged by the year 2005 in non-Article 5 Parties. Remaining technical, patent, safety and regulatory issues for some commonly used drugs still make it difficult to predict with precision, the schedule for full phase-out.

26. A rigid global transition strategy may not be appropriate in view of the widely differing circumstances of individual Parties. However, the Parties may wish to consider the benefits of a "global transition framework", which would underpin national strategies and ensure that they are complementary. The process of transition to non-CFC alternatives is complex, involving the need for dialogue between health authorities, environmental agencies and other interested groups. No single national strategy will be applicable to all countries. All Parties, including the countries with economies in transition (CEITs) and Article 5 Parties, should be encouraged to develop their own transition strategies.

27. Any global transition framework should contain certain principles, but should also be sufficiently flexible to allow each Party to develop a national transition strategy that protects patient needs while conforming to that Party's unique legal and regulatory system.

28. There are a variety of approaches that an individual Party might take to facilitate the transition from CFC-containing MDIs. These include a brand-by-brand, drug-by-drug, category-by-category or volume reduction approach, or a combination of these approaches. Each of these approaches have their own advantages and disadvantages.

29. There are several potential impediments to the rapid transition to CFC-free MDIs. These include: lack of national transition strategies, continued regulatory approval of CFC-containing MDIs, the lack of prioritized regulatory review of CFC-free MDIs, lack of acceptance by local drug formulators, no perceived therapeutic advantage to patients, and the potential oversupply of CFCs in stockpiles, resulting in continued manufacture of CFC-containing MDIs. The positive factors include ongoing research and development by many companies and education and awareness campaigns.

30. The Open-ended Working Group will consider this issue at its seventeenth meeting.

Decision IX/20. Transfer of essential-use authorizations for  
CFCs for MDIs

31. No requests for the transfer of essential-use authorizations for CFCs for MDI have been received so far by the Secretariat.

Decision IX/21. Decommissioning of non-essential halon systems in non-Article 5 Parties

32. In decisions VIII/17 and IX/21, the Technology and Economic Assessment Panel and its Halon Technical Options Committee (HTOC) were requested to report on the feasibility of early decommissioning of halon systems. The 1998 report of the Technology and Economic Assessment Panel, contains detailed notes on this issue. The Open-ended Working Group will consider this issue at its seventeenth meeting.

Decision IX/22. Customs codes

33. The Executive Director of UNEP has requested the World Customs Organization (WCO) to revise an earlier decision by WCO assigning only one customs code number for the HCFCs, and to assign separate customs code numbers for the commonly marketed mixtures containing ozone-depleting substances. A proposal for a revised new draft decision, prepared by WCO in consultation with the Ozone Secretariat, recommends separate national codes under the Harmonized System subheading No. 2903.49 for the most commonly used HCFCs. This proposal has been submitted to WCO and is currently under examination by the Harmonized System Committee of WCO. The Secretariat provided WCO with a list prepared by the Technology and Economic Assessment Panel of commonly marketed mixtures containing ODS (decision IX/28, para.4).

Decision IX/23. Continuing availability of CFCs

34. No Party has yet reported to Secretariat in action to implement decision IX/23.

Decision IX/24. Control of new substances with ozone-depleting potential

35. In its progress reports of April 1997 and April 1998, the Solvents Technical Options Committee informed the Parties that two substances with likely ODPs were being globally marketed - chlorobromomethane (CBM) and its derivative borothene, and n-propyl bromide. Subsequent to decision IX/24, the Government of the Netherlands notified the Secretariat that n-propyl bromide was likely to have substantial production.

36. The Secretariat has written to the Co-Chairs of the Scientific Assessment Panel and the Technology Economic Assessment Panel requesting information and an assessment of the ozone-depleting potential (ODP) of these chemicals. Chlorobromomethane has an atmosphere lifetime of 0.40 years (146 days) and an ODP of 0.11-0.13. N-propyl bromide (1-bromo-propane) has an atmospheric lifetime of 0.03 year (11 days), and an ODP of 0.006.

37. The Open-ended Working Group will consider this issue at its seventeenth meeting.

Decision IX/25. Special report on Aviation and the Global Atmosphere

38. This special report is being prepared in collaboration with the Intergovernmental Panel on Climate Change (IPCC) and the International Civil Aviation Organization (ICAO). The draft report has been distributed as IPCC Special Report on Aviation and the Global Atmosphere for scientific and technical review to individual experts, non-governmental organizations. There will be review meeting of this report in Geneva from 8 to 10 June 1998 and an updated draft will then be circulated for government review during August and September 1998. Further updated drafts will then be circulated for final government consideration prior to the joint session of IPCC Working Groups 1 and 3 scheduled for March/April 1999, where the policy makers summary of the report will be approved and the report accepted.

Decision IX/26. Application of the Republic of Moldova for developing country status under the Montreal Protocol

39. Decision IX/26 was communicated to the Republic of Moldova and to the secretariats of the Multilateral Fund and the Global Environment Facility.

Decision IX/27. Application of South Africa for developing country status under the Montreal Protocol

40. Decision IX/27 was communicated to South Africa and to the secretariats of the Multilateral Fund and the Global Environment Facility.

Decision IX/28. Revised formats for reporting data under Article 7 of the Protocol

41. The revised format for reporting data under Article 7 of the Protocol in 1997 and onwards was dispatched to all Parties and, simultaneously, an electronic version of the formats was placed on the Ozone Secretariat Web page for downloading.

Decisions IX/29 and IX/30. Compliance with the Montreal Protocol by Latvia and Compliance with the Montreal Protocol by Lithuania

42. Following the adoption of decisions IX/29 and IX/30 of the Ninth Meeting of the Parties to the Montreal Protocol, the Secretariat conveyed the texts to the Governments of Latvia and Lithuania. Both Governments were requested to implement the contents of those decisions. Lithuania ratified both the London and Copenhagen Amendments on 3 February 1998 but Latvia is yet to do so, contrary to its statement to the Implementation Committee and Parties to the Montreal Protocol that the ratification process of the London Amendment would be completed by October 1997.

43. Both Governments have been further requested to prepare a brief update on compliance with the Montreal Protocol in accordance with paragraph 4 of decisions IX/29 and IX/30, respectively, for consideration by the Implementation Committee. Latvia has also been reminded to provide information on the steps being made to complete the ratification of the London Amendment. The information

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provided by these Parties will be placed before the Implementation Committee and, since both of them are members of the Committee, they will be able to give clarification on any questions that may arise out of those expected updates.

Decision IX/31. Compliance with the Montreal Protocol by the Russian Federation

44. Decision IX/31 was noted by the Secretariat, and any situation of non-compliance will be referred to the Implementation Committee.

Decision IX/32. Non-compliance by the Czech Republic with the freeze in consumption of methyl bromide in 1995

45. Decision IX/32 was conveyed to the Czech Republic. In accordance with paragraph 3 of the decision, no action was required.

Decision IX/33. Request by Brunei Darussalam for reclassification as a Party operating under paragraph 1 of Article 5

46. This decision was conveyed to UNEP as Treasurer of the Multilateral Fund to remove Brunei Darussalam from the list of contributors to the Multilateral Fund in the light of its reclassification as a Party operating under Article 5 of the Protocol.

Decision IX/34. Compliance with the Montreal Protocol

47. Decision IX/34 was noted by the Secretariat.

Decision IX/35. Review of the non-compliance procedure

48. The Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance established under decision IX/35 is meeting in Geneva on 3-4 July 1998. The report of the Group will be presented by Co-Chairs to the Open-ended Working Group at its seventeenth meeting.

Decision IX/36. Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

49. Mr. Anand from India and Mr. Jukka Uosukainen from Finland have been advised by the Secretariat on their selection as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol for 1998.

Decision IX/37. Financial matters: financial report and budgets

50. An up-to-date status of the trust funds for the Montreal Protocol and the Vienna Convention will

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be distributed at the meeting of the Bureau.

51. From 1 January 1998 to 30 April 1998, nine meetings were held by the Assessment Panels and the Technical Options Committees. The Secretariat arranged financial support for 54 participants from developing countries and countries with economies in transition. An updated status will be distributed at the meeting.

Decision IX/38. Outstanding contributions to the Multilateral Fund  
from Parties not operating under Article 5 that  
had not ratified the London Amendment

52. The Treasurer of the Multilateral Fund (UNEP) has taken the necessary action.

Decision IX/39. Refund of contributions by Cyprus to the Multilateral Fund

53. Decision IX/39 has been communicated to Cyprus and to the Multilateral Fund Secretariat.

Decision IX/40. Tenth Meeting of the Parties to the Montreal Protocol

54. The Secretariat, in consultation with the Government of Egypt, is making the necessary arrangements for the convening of the Tenth Meeting of the Parties.

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