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Twenty-Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer
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Report of the Twenty-Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer

Introduction

1. The Twenty-Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the United Nations Conference Centre in Bangkok from 8 to 12 November 2010. It consisted of a preparatory segment, held from 8 to 10 November, and a high-level segment, held on 11 and 12 November.

Part One: Preparatory segment

I. Opening of the preparatory segment

2. The preparatory segment was opened by its co-chairs, Mr. Fresnel Díaz (Bolivarian Republic of Venezuela) and Mr. Martin Sirois (Canada), on Monday, 8 November 2010, at 10.25 a.m.

3. Opening statements were delivered by Mr. Prapat Vanapitaksa, Director-General of the Department of Industrial Works, on behalf of the Minister of Industry of Thailand, and Mr. Marco González, Executive Secretary of the Ozone Secretariat.

4. In his statement, observing that the depletion of the ozone layer threatened the well-being of humankind, Mr. Vanapitaksa commended the world community on its determination to find sustainable solutions, as evidenced by the fact that the Montreal Protocol, with 196 parties, was the first environmental agreement to achieve universal ratification.

5. He praised the parties to the Protocol for achieving the phase-out of chlorofluorocarbons (CFCs) on 1 January 2010, thanks to the commitment of Governments, industry bodies and civil society in both developed and developing countries, and for reaching in 2007, on the twentieth anniversary of the Protocol, a historic agreement to accelerate the schedule for phasing out hydrochlorofluorocarbons (HCFCs). Those successes augured well for the outcome of the current meeting. He wished the representatives fruitful deliberations and declared the meeting officially open.

6. The Executive Secretary, in his statement, thanked the Government of Thailand for hosting the meeting and the staff members of the United Nations Environment Programme (UNEP) Compliance Assistance Programme; of the Conference Centre of the Economic and Social Commission for Asia and the Pacific; and of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol for their cooperation in organizing the meeting. He said that the meeting was taking place at a crucial juncture in the history of the Montreal Protocol: the parties were expected to have already met the 2010 phase-out targets for CFCs, halons and carbon tetrachloride and were looking ahead to

completing the phase-out of methyl bromide and methyl chloroform in 2015, which could be expected to take place on schedule thanks to the implementation of projects already approved by the Multilateral Fund. With those successes as background, parties needed to turn their attention to phasing out HCFCs.

7. Turning to the agenda for the meeting, he noted that the parties were to continue to discuss a number of proposals relating to the Multilateral Fund. They included proposals on terms of reference for an evaluation of the Fund, including its scope and funding; on the terms of reference for the replenishment of the Fund for the period 2012–2014; on a review of guidelines for funding the phase-out of HCFCs recently approved by the Multilateral Fund Executive Committee; and on clarifying the eligibility for funding of projects to phase out HCFCs pre-blended in polyols. Parties were also to continue to discuss four proposals on the environmentally sound management of banks of ozone-depleting substances and two proposals to amend the Protocol to provide for the phase-down of the production and consumption of hydrofluorocarbons (HFCs) and two low-global-warming-potential hydrofluoroolefins. Other items for consideration were critical-use exemptions for 2011 and 2012, and quarantine and pre-shipment applications of methyl bromide; essential-use exemptions in respect of other ozone-depleting substances; and the exemptions applicable to laboratory and analytical uses of ozone-depleting substances.

8. In closing he said that the parties to the Protocol could take pride in having successfully phased out most ozone-depleting substances, urging representatives to continue working towards a total phase-out with a view to ensuring complete protection of the ozone layer for the good of all.

II. Organizational matters

A. Attendance

9. The Twenty-Second Meeting of the Parties to the Montreal Protocol was attended by representatives of the following parties to the Protocol: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Canada, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Egypt, Equatorial Guinea, European Union, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Grenada, Guinea, Haiti, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Senegal, Serbia, Singapore, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Turkmenistan, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

10. Representatives of the following United Nations bodies and specialized agencies also attended: Global Environment Facility, Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, Secretariat of the United Nations Framework Convention on Climate Change, United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization, World Bank.

11. The following intergovernmental, non-governmental and industry bodies were also represented: African Oxygen Limited, Alliance for Responsible Atmospheric Policy, APL Asia Co. Ltd, Arkema Inc., Arysta LifeScience North America LLC, Asia-Pacific Institute for Broadcasting Development, Australian Urethane Systems Pty. Ltd, Business Council for Sustainable Energy, California Strawberry Commission, Catalinos Berry Farms, Centre for Energy Environment Research & Development Co. Ltd, Chemcofer Pty. Ltd, Chemtura Corporation, CYDSA, Daikin Industries Ltd, Dev TV, Dow AgroSciences LLC, ECI International Co. Ltd, Ecologists for Sustainable Development, Environmental Investigation Agency, Federation of Thai Industries, Foam Supplies Inc., Global Environmental Refrigerant Gases P/L, Green Alternatives and Peace Movement Uganda, Green Cooling Association, Greenpeace International, GTZ (Deutsche Gesellschaft für Technische

Zusammenarbeit GmbH), Gujarat Fluorochemicals Limited, ICF Macro, ICL Industrial Products, Industrial Foams Pvt. Ltd, Industrial Technology Research Institute, Institute for Governance and Sustainable Development, International Institute of Refrigeration, Iran Refrigeration Association, King Mongkut's University of Technology, League of Arab States, M. De Hondt bvba, Mebrom NV, Natural Resources Defense Council, Navin Fluorine International Limited, Pertamina, Princeton University, PT Airkon Pratama, PT Nugas Trans Energy, PT Dayu Nusantara, PT Grasse Arum Lestari, Quimobásicos S.A. de C.V., Refrigerants Australia, Refrigeration and Air-Conditioning Manufacturers' Association of India, Research, Innovation and Incubation Center, RTI Technologies, Shecco, SRF Limited, Technology, Education, Research and Rehabilitation for the Environment Policy Centre, TouchDown Consulting, Trans-Mond Environment Ltd, World Customs Organization Regional Intelligence Liaison Offices.

B. Officers

12. The preparatory segment of the meeting was co-chaired by Mr. Díaz and Mr. Sirois.

C. Adoption of the agenda for the preparatory segment

13. The following agenda for the preparatory segment was adopted on the basis of the provisional agenda contained in document UNEP/OzL.Pro.22/1:

1. Opening of the preparatory segment:
   - (a) Statements by representative(s) of the Government of Thailand;
   - (b) Statements by representative(s) of the United Nations Environment Programme.
2. Organizational matters:
   - (a) Adoption of the agenda of the preparatory segment;
   - (b) Organization of work.
3. Consideration of membership of Montreal Protocol bodies for 2011:
   - (a) Members of the Implementation Committee;
   - (b) Members of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol;
   - (c) Co-chairs of the Open-ended Working Group;
   - (d) Co-chairs of the assessment panels.
4. Financial reports of the trust funds for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and budgets of the Montreal Protocol.
5. Issues related to the financial mechanism under Article 10 of the Montreal Protocol:
   - (a) Terms of reference for an evaluation of the financial mechanism (decision XXI/28);
   - (b) Terms of reference for a study on the 2012–2014 replenishment of the Multilateral Fund;
   - (c) Assessment of the hydrochlorofluorocarbon guidelines approved by the Executive Committee of the Multilateral Fund.
6. Status of hydrochlorofluorocarbons blended in polyols as controlled substances under the Montreal Protocol.
7. Environmentally sound management of banks of ozone-depleting substances:
   - (a) Technologies and related facilities for the destruction of ozone-depleting substances;
   - (b) Environmentally sound management of banks of ozone-depleting substances.
8. Proposed amendments to the Montreal Protocol.
9. Phase-out of HFC-23 as a by-product emission of the production of HCFC-22.

10. Issues related to exemptions from Article 2 of the Montreal Protocol:

(a) Nominations for critical-use exemptions for 2011 and 2012;

(b) Quarantine and pre-shipment uses of methyl bromide;

(c) Nominations for essential-use exemptions for 2011;

(d) Laboratory and analytical uses of ozone-depleting substances (decision XXI/6);

(e) Issues relating to the use of ozone-depleting substances as process agents (decision XXI/3).

11. Special situation of Haiti.

12. Compliance and data reporting issues:

(a) Treatment of stockpiled ozone-depleting substances relative to compliance;

(b) Presentation on and consideration of the work and recommended decisions of the Implementation Committee.

13. Other matters.

14. During the adoption of the agenda for the preparatory segment, the parties agreed to take up under agenda item 13, "Other matters", a draft decision on halons in airframes; information documents submitted by the United States of America on low-global-warming-potential alternatives to ozone-depleting substances; and a draft decision on the import of HCFCs by Kazakhstan pending its ratification of the amendments to the Montreal Protocol.

D. Organization of work

15. The parties agreed to follow their customary procedure and to establish contact groups as necessary.

III. Consideration of membership of Montreal Protocol bodies for 2011

16. Introducing the item, the Co-Chair recalled that it would be necessary at the current meeting to nominate and endorse candidates for several positions in Montreal Protocol bodies for 2011. He requested the regional groups to submit nominations to the Secretariat.

17. The Executive Secretary and several representatives praised Mr. Jan van der Leun and Mr. José Pons Pons, who were stepping down as Co-Chair of the Environmental Effects Assessment Panel and Co-Chair of the Technology and Economic Assessment Panel, respectively, for their long and outstanding service to the Montreal Protocol.

18. The representative of the United States introduced a conference room paper containing a draft decision that, among other things, combined two draft decisions considered at the thirtieth meeting of the Open-ended Working Group on membership changes on the assessment panels and included matters relating to the terms of reference of the Technology and Economic Assessment Panel.

19. The parties subsequently agreed on the membership of the Implementation Committee and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, on co-chairs of the Open-ended Working Group and the assessment panels and on matters relating to the terms of reference of the Technology and Economic Assessment Panel, approving draft decisions reflecting that agreement for further consideration during the high-level segment.

IV. Financial reports of the trust funds for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and budgets of the Montreal Protocol

20. Introducing the item, the Co-Chair noted that it had been the practice at past meetings to establish a budget committee to review budget-related documents and prepare one or more draft decisions on budgetary matters for consideration by the Meeting of the Parties. In accordance with that practice the parties agreed to establish such a committee, chaired by Mr. Ives Enrique Gomez Salas (Mexico).

21. Following the work of the budget group the chair of the group introduced a conference room paper containing a draft decision on administrative and financial matters and budgets. The parties approved the draft decision for further consideration during the high-level segment, on the understanding that missing numbers in certain budget lines would be provided from the floor during the high-level segment.

V. Issues related to the financial mechanism under Article 10 of the Montreal Protocol

A. Terms of reference for an evaluation of the financial mechanism (decision XXI/28)

22. The Co-Chair introduced draft decision XXII/[C], on an evaluation of the financial mechanism of the Montreal Protocol (UNEP/OzL.Pro.22/3). He recalled that the draft decision had been discussed at the thirtieth meeting of the Open-ended Working Group but said that it would require further discussion.

23. Mr. Paul Krajnik (Austria), co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations.

24. The parties agreed to establish a contact group, co-chaired by Mr. Krajnik and Mr. David Omotosho (Nigeria), to consider the draft decision further.

25. Following the contact group's deliberations the parties approved the draft decision for further consideration during the high-level segment.

B. Terms of reference for a study on the 2012–2014 replenishment of the Multilateral Fund

26. The Co-Chair introduced draft decision XXII/[D], on terms of reference for a study on the 2012–2014 replenishment of the Multilateral Fund (UNEP/OzL.Pro.22/3). He recalled that the draft decision had been discussed at the thirtieth meeting of the Open-ended Working Group but said that it would require further discussion.

27. Mr. Krajnik, co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations.

28. Following Mr. Krajnik's report one representative said that the study on the replenishment was of great importance given the forthcoming phase-out targets under the Montreal Protocol, and urged that it should fully reflect the needs and capacities of developing countries.

29. The parties agreed that the contact group established under agenda item 5 (a) would also consider the draft decision on the terms of reference for the study.

30. Following the contact group's deliberations the parties approved the draft decision for further consideration during the high-level segment.

C. Assessment of the hydrochlorofluorocarbon guidelines approved by the Executive Committee of the Multilateral Fund

31. The Co-Chair introduced draft decision XXII/[E], on assessment of the HCFC guidelines approved by the Executive Committee of the Multilateral Fund (UNEP/OzL.Pro.22/3). He recalled that the draft decision had been discussed at the thirtieth meeting of the Open-ended Working Group but said that it would require further discussion.

32. Mr. Krajnik, co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations.

33. An informal group, co-chaired by Mr. Blaise Horisberger (Switzerland) and Mr. Leslie Smith (Grenada), was established by the co-chairs of the preparatory segment to discuss agenda items 5 (c), 8 and 9.

34. The resolution of the sub-item is described below in chapters VIII and IX.

VI. Status of hydrochlorofluorocarbons blended in polyols as controlled substances under the Montreal Protocol

35. The Co-Chair introduced draft decision XXII/[F], on the status of HCFCs blended in polyols as controlled substances under the Montreal Protocol (UNEP/OzL.Pro.22/3). He recalled that the Open-ended Working Group had discussed the draft decision at its thirtieth meeting but had not achieved consensus.

36. The representative of India, the proponent of the draft decision, explained that the objective of the proposal was to seek affirmation of the status of HCFCs preblended in polyols as controlled substances under the Montreal Protocol.

37. Mr. Mikkel Sorensen (Denmark), co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations. He noted that the Executive Committee of the Multilateral Fund had considered the matter at its sixty-first meeting and had agreed to fund the conversion of HCFCs preblended in polyols.

38. The parties agreed that interested parties should meet informally to discuss the matter.

39. The representative of the United States subsequently introduced a conference room paper containing a draft decision on HCFCs preblended in polyols, which the parties approved for further consideration during the high-level segment.

VII. Environmentally sound management of banks of ozone-depleting substances

A. Technologies and related facilities for the destruction of ozone-depleting substances

40. The Co-Chair introduced draft decisions XXII/[G]–XXII/[I], on technologies and related facilities for the destruction of ozone-depleting substances (UNEP/OzL.Pro.22/3). He recalled that the draft decisions had been discussed at the thirtieth meeting of the Open-ended Working Group, but said that they would require further discussion.

41. Ms. Annie Gabriel (Australia), co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations.

42. The parties agreed to establish a contact group, to be co-chaired by Ms. Gabriel and Mr. Javier Ernesto Camargo Cubillos (Colombia), to discuss the matter and to consider the draft decisions further.

43. Following the work of the contact group, its co-chair introduced a conference room paper containing a draft decision on destruction technologies with regard to ozone-depleting substances, which the parties approved for further consideration during the high-level segment.

B. Environmentally sound management of banks of ozone-depleting substances

44. The Co-Chair introduced draft decisions XXII/[J]–XXII/[L], on the environmentally sound management of banks of ozone-depleting substances (UNEP/OzL.Pro.22/3). He recalled that they had been discussed at the thirtieth meeting of the Open-ended Working Group, but said that they would require further discussion.

45. Ms. Gabriel, co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations.

46. The parties agreed that the contact group established under agenda item 7 (a) would also consider the draft decisions.

47. Following the contact group's deliberations its co-chair reported that the group had not had sufficient time to complete its work. It would therefore not proceed with its consideration of the item at the current meeting and would seek to chart a way forward on outstanding issues for discussion in 2011.

VIII. Proposed amendments to the Montreal Protocol

IX. Phase-out of HFC-23 as a by-product emission of the production of HCFC-22

48. The parties agreed to consider agenda items 8 and 9 together. The Co-Chair recalled that proposed amendments to the Montreal Protocol relating to HFCs had been submitted and initially considered at the thirtieth meeting of the Open-ended Working Group and had been forwarded for consideration by the Meeting of the Parties.

49. Under item 8 the representatives of Canada, Mexico and the United States jointly presented their proposal (UNEP/OzL.Pro.22/5). The representative of the United States said that it was necessary to coordinate and harmonize approaches to dealing with HFCs, preserving and building upon the climate benefits that had arisen from the phase-out of CFCs and HCFCs. It was acknowledged that the phase-out of HCFCs was still in its early stages and that a number of countries had just submitted their HCFC phase-out management plans; timely action on HFCs, however, would avert the additional costs that would accrue if action was delayed, and alternatives with low global-warming potential did exist in many sectors and could feasibly be adopted. The aim of the proposal was not to diminish the responsibility of the United Nations Framework Convention on Climate Change for HFCs but rather to work in conjunction with that convention to phase down emissions of the substance, for which the Montreal Protocol had been partly responsible. The representative of Mexico added that the proposed amendment would assist parties operating under paragraph 1 of Article 5 to adopt integrated solutions in an area in which the Montreal Protocol had considerable experience, and to receive appropriate financial and technical support in implementing those solutions.

50. The representative of the Federated States of Micronesia presented his country's proposal (UNEP/OzL.Pro.22/6). He said that the Montreal Protocol had a moral and legal obligation to address the issue of HFC emissions, noting that Article 2, paragraph 2, of the Vienna Convention for the Protection of the Ozone Layer mandated parties to adopt appropriate measures with regard to human activities that had adverse effects resulting from modification of the ozone layer, and that such effects included climate change.

51. Under item 9 the Co-Chair introduced draft decision XXII/[M], on the phase-out of HFC-23 as a by-product emission of the production of HCFC-22, proposed by Canada, Mexico and the United States (UNEP/OzL.Pro.22/3). He recalled that a related draft decision had been considered by the same informal open-ended group that had discussed the proposed amendments at the thirtieth meeting of the Open-ended Working Group. The representative of the United States said that the proposal recognized the need for immediate action to phase out HFC-23 emissions, summarizing the main components of the draft decision.

52. In the ensuing discussion, some representatives expressed opposition to further discussion of HFCs, but many favoured continuing dialogue on what they said was an important matter. One suggested that there should be wide-ranging debate at the current meeting, including consideration of high-global-warming-potential and low-global-warming-potential alternatives to HFCs and the development and application of guidelines on how such alternatives were selected.

53. The parties engaged in extended discussion of whether HFCs fell within the mandate of the Montreal Protocol given that they were covered by the Framework Convention on Climate Change and its Kyoto Protocol. Several representatives said that HFCs did not fall within the scope of the Montreal Protocol because action taken to reduce their emissions would not benefit the ozone layer; they urged that the Protocol should be limited to matters that lay clearly within its mandate. Others, however, argued that Article 2 of the Vienna Convention allowed the parties to coordinate their policies in managing the phase-out of HCFCs and the introduction of alternatives, including HFCs, and that action to reduce HFCs was clearly appropriate under the Protocol.

54. One representative, supported by others, said that under the climate change negotiations the parties to the Framework Convention on Climate Change were already considering HFCs within the new commitment period of the Kyoto Protocol and that any decision on HFCs under the Montreal Protocol should await the outcomes of that process. Other representatives said that input from the Montreal Protocol had the potential to support rather than hinder those discussions and that linkages between the Kyoto Protocol and the Montreal Protocol on HFCs and other matters should be further explored. One representative quoted previous initiatives dating back to 1998 to demonstrate that the parties to the Protocol had been discussing HFCs for some time, including in collaboration with the Framework Convention on Climate Change, and that the Protocol was the instrument best placed to

address the substance from a technical viewpoint. Another suggested that the proposed amendments could not proceed without a joint meeting of the parties to the relevant conventions, involving extended consultation with all parties.

55. Several representatives from States vulnerable to the effects of climate change stressed the need for urgent action on substances with high global-warming potential. A number of representatives said that the Montreal Protocol had a responsibility to avoid the adoption of such substances as alternatives to ozone-depleting substances. One representative expressed concern at the implications for the long-term stability of industry of introducing alternatives without proper evaluation of their feasibility and impacts.

56. Others, however, said that the priorities of the Montreal Protocol lay elsewhere. The task of phasing out HCFCs was already stretching the resources of many parties operating under paragraph 1 of Article 5, and banks of ozone-depleting substances also required urgent attention. Greater clarity was needed on such issues, including in respect of funding.

57. The issue of common but differentiated responsibilities, and the implications of that principle for resource allocation, figured prominently in the discussion. One representative said that both proposed amendments respected the principle, as they foresaw different timescales for phasing down HFCs for parties operating under paragraph 1 of Article 5 and those not so operating. Another representative said that the Montreal Protocol had been one of the first multilateral environmental agreements to implement the principle, in particular in creating the Multilateral Fund and adopting the worldwide implementation of ozone-depleting substance phase-out schedules. Another representative, however, said that the inclusion of HFCs in the Montreal Protocol would imply the imposition of binding obligations on all parties to the ozone regime despite the fact that under the climate change regime such obligations applied only to Annex I parties to the Framework Convention on Climate Change; consideration of HFCs under the Montreal Protocol would thus entail clear disrespect of the principle of common but differentiated responsibilities. A number of representatives stressed the importance of providing adequate funding and technology transfer in developing and implementing alternatives.

58. A number of representatives suggested that further study of the issues under discussion was needed, and suggested areas where the Technology and Economic Assessment Panel could further evaluate the implications of the proposed amendments.

59. Two representatives of non-governmental organizations spoke strongly in favour of the proposed amendments and supported immediate action to phase out HFCs under the aegis of the Montreal Protocol.

60. An informal group, co-chaired by Mr. Horisberger and Mr. Smith, was established by the co-chairs of the preparatory segment to discuss agenda items 5 (c), 8 and 9 of the agenda of the preparatory segment of the Twenty-Second Meeting of the Parties. The group organized its discussions by starting to consider the draft decision under item 5 (c) on an assessment of the HCFC guidelines approved by the Executive Committee. As the discussions could not be completed during the time available, the informal group agreed that the discussions on those issues should continue during the thirty-first meeting of the Open-ended Working Group.

61. The parties took note of the informal group’s discussions.

X. Issues related to exemptions from Article 2 of the Montreal Protocol

62. The parties began their consideration of the item with a presentation by representatives of the Technology and Economic Assessment Panel and its technical options committees.

63. The co-chairs of the Methyl Bromide Technical Options Committee, Mr. Mohamed Besri, Mr. Ian Porter, Ms. Michelle Marcotte and Ms. Marta Pizano, gave a presentation on the final assessment of critical-use nominations and issues related to quarantine and pre-shipment use of methyl bromide.

64. Mr. Besri presented an overview of the critical-use nominations for 2011 and 2012. He noted that since 2005 only five parties had continued to submit nominations; all five had continued to submit nominations for both pre-plant soil and post-harvest uses, but at different rates. In 2011 Israel was expected to phase out all uses and Japan all uses for soil.

65. In the 2010 round of nominations, the Methyl Bromide Technical Options Committee had considered nominations for 1,481 metric tonnes of methyl bromide, compared to 2,261 metric tonnes

nominated in 2009. With the exception of one party, the methyl bromide stocks held by all parties were small from 2005 to 2009. Stocks at the end of 2009 reported by the United States were more than three times the amount of methyl bromide for which the party submitted its nomination for 2012.

66. A workplan was presented showing tasks and timelines for critical-use nomination assessment for 2011.

67. Mr. Porter then presented an overview of the 27 nominations for pre-plant soil use of methyl bromide for 2011 and 2012 from five parties (Australia, Canada, Israel, Japan and the United States). At its first meeting, the Methyl Bromide Technical Options Committee had made interim recommendations on the 27 critical-use nominations for pre-plant soil use, nine for 2011 and 18 for 2012. Of the 27 nominations, only one had required reassessment. Following the final assessment the Committee recommended all nominations. The Committee had also recommended a supplementary nomination for 2011 from Australia for 5.95 metric tonnes for strawberry runners.

68. In its final assessment, the Committee had recommended a total of 230.447 additional tonnes for soil use in 2011 and had not recommended 7.750 tonnes; for 2012 the Committee had recommended 1,193.108 tonnes and had not recommended 78.541 tonnes.

69. He reported that Israel, Japan and the United States had made significant progress in the phase-out of methyl bromide for most uses in the current round.

70. Regulatory issues were hindering efforts to employ alternatives in the strawberry fruit industry in the United States. Applicable regulations were preventing the use of barrier films to reduce the dose rate of methyl bromide and were resulting in higher emission factors for 1,3-D/Pic for shank application treatment, which, with a factor of x1.8, was more effective than drip application (emission factor x1.1). The effect was to reduce the use of this alternative under township caps, which restricted the amount of 1,3D that could be used.

71. He also reported that a substantial amount of methyl bromide (approximately 2,800 metric tonnes) was employed for nursery uses in the United States; the party characterized that use as a quarantine and pre-shipment use, whereas similar uses in other countries had been considered under the critical-use process and some alternatives to methyl bromide had been adopted. At its September meeting, the Committee had further discussed that issue but no agreement was reached on the definitional issues regarding the exemption.

72. Ms. Marcotte discussed the critical-use nominations for structures and commodities. In 2010, the Methyl Bromide Technical Options Committee had received four such nominations pertaining to food-processing structures and four that included commodities (although one of the latter was incorporated in a nomination for a structure). The nominations received in 2010 included one for 2011, in which Canada had nominated 3.529 tonnes for pasta facilities, in response to which the Committee had recommended 2.084 tonnes. Australia, Japan and the United States had nominated 182.175 tonnes for 2012 and the Committee had recommended 101.105 tonnes.

73. In the 2010 round of nominations one party had nominated for 2011, making a total of 3.529 metric tonnes of methyl bromide. Seven nominations in that round for 2012 totalled 182.175 metric tonnes of methyl bromide. Parties had therefore nominated 185.704 metric tonnes of methyl bromide in that round. The Committee had recommended 2.084 tonnes for 2011 and 99.021 tonnes for 2012, bringing the total amount recommended to 101.105 tonnes for the 2010 round. The Committee had not recommended 84.599 tonnes in the 2010 round.

74. She explained some key changes that had taken place since the thirtieth meeting of the Open-ended Working Group. Australia had provided a new phase-out plan for the use of methyl bromide to disinfest Australian rice. The phase-out plan provided for a 25 per cent decrease in the nomination for 2012 over the party's earlier nomination for that year, plus significant reductions in 2013 and 2014. The party had said that it would ensure that those decreases occurred even in times of low harvest. The party had indicated further that it would not nominate for rice in 2015.

75. The United States had requested the Committee to re-review its commodities nomination, which included dried fruit, walnuts and dates, and had provided additional technical information. Upon consideration of the efficacy of an alternative for pest control in in-shell walnuts, the Committee had been able to increase its final recommendation for the United States to 2.419 tonnes. The United States had also requested that the Committee should re-review the part of the National Pest Management Association nomination that pertained to cheese infested while in storage in manufacturing facilities. The Committee had been able to recommend 0.200 tonnes in 2012 for that use.

76. She pointed to a most noteworthy development concerning a regulatory clarification that would considerably reduce the amount of methyl bromide used to fumigate food-processing structures. The Committee, she said, could congratulate the United States and its applicant, the National Pest Management Association, on their recent negotiations, which had resulted in a new regulatory interpretation by the United States Environmental Protection Agency. The Agency had clarified its regulatory interpretation regarding incidental fumigation of foods located in structures being fumigated with sulfuryl fluoride. That change showed the impact that regulatory improvements – even in the form of interpretations – could have on the adoption of alternatives. As a result of the regulatory interpretation, the National Pest Management Association had announced that it would not request the United States to submit a critical-use nomination for it in the following year. The previous year, the parties had granted the United States an exemption for over 17 metric tonnes of methyl bromide for the Association.

77. Ms. Pizano began by referring to questions raised by Australia during the thirtieth meeting of the Open-ended Working Group in respect of the reports prepared by the Technology and Economic Assessment Panel in 2009 and 2010 in response to decisions XX/6 and XXI/10. Australia had sought clarification of the scope of the work of the Methyl Bromide Technical Options Committee's quarantine and pre-shipment subcommittee, its working procedures and the information presented on consumption of methyl bromide used for quarantine and pre-shipment purposes. Australia's questions and the Panel's responses had been posted on the website of the Ozone Secretariat as an addendum to the Panel's progress report of May 2010.

78. With regard to the scope of the work conducted, Ms. Pizano said that the Committee had not evaluated methyl bromide emissions because such work had not been requested in decisions XX/6 and XXI/10. She explained that, while the Panel had focused on three key methodologies, it was aware that other methodologies existed, including that suggested by Australia. The Committee had not addressed the risks of emissions to the ozone layer from quarantine and pre-shipment uses of methyl bromide in its report as again that had not been requested by the decisions. The issue had, however, been addressed during the workshop on quarantine and pre-shipment uses held in Port Ghalib, Egypt, in November 2009 in the margins of the Twenty-First Meeting of the Parties. In response to a question regarding trade issues associated with quarantine and pre-shipment uses, she explained that such issues had been considered to the extent possible in the report, and that further work could be undertaken in that area.

79. Regarding the Committee's working procedures, she said that the Committee used data reported and submitted by the parties and data from previous reports, where those were relevant. It considered existing definitions where they were available, and developed working definitions as appropriate for its work. In response to a question on how quantities were determined, she explained that when multiple sources of consumption data were provided, the Committee took steps to avoid double counting. A methodology for assessing any impact of a restriction on quarantine and pre-shipment uses had been proposed and was considered a work in progress; further guidance from parties in that respect would be appreciated.

80. Regarding how the analysis on methyl bromide consumption for quarantine and pre-shipment uses had been conducted, Ms. Pizano said that the Committee had not extrapolated future consumption and use of methyl bromide for those uses and had not been able to provide a range estimate for emissions from fumigated logs since the data available to it at the time had been insufficient. She recalled that the Committee and the Quarantine and Pre-Shipment Task Force had highlighted a discrepancy of some 2,000 metric tonnes between the amounts of methyl bromide reported by parties for "use" and "consumption" in their reports, adding that no distinction had been made between the amounts of methyl bromide used in "good" and "bad" fumigations. The Committee had analysed official data reported or submitted by parties for the purposes of the required analyses.

81. In her concluding remarks, Ms. Pizano said that since 1992 the Committee and the Task Force had reported on more available alternatives to quarantine and pre-shipment uses of methyl bromide. For the four main categories of use, the Panel in its 2010 progress report had stated that 31–47 per cent of global consumption of methyl bromide for quarantine and pre-shipment uses could be immediately replaced with alternatives. It would be complex to determine the impact of bans by exporting countries on the use of methyl bromide for quarantine and pre-shipment uses in importing countries. She ended her presentation by recalling that the Panel had described future work that could help further to quantify how much of the methyl bromide being used for the currently reported quarantine and pre-shipment uses could be replaced.

82. Following the presentation by the representatives of the Technology and Economic Assessment Panel, a number of questions were posed. Responding to those questions, Ms. Pizano

clarified that the Panel's most recent report considered various alternatives to quarantine and pre-shipment uses of methyl bromide. It was not, however, possible to fund trial projects using such alternatives for parties operating under paragraph 1 of Article 5 as they were not eligible for funding under the Multilateral Fund, the uses being exempt from the Protocol.

83. In response to another question, Ms. Marcotte noted the effectiveness of methyl bromide in fumigating high-moisture dates. Little information was available, however, as to the effectiveness of methyl iodide in that regard. She noted that research in Japan had shown promising results in respect of a specific pest affecting fresh chestnuts, but there was scant information on the effects of methyl iodide on other post-harvest commodities. She said that a company marketing methyl iodide was present at the current meeting and suggested that the matter could be discussed bilaterally. She also called upon other parties to circulate any relevant information that they might have.

84. Following the Panel's presentation and the questions and answers, the Executive Secretary drew attention to an emergency use of methyl bromide by the Government of Canada, which had authorized the use of 3.5 metric tonnes to treat strawberry runners on Prince Edward Island, although only 1.564 metric tonnes of that amount had actually been used. The Secretariat had requested the Technology and Economic Assessment Panel to evaluate the use according to the relevant criteria and the Government of Canada to report on the use through the accounting framework that it would submit in 2011.

85. Mr. Porter said that the Panel and the Methyl Bromide Technical Options Committee had assessed the emergency use, finding it responsible and legitimate vis-à-vis the criteria for critical-use exemptions as the same use had been approved for critical-use exemptions in past years. He noted that pursuant to decision IX/7 the parties might wish to review the emergency use and provide further guidance to the Panel on action to be taken in respect of future emergencies.

A. Nominations for critical-use exemptions for 2011 and 2012

86. The Co-Chair recalled that the Technology and Economic Assessment Panel had reported on its initial evaluations of nominations for 2011 and 2012 critical-use exemptions at the thirtieth meeting of the Open-ended Working Group. Since then the Panel had further evaluated some nominations in the light of additional information provided by nominating parties and had prepared its final recommendations in respect of the nominations.

87. The representative of Canada introduced a conference room paper containing a draft decision on critical-use exemptions based on the Panel's final recommendations.

88. One representative said that parties had made significant efforts to reduce quantities of methyl bromide used and outlined the progress made in his country. The complete elimination of methyl bromide in certain areas would, however, be a difficult task, given the existence of factors that impeded the use of alternatives, and his Government would stand firmly by its nomination for 2012. He also said that calculations used by the Technology and Economic Assessment Panel in arriving at its recommendations should be more transparent and that the Panel's recommendations should be based on a robust consensus among all its members. He expressed particular concern at the new economic feasibility threshold employed by the Panel to determine when the adoption of alternatives should be considered, saying that it was arbitrary and insufficiently responsive to the legitimate concerns of parties.

89. Another representative expressed concern at the number of nominations for critical-use exemptions being submitted, especially by parties that had considerable stockpiles of methyl bromide, and he requested clarification on how the level of stockpiles was taken into account in assessing exemptions. Another representative said that the work of the Methyl Bromide Technical Options Committee had been proactive and transparent and that its recommendations were reasonable, although he agreed that the issue of stockpiles required further attention. The representative of the Technology and Economic Assessment Panel said that in previous years the matter of stockpiles had been considered by the parties rather than by the Panel.

90. The Co-Chair suggested that interested parties should engage in informal discussions on the nominations for critical-use exemptions.

91. Following those consultations the representative of Canada introduced a conference room paper containing a revised version of the draft decision, saying that it took into account concerns expressed by a number of parties regarding stockpiles of methyl bromide.

92. One representative said that his country supported the draft decision but believed that such stockpiles should be reviewed and taken into account by the Methyl Bromide Technical Options Committee, particularly in connection with its evaluation of critical-use exemption requests. As methyl bromide stockpiles could jeopardize effective compliance with the Montreal Protocol, his country would continue to follow the issue closely. Another representative expressed support for those comments, stressing in particular the suggestion that the Methyl Bromide Technical Options Committee should take methyl bromide stocks into account in its assessment of critical-use nominations. Both representatives asked that their comments be reflected in the present report.

93. Following those comments the parties approved the revised draft decision for further consideration during the high-level segment.

B. Quarantine and pre-shipment uses of methyl bromide

94. The Co-Chair introduced draft decision XXII/[N], on quarantine and pre-shipment uses of methyl bromide (UNEP/OzL.Pro.22/3). He recalled that a draft proposal submitted by the European Union had been discussed by a contact group at the thirtieth meeting of the Open-ended Working Group and that the proposal had been forwarded for discussion at the current meeting.

95. Ms. Robyn Washbourne (New Zealand), co-chair of the contact group that had discussed the matter at the thirtieth meeting of the Open-ended Working Group, reported on that group's deliberations.

96. The representative of the European Union introduced a conference room paper supplementing and amending the draft decision on methyl bromide for quarantine and pre-shipment uses. The draft decision did not seek a full phase-out of methyl bromide for those purposes but requested the Technology and Economic Assessment Panel to undertake a study of the technical and economic feasibility of alternatives and the effect of a number of methyl bromide reduction and phase-out scenarios.

97. The parties agreed to establish a contact group, to be co-chaired by Ms. Washbourne and Ms. Tri Widayati (Indonesia), to discuss the matter and to consider the draft decision further.

98. Subsequently, the co-chair of the contact group reported that the group had not had sufficient time to consider proposed revisions to the draft decision properly and was accordingly unable to reach consensus on a way forward in respect of the issue.

99. The parties took note of the contact group co-chair's report.

C. Nominations for essential-use exemptions for 2011

100. The Co-Chair recalled that the Technology and Economic Assessment Panel had reported on its recommendations in respect of nominations for 2011 and 2012 essential-use exemptions at the thirtieth meeting of the Open-ended Working Group; he explained that the Panel had since then reassessed the nomination of Bangladesh based on additional information provided by that party.

101. The representatives of India and the Islamic Republic of Iran reported that their countries had completed the phase-out of CFC-based metered-dose inhalers and were therefore withdrawing their essential-use nominations for 2011. The Co-Chair congratulated both countries on their outstanding achievements.

102. Ms. Helen Tope, Co-Chair of the Medical Technical Options Committee, presented information on the Committee's review of Bangladesh's revised essential-use nomination for 2011. Before doing so, she commended the significant achievements of India and the Islamic Republic of Iran in successfully phasing out CFC metered-dose inhalers.

103. She went on to recall the background to the review of Bangladesh's essential-use nomination for 2011, which Bangladesh had requested the Committee to undertake during bilateral discussions with the Co-Chairs of the Committee at the thirtieth meeting of the Open-ended Working Group. Following internal consultations with stakeholders, Bangladesh had submitted additional information and a revised nomination in September and October 2010, reducing its nomination from 113.73 metric tonnes of CFCs, for use in metered-dose inhalers, to 85 metric tonnes. From the information available, the Committee had concluded that by the end of 2010 production capacity for salbutamol and beclomethasone HFC metered-dose inhalers would be more than adequate for patients in Bangladesh. The party had submitted that physicians and patients would need more time to become accustomed to HFC inhalers, but the Committee considered that there would be little benefit in such a delay. Taking into account the revised quantities nominated, the Medical Technical Options Committee recommended an essential-use exemption for 37 tonnes of CFCs for metered-dose inhalers using

ciclesonide, fluticasone/salmeterol, ipratropium, ipratropium/salbutamol, salmeterol and tiotropium only. The Committee was unable to recommend an exemption for metered-dose inhalers using beclomethasone, levosalbutamol and salbutamol, given the availability of alternatives.

104. The representative of Bangladesh requested reconsideration of the matter, stating that the essential-use nomination of 85 metric tonnes was required for adequate treatment of those patients with asthma and chronic obstructive pulmonary disease.

105. The Co-Chair requested interested parties to prepare a draft decision on the matter, based on the information presented.

106. The representative of the Secretariat then reported on a request from the Dominican Republic for an emergency essential-use exemption for 0.332 metric tonnes of CFC-113 for use in the manufacture of medical devices. In accordance with decision VIII/9 the Secretariat had evaluated the request in consultation with the Technology and Economic Assessment Panel and had authorized an exemption for that amount. Subsequently the party had requested an exemption for an additional 2.78 metric tonnes to cover the period 2010–2011, explaining that there had been an error in its original request. In consultation with the Technology and Economic Assessment Panel the Secretariat had authorized the use of an additional 1.5 metric tonnes, bringing the total emergency-use exemption to 1.832 metric tonnes. The Secretariat had also urged the party to make every effort to adopt an alternative during the period of emergency-use exemption and had requested it to submit a framework report in accordance with the normal procedures for essential-use exemptions.

107. The representative of the Russian Federation introduced a conference room paper containing a draft decision on an essential-use exemption forCFC-113 for aerospace applications in the Russian Federation. He said that the requested exemption was identical to that discussed at the thirtieth meeting of the Open-ended Working Group.

108. The parties approved the draft decision for further consideration during the high-level segment.

109. The representative of China introduced a conference room paper containing a draft decision on essential-use nominations for controlled substances for 2011, which the parties approved for further consideration during the high-level segment.

D. Laboratory and analytical uses of ozone-depleting substances (decision XXI/6)

110. The Co-Chair recalled that at the thirtieth meeting of the Open-ended Working Group the Technology and Economic Assessment Panel had reported on its evaluation of laboratory and analytical uses of ozone-depleting substances and had recommended that 15 procedures should be eliminated from the global exemption for such uses and three procedures retained. In the Working Group's discussion of the issue it had been noted that some parties had had difficulty in phasing out many uses, that it would be necessary to bear in mind the needs of parties operating under paragraph 1 of Article 5 and that as yet unidentified uses might exist. He noted that the Panel had not prepared any new report on the matter since then but had called upon parties operating under paragraph 1 of Article 5 to provide information on any of their laboratory and analytical uses that had already been eliminated from the list of uses eligible for the exemption.

111. One representative suggested that developing countries would need time to phase in alternative technologies and substances for laboratory and analytical use, including for the purpose of training personnel. The Co-Chair assured the representative that the Technology and Economic Assessment Panel would take such issues into account, especially as they pertained to parties operating under paragraph 1 of Article 5, in the preparation of its report on the matter in 2011. He suggested that any further discussion on the present item could continue informally.

112. The representative of China introduced a conference room paper containing a draft decision on a global laboratory and analytical use exemption.

113. Following informal consultations the representative of China introduced a conference room paper containing a revised version of the draft decision, which the parties approved for further consideration during the high-level segment.

E. Issues relating to the use of ozone-depleting substances as process agents (decision XXI/3)

114. The Co-Chair recalled that at the thirtieth meeting of the Open-ended Working Group the Technology and Economic Assessment Panel had reported on the status of process-agent uses and had

recommended eliminating from tables A and B of decision X/14 a number of such uses that had ceased in the European Union and from table B a number of countries in which process agents were no longer used.

115. The representative of Canada then introduced a conference room paper containing a draft decision that had been prepared by Australia, Canada and the United States following the Open-ended Working Group's meeting, which aimed to implement the Panel's recommendations. As recommended by the Panel the draft decision would effect a number of changes to tables A and B of decision X/14, would request that parties report specific applications for which they used ozone-depleting substances as process agents and would clarify a number of issues for the Technology and Economic Assessment Panel and the Executive Committee of the Multilateral Fund.

116. The parties approved the draft decision for further consideration during the high-level segment.

XI. Special situation of Haiti

117. The Co-Chair introduced draft decision XXII/[O], on the special situation of Haiti (UNEP/OzL.Pro.22/3). He recalled that it had been discussed at the thirtieth meeting of the Open-ended Working Group and forwarded for further discussion at the current meeting. The decision called upon parties to assist Haiti in implementing the Montreal Protocol following the earthquake that had afflicted the country in January 2010 and continued to have significant adverse effects on its social and economic situation.

118. One representative said that he would like to discuss certain minor issues with the proponents of the decision. It was accordingly agreed that interested parties would hold informal consultations.

119. Following those consultations the representative of Saint Lucia introduced a conference room paper containing a revised version of the draft decision, which the parties approved for further consideration during the high-level segment.

XII. Compliance and data reporting issues

A. Treatment of stockpiled ozone-depleting substances relative to compliance

120. The Co-Chair introduced draft decision XXII/[P], on the treatment of stockpiled ozone-depleting substances relative to compliance (UNEP/OzL.Pro.22/3). He recalled that the draft decision had been discussed at the thirtieth meeting of the Open-ended Working Group and forwarded for further discussion at the current meeting. It was agreed that interested parties would hold informal consultations on the draft decision.

121. Following those consultations the representative of the European Union introduced a conference room paper containing a revised version of the draft decision, which the parties approved for further consideration during the high-level segment.

B. Presentation on and consideration of the work and recommended decisions of the Implementation Committee

122. In the absence of Mr. Ezzat Lewis (Egypt), President of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol, Ms. Elisabeth Munzert (Germany), Vice-President and Rapporteur of the Committee, reported on the work of the Committee's forty-fifth meeting, which took place on 4 and 5 November 2010. The full report of the meeting was available in English only on the Ozone Secretariat's portal for paperless meetings.

123. The Committee, she said, was very pleased with the excellent progress by parties in meeting their data reporting and phase-out obligations under the Protocol. The draft decisions that the Committee had approved for consideration by the Meeting of the Parties were contained in a conference room paper and reflected the Committee's work at its forty-fifth meeting. That work had been immensely assisted by the representatives of the Multilateral Fund and its implementing agencies, including the Chair of the Fund's Executive Committee, and the Ozone Secretariat.

124. She then outlined the seven draft decisions approved by the Committee for consideration by the Meeting of the Parties. The first, on data reporting, listed five parties that had yet to report ozone-depleting substance consumption and production data for 2009 in accordance with Article 7 of the Protocol. Those five parties were Bolivia (Plurinational State of), Libyan Arab Jamahiriya, Luxembourg, Nauru and Qatar. She noted that as only five parties had not yet reported their data the rate of reporting was very high, with 191 of 196 parties having submitted their 2009 data. She also

noted that 68 parties had reported data for 2009 by 30 June 2010 in accordance with decision XV/15, observing that such early submission of data was exceptionally helpful to the Committee's work. It was extremely encouraging that over the period 1991–2008 all parties had complied with their data-reporting obligations under the Protocol.

125. Turning to the reported data she observed that many parties operating under paragraph 1 of Article 5 had already succeeded in phasing out the consumption of many ozone-depleting substances in advance of the 1 January 2010 deadline, meaning that there was a high degree of confidence that the 2010 phase-out targets would be successfully attained.

126. Most of the draft decisions, she noted, pertained to the compliance status of particular parties. The draft decisions on Saudi Arabia and Vanuatu recorded those parties' non-compliance with their phase-out obligations for CFCs. In both cases the Committee had considered the circumstances that had led to the state of non-compliance and examined the action plans that the parties had submitted to the Committee to demonstrate how they intended to return to compliance. The Committee looked forward to both parties' prompt return to compliance, and would monitor their progress carefully during future meetings.

127. The draft decisions on the Republic of Korea and Singapore recorded that each had fallen into a state of non-compliance because they had engaged in trade of HCFCs and methyl bromide, respectively, with non-parties to amendments to the Protocol. The Committee had carefully reviewed both parties' circumstances, and in particular any measures taken by them to control exports of ozone-depleting substances, and would continue to monitor their progress. In the case of the recommended decision on the Republic of Korea, she noted that the Committee had inserted text to allow the party to continue to trade in HCFCs with parties operating under paragraph 1 of Article 5 of the Protocol.

128. One draft decision concerned exports of HCFCs to Kazakhstan, the only State classified as a party not operating under paragraph 1 of Article 5 that was also a State not party to the Copenhagen, Montreal and Beijing Amendments. Kazakhstan had not ratified the Copenhagen and Beijing Amendments, and it was therefore considered a non-party to the Protocol under the provisions of the Montreal Protocol governing trade in HCFCs. The Committee, mindful that Kazakhstan would not be in a position to trade in ozone-depleting substances, particularly HCFCs, with parties to the Protocol, and also to alert parties to their legal obligations, had decided to recommend that the parties should adopt a draft decision urging Kazakhstan to ratify, approve or accede to all amendments to the Protocol, to enable the party both to engage in trade with parties to the Protocol and to phase out the ozone-depleting substances listed in those amendments.

129. Another draft decision was a standard one by which the Committee reported on the number of parties that had established systems for licensing the import and export of ozone-depleting substances, as required of all parties to the Montreal Amendment. The Committee was pleased to learn that just five parties to the Amendment had yet to implement licensing systems, including two that had only just ratified it. A further 12 parties who had not ratified the Amendment had nevertheless established licensing systems, leaving just eight parties to the Protocol without such systems.

130. The draft decisions, she said, illustrated the different stages of the Protocol's non-compliance procedure. It was worth remembering that the ozone community had built a flexible, sophisticated and successfully functioning compliance system that was internationally regarded with respect and as a model to be emulated under other agreements. It was important never to be complacent, however, particularly just a few months away from beginning to receive parties' ozone-depleting substance data for 2010 and checking those data to confirm whether parties had managed to achieve the Protocol's milestone for phasing-out most categories of ozone-depleting substances by 1 January 2010.

131. She highlighted an exchange of views between members of the Committee on future cases of potential non-compliance with the Protocol. Committee members had expressed concern that some countries might be unable to get their phase-out plans approved by the applicable deadlines and might as a result fall into non-compliance with the provisions of the Protocol. They had also said that there was a need to ensure the availability of alternatives, to strengthen trade regulations, to assess how efficiently licensing systems were being implemented and to assess feedstock uses of carbon tetrachloride. The Committee had agreed that the President would bring those views to the attention of the Meeting of the Parties.

132. In conclusion, she thanked her fellow Committee members, on the President's behalf, for their hard work, support and dedication in helping him to carry out his duties.

133. In the ensuing discussion the representative of the Libyan Arab Jamahiriya voiced concern that his country was listed as having not reported data when it had in fact done so. He explained that he had

the data on his person and would submit it to the Secretariat officials present at the current meeting to avoid it being lost a second time. He also called for his country to be permitted further time to use methyl bromide, given the paucity of alternatives available.

134. The representative of Brazil drew attention to what he said were errors in the documentation before the parties regarding imports to his country of carbon tetrachloride and methyl bromide. He explained that the carbon tetrachloride had been intended for feedstock use and the methyl bromide for quarantine and pre-shipment use. Noting that neither of those uses was regulated under the Montreal Protocol, he said that his country's data for 2009 should be revised accordingly.

135. Following Ms. Munzert's presentation and the ensuing discussion the parties approved the draft decisions submitted by the Committee for further consideration during the high-level segment.

XIII. Other matters

A. Halons in airframes

136. The representative of the United States introduced a conference room paper containing a draft decision prepared by his country recognizing the work by the International Civil Aviation Organization in evaluating the way forward in moving away from the use of halons in civil aviation. The parties approved the draft decision, as orally amended, for further consideration during the high-level segment.

B. Information documents submitted by the United States of America

137. The Co-Chair drew attention to documents UNEP/OzL.Pro.22/INF/7–10, which had been submitted by the United States, noting that they would be referred to during informal discussions and would not come before the parties in plenary session.

C. Import of hydrochlorofluorocarbons by Kazakhstan pending its ratification of the amendments to the Montreal Protocol

138. The representative of Kazakhstan outlined his country's status in respect of ratifications of the Protocol and its amendments, saying that it was doing its best to reduce its use of ozone-depleting substances and to ratify all amendments. It was hoped that the Montreal and Copenhagen Amendments would be ratified by the end of 2010, with the Beijing Amendment to follow swiftly thereafter. He expressed the hope that, given his country's efforts to comply with the Protocol, the parties would support its request to be permitted to continue to import HCFCs.

139. The representative of Kazakhstan introduced a conference room paper containing a draft decision on an application by his country to trade in HCFCs with parties to the Beijing Amendment to the Montreal Protocol in 2011. A number of representatives said that they were unable to support the decision in its current form. The parties accordingly agreed that an informal group would meet to discuss the draft decision further in an effort to reach consensus.

140. Following those consultations it was agreed that the draft decision submitted by Kazakhstan would not be approved for further consideration during the high-level segment.

Part Two: High-level segment

I. Opening of the high-level segment

141. The high-level segment of the Twenty-Second Meeting of the Parties began at 10.15 a.m. on Thursday, 11 November, with an opening ceremony facilitated by Mr. Paul Horwitz, Deputy Executive Secretary of the Ozone Secretariat, who served as master of ceremonies.

142. Opening statements were delivered by Mr. Michael Church, President of the Twenty-First Meeting of the Parties to the Montreal Protocol; the Executive Secretary; and Mr. Trairong Suwankiri, Deputy Prime Minister of Thailand.

143. In his statement, the President welcomed the representatives to Thailand, expressing thanks to that country's Government for agreeing to host the meeting at short notice and to UNEP for facilitating the administrative and logistical arrangements. The many successes of the Montreal Protocol could be attributed to the parties and other experts involved. In that regard, he expressed thanks to the Protocol's assessment panels and national ozone officers and to the Ozone Secretariat, singling out the Executive Secretary for especial praise. During Mr. González's tenure, the Protocol's

achievements had grown in depth and consistency. Accordingly, the Bureau had endorsed and recommended to the parties a proposal to upgrade the post of Executive Secretary to the level of Assistant-Secretary-General of the United Nations, a level commensurate with the Protocol's standing as the most successful negotiated multilateral environmental agreement.

144. He recalled that the decisions adopted by the Twenty-First Meeting of the Parties had been implemented and follow-up actions pursued; decisions on compliance had been particularly emphasized, as a small number of parties had fallen short of their obligations under the Protocol. He welcomed the constructive approach taken by the Implementation Committee in such cases and called for it to continue. He congratulated those parties that had completed ratification of all amendments to the Protocol and urged those that had not to do so promptly. He welcomed the vitality of the Protocol's financial mechanism, saying that the terms of reference for the replenishment of the Fund should include all possible elements that would enable parties operating under paragraph 1 of Article 5 to implement and comply with their obligations under the Protocol for the period 2012–2014. In conclusion, he said that it had been an honour to serve as the President of the Twenty-First Meeting of the Parties and thanked all those who had assisted him during his term of office.

145. The Executive Secretary, in his statement, noted that 17 years earlier Thailand had hosted the Fifth Meeting of the Parties, and he thanked the Government for facilitating the hosting of the present meeting. Looking back over those 17 years, he pointed out that many undertakings that had been merely ideas on paper had borne fruit and become reality, which was a testament to the vision, commitment and dedication of the parties to the Montreal Protocol. In that period, the Protocol had achieved universal ratification, with the highest number of parties of any international treaty, a feat unparalleled in the United Nations system. It demonstrated that global efforts could succeed given sufficient political will and effective governance structures.

146. He noted that the current meeting was taking place after the final phase-out date for most ozone-depleting substances – 1 January 2010 – and acknowledged the hard work by parties, particularly those operating under paragraph 1 of Article 5, to make that historic milestone a reality. In recent years, the parties had increasingly emphasized the additional environmental benefits arising out of their actions to protect the ozone layer, leading the international community to view the Protocol as a treaty that both protected the ozone layer and made a significant contribution to protecting the global climate system.

147. In closing, he paid tribute to departed and departing members of the ozone community. He invited the parties to observe a minute of silence in memory of Mr. Madhava Sarma, Mr. Yuichi Fujimoto and Mr. Aharon Serry. Mr. Sarma had served as Executive Secretary of the Ozone Secretariat from 1991 to 2000 and as a senior expert member of the Technology and Economic Assessment Panel; Mr. Fujimoto had been a senior expert member of the Technology and Economic Assessment Panel and a member of the Solvents Technical Options Committee; and Mr. Serry had been the ozone layer protection focal point for Israel. He then offered praise for Mr. Jan van der Leun and Mr. José Pons Pons, who were stepping down as Co-Chair of the Environmental Effects Assessment Panel and Co-Chair of the Technology and Economic Assessment Panel, respectively, for their long and outstanding service to the Montreal Protocol.

148. Following the Executive Secretary's statement Ms. Jessica Eriyo, Minister of Environment of Uganda, presented, on behalf of the African group, a certificate of appreciation to Mr. Rajendra Shende, head of the OzonAction Branch of the UNEP Division of Technology, Industry and Economics, who would be retiring in the near future after serving in that capacity since 1992.

149. In his statement, Mr. Suwankiri welcomed the representatives to Bangkok and to Thailand. He praised the work of the Protocol over the 17 years since Thailand had hosted the Fifth Meeting of the Parties, lauding the successful efforts to phase out the use of CFCs by 2010 and to achieve universal ratification, and drew attention to a number of national-level efforts to phase out ozone-depleting substances. He said that the task of phasing out HCFCs was arduous because alternatives and financing were both limited; he expressed confidence, however, that those limitations could be overcome if parties worked together in a spirit of cooperation, with support provided by partners, industry bodies and others.

150. In conclusion, he looked ahead to the deliberations on a number of items on the parties' agenda, including the terms of reference for a study on the replenishment of the Multilateral Fund and possible amendments to the Montreal Protocol. He called upon parties to strike a balance in their deliberations between economic development and environmental protection, suggesting that it behoved them to protect the environment and habitat, which was a legacy inherited from ancestors and bequeathed to future generations. He declared the high-level segment officially open at 10.55 a.m.

151. Following those opening statements, the Executive Secretary and Mr. Suwankiri presented Mr. van der Leun with a certificate of recognition.

152. The parties then enjoyed a cultural event, consisting of the screening of a message from Pakistani schoolchildren on ozone layer preservation and a performance by Thai dancers.

II. Organizational matters

A. Election of officers for the Twenty-Second Meeting of the Parties

153. At the opening session of the high-level segment, in accordance with paragraph 1 of rule 21 of the rules of procedure, the following officers were elected, by acclamation, to the Bureau of the Twenty-Second Meeting of the Parties to the Montreal Protocol:

President:	Mr. Steven Reeves (United Kingdom of Great Britain and Northern Ireland)	Western European and others group
Vice-Presidents:	Mr. Hassen Hannachi (Tunisia)	African group
	Mr. Abid Ali (Pakistan)	Asian and Pacific group
	Ms. Sonja Ruzin (Serbia)	Eastern European group
Rapporteur:	Mr. Michael Church (Grenada)	Latin American and Caribbean group

B. Adoption of the agenda of the Twenty-Second Meeting of the Parties

154. The following agenda for the high-level segment was adopted on the basis of the provisional agenda contained in document UNEP/OzL.Pro.22/1:

1. Opening of the high-level segment:
   - (a) Statements by representative(s) of the Government of Thailand;
   - (b) Statements by representative(s) of the United Nations;
   - (c) Statement by the President of the Twenty-First Meeting of the Parties.
2. Organizational matters:
   - (a) Election of officers for the Twenty-Second Meeting of the Parties;
   - (b) Adoption of the agenda of the Twenty-Second Meeting of the Parties;
   - (c) Organization of work;
   - (d) Credentials of representatives.
3. Status of ratification of the Vienna Convention, the Montreal Protocol and the amendments to the Montreal Protocol.
4. Presentation by the assessment panels on their quadrennial assessment.
5. Presentation by the Chair of the Executive Committee of the Multilateral Fund on the work of the Executive Committee, the Multilateral Fund Secretariat and the Fund's implementing agencies.
6. Statements by heads of delegations.
7. Report by the co-chairs of the preparatory segment and consideration of the decisions recommended for adoption by the Twenty-Second Meeting of the Parties.
8. Dates and venue for the Twenty-Third Meeting of the Parties.
9. Other matters.
10. Adoption of decisions by the Twenty-Second Meeting of the Parties.
11. Adoption of the report of the Twenty-Second Meeting of the Parties.
12. Closure of the meeting.

C. Organization of work

155. The parties agreed to follow their customary procedures.

D. Credentials of representatives

156. The Bureau of the Twenty-Second Meeting of the Parties to the Montreal Protocol approved the credentials of the representatives of 87 of the 140 parties represented. The Bureau provisionally approved the participation of other parties on the understanding that they would forward their credentials to the Secretariat as soon as possible. The Bureau urged all parties attending future meetings of the parties to make their best efforts to submit credentials to the Secretariat as required under rule 18 of the rules of procedure. The Bureau also recalled that under the rules of procedure credentials had to be issued either by a Head of State or Government or by a minister for foreign affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. The Bureau further recalled that representatives of parties not presenting credentials in the correct form could be precluded from full participation in the meetings of the parties, including the right to vote.

III. Status of ratification of the Vienna Convention, the Montreal Protocol and the amendments to the Montreal Protocol

157. The President drew attention to the draft decision on the status of ratification of the Vienna Convention, the Montreal Protocol and the amendments to the Montreal Protocol contained in document UNEP/OzL.Pro.22/3, which was a standard decision of the kind that had been taken in the past to record the status of ratifications and to encourage further ratifications.

IV. Presentation by the assessment panels on their quadrennial assessment

158. Mr. Lambert Kuijpers, Co-Chair of the Technology and Economic Assessment Panel, gave a presentation on the overview assessment of the Panel. He mentioned that the 2010 assessment report would be based on the technical options committees' 2010 assessment reports, to be finalized by the end of 2010, and a selection of relevant topics from the Panel's assessment reports published in 2009 and 2010. The Panel's 2010 assessment report therefore could not be finalized before the beginning of 2011, and he could therefore present only a preliminary report of the main issues dealt with in the reports. He then continued, presenting separate lists of issues that would be dealt with in the six technical options committee 2010 assessment reports. He concluded by presenting one of the issues that were be dealt with separately in the Panel's 2010 assessment report, the classification of global-warming potentials on a scale.

159. Mr. A. R. Ravishankara, Co-Chair of the Scientific Assessment Panel, reported on the progress and executive summary of the Panel's 2010 scientific assessment of ozone depletion. He discussed the terms of reference for the assessment process and the structure and development process of the assessment report, which was the culmination of nearly two years of work and had featured the participation of over 300 scientists from 34 countries. The full assessment report would be delivered to the parties in early 2011.

160. The abundances of ozone-depleting substances in the atmosphere were responding as expected to the control measures of the Montreal Protocol. Total chlorine from ozone-depleting substances continued to decline in both the lower atmosphere and the stratosphere. CFCs (not methyl chloroform) were currently the main contributors to the chlorine decline. Carbon tetrachloride (in the troposphere) was declining more slowly than expected, but the exact cause was uncertain (the decline was not a result of a lifetime error). Total bromine from ozone-depleting substances was also declining in the lower atmosphere and no longer increasing in the stratosphere. For the first time, the global atmospheric abundance of bromine from halons had stopped increasing, and halon-1211 had actually declined. Abundances of most HFCs and HCFCs, however, were growing in the atmosphere, and some HCFCs (e.g., HCFC-22, HCFC-142b) had increased faster than expected during the past four years.

161. The ozone layer and climate change were intricately coupled, and climate change would become increasingly important to the future ozone layer. Increasing abundances of radiatively important gases, especially carbon dioxide and methane, were expected significantly to affect future stratospheric ozone through effects on temperature, winds and chemistry. While for the coming few decades the decline in ozone-depleting substances would dominate the recovery of the ozone layer, climate change and other factors were expected to become increasingly important to the ozone layer over time. Ozone levels globally and at middle latitudes might even become larger than those observed before 1980.

162. The Antarctic ozone hole continued to be observed during the austral spring. The ozone hole was projected to recover later in the century than any other region of the globe. The Antarctic ozone hole was much less influenced by climate change than other areas of the globe, and ozone-depleting substances would be the primary determinants of when the ozone hole would heal. The control of ozone-depleting substances by the Montreal Protocol had protected the globally averaged ozone layer from much higher levels of depletion. Globally, the ozone layer was projected to recover to its 1980 level before the middle of the twenty-first century.

163. The ozone layer and surface ultraviolet radiation (UV) were responding as expected to the ozone-depleting substance reductions achieved under the Protocol. Global surface UV levels had not increased significantly because ozone losses had been limited by the Protocol. In the absence of the Protocol surface UV levels would have been large. Factors other than stratospheric ozone would determine surface UV levels in the future.

164. The control of ozone-depleting substances by the Montreal Protocol had had co-benefits for climate. The decrease in ozone-depleting substances achieved under the Protocol was equivalent to a reduction of carbon dioxide that was five times larger than the target for the first commitment period of the Kyoto Protocol. Projections of HFC growth scenarios that assumed no controls suggested that by 2050 global-warming-potential-weighted emissions of HFCs could be comparable to those of CFCs at their peak in 1988.

165. In addition to a discussion of the relationship of ozone-depleting substances to ozone, and of ozone to surface UV radiation and climate, the Panel provided additional information on a few topics. The accelerated HCFC phase-out agreed to in 2007 was projected to reduce ozone depletion and to help reduce climate forcing. New fluorocarbons, suggested as possible replacements for HCFCs and HFCs, potent greenhouse gases, were less potent greenhouse gases. Nitrous oxide was known both to deplete global ozone and to warm the climate. The current ODP-weighted anthropogenic emission of nitrous oxide was larger than that of any ozone-depleting substance. Deliberate large injections of sulphur-containing compounds into the stratosphere (geoengineering) would alter the radiative, dynamical and chemical state of the stratosphere and could be expected to have substantial unintended effects on stratospheric ozone levels.

166. He also discussed how the Antarctic ozone hole had had a number of impacts on climate. The impact of the Antarctic ozone hole on surface climate had become more evident, causing, in particular, wind pattern changes in the Southern Hemisphere lower atmosphere. Because of these changes, for example, the surface climate had warmed over the Antarctic Peninsula and cooled over the high plateau.

167. Finally, options for further limiting future emissions of ozone-depleting substances could advance recovery dates by a few years. The impact of those potential emission reductions on future ozone levels, however, would be much smaller than what had already been accomplished by the Montreal Protocol.

168. Ms. Janet Bornman, Co-Chair of the Environmental Effects Assessment Panel, gave a presentation on the environmental effects of ozone depletion and its interaction with climate change. She began by noting that the environmental effects of ozone depletion and their strong interactions with climate change had a wide range of consequences for life on earth. Implementation of the Montreal Protocol, however, had meant that large increases in the type of UV radiation that caused sunburn had been avoided. Currently, measurements at middle latitudes were showing as much as a 5 per cent increase in the so-called UV-B radiation range (280-315 nm) relative to 1980, and in areas of significant ozone depletion, large increases that were sufficient to cause sunburn. At the same time, there was uncertainty regarding the future of sun-burning UV radiation because penetration of UV radiation to the Earth's surface depended not only on the stratospheric ozone layer but also on climate change factors such as clouds, aerosols and land-use changes, which led to increased exposure to UV radiation. Cloud cover was predicted to increase at high latitudes; as UV radiation was normally relatively low at such latitudes, that would make it more difficult to achieve optimal exposure times for sufficient vitamin D production. At low latitudes, where UV radiation was relatively high, cloud cover was likely to decrease, which might result in additional sun-burning UV radiation.

169. In areas of high levels of UV radiation there was an increased likelihood of eye-related diseases (e.g., cataracts and melanoma of the eye) and skin cancer. Other effects of UV radiation included decreased immunity to some diseases, although they also included increased vitamin D production, which had beneficial effects for human health, including bone structure and resistance to certain diseases. The combined effects on human health of climate change factors and solar UV radiation, which might exacerbate some diseases, were being studied.

170. Terrestrial and aquatic ecosystems were also sensitive to the interplay of increased levels of UV-B radiation and climate change factors. Decreased plant productivity in areas of large ozone depletion had been observed and increased ecosystem modifications and acclimation to UV radiation and climate were expected. Terrestrial ecosystems experienced both direct damage (e.g., reduced growth and impaired protective mechanisms) and indirect effects (e.g., modification of plant pests due to altered plant chemistry induced by UV-B radiation). Climate change and UV radiation were likely to combine to increase the spread of plant pests in some areas with increasing temperature, rainfall and carbon dioxide levels, while extreme drought conditions and increased UV levels would reduce plant growth and survival.

171. Increased exposure to UV radiation from the predicted reduced cloud cover at low latitudes, coupled with deforestation and land-use changes, would promote the decay of dead plant material (breakdown of the material by UV radiation) and thus affect nutrient cycling and carbon dioxide loss to the atmosphere. Increased UV radiation and climate change were key players in accelerating the movement of carbon (known as carbon cycling) through terrestrial and aquatic ecosystems.

172. The negative effects of climate change and UV radiation on aquatic organisms decreased the uptake of atmospheric carbon dioxide by the oceans, thus reducing their capacity as carbon sinks. At the same time, climate-related increases in the run-off of organic material from land to oceans and the UV-induced breakdown of such material increased the emission of carbon dioxide from the oceans. As the oceans took up carbon dioxide the acidity (low pH) of the water rose, which in turn decreased skeletal formation in calcified organisms, making them more vulnerable to UV-B radiation. Climate-related increases in run-off from land also increased nitrogen input into the oceans. The increasing production of nitrous oxide enhanced not only ozone depletion, but also the greenhouse effect.

173. In the troposphere at low and middle latitudes, the projected increase in ozone concentrations due to human activity had implications for human health and the environment, further compounded by changes in climate and pollutants that would modify air quality. Since UV radiation initiated the production of hydroxyl radicals, which acted as atmospheric cleaning agents, UV was a controlling factor in photochemical smog. With ozone recovery and a resulting decrease in UV radiation, there was potential for increased photochemical smog, with negative effects on human health and the environment.

174. Based on current understanding, it appeared that the breakdown products of HCFCs and HFCs would probably pose only a negligible risk to human health and the environment. That included the breakdown of CFC replacements into trifluoroacetic acid.

175. Research on the effects of climate change and UV radiation on construction materials such as plastics and wood had shown increased damage by UV radiation in combination with high temperatures, humidity and atmospheric pollutants. Use of a range of stabilizers as protective agents, however, had helped to offset some of the degradation of those materials. The use of plastic nanocomposites and wood-plastic composites increased the service lifetimes of materials used outdoors.

176. The environmental effects assessment had shown that current and future climate change interactions with UV radiation added to the uncertainty of many aspects of environmental impacts on human health, terrestrial and aquatic ecosystems, cycling of nutrients, air quality, materials and transport of carbon dioxide, nitrogen oxides and other compounds. Environmental climate-driven changes in UV radiation might be of such a magnitude that protective strategies to adapt to UV radiation would be ineffective or only partially effective.

177. Following the presentations one representative said that, while his party appreciated the efforts of the Technology and Economic Assessment Panel to bring some clarity to what parties meant when referring to high-global-warming-potential and low-global-warming-potential alternatives, the Panel’s proposed classification of alternatives according to their global-warming potential was subjective. He proposed that the Panel should consider a sectoral identification of technically feasible alternatives with a view to maximizing the climate benefits of the accelerated HCFC phase-out.

V. Presentation by the Chair of the Executive Committee of the Multilateral Fund on the work of the Executive Committee, the Multilateral Fund Secretariat and the Fund's implementing agencies

178. Mr. Javier Camargo, chair of the Executive Committee of the Multilateral Fund, delivered a presentation on the Committee's activities since the Twenty-First Meeting of the Parties, encompassing the fifty-ninth, sixtieth and sixty-first meetings of the Committee. He summarized the report contained in document UNEP/OzL.Pro.22/8, including in respect of the significant progress the Committee had made in developing funding polices that would assist parties operating under paragraph 1 of Article 5 to phase out HCFCs.

179. With regard to CFCs, the Committee had decided to allow the submission of any remaining tranches of national phase-out plans and terminal phase-out plans for CFCs on the understanding that the parties concerned would consider implementing activities to sustain zero consumption of CFCs and other activities to facilitate the phase-out of HCFCs. With the exception of three countries, the funding of tranches for national phase-out plans had ceased and any remaining funding was being integrated into HCFC phase-out management plans. The era of funding CFC phase-out had drawn to a close, but its legacy would underpin the efforts of parties as they rose to the challenge of HCFC phase-out.

180. The Executive Committee had undertaken extensive discussions on funding and policies for HCFC phase-out, while ensuring that the full spirit of decision XIX/6, which included consideration of the climate impacts of technologies replacing HCFCs, was taken into account when developing and implementing phase-out projects. Most of the infrastructure to enable parties operating under paragraph 1 of Article 5 to initiate their HCFC phase-out activities was now in place, and guidelines had been developed setting out the criteria for funding. The Committee included consideration of additional funding for the introduction of alternatives to HCFCs with low global-warming potential rather than conversion to technologies that might be less expensive but used hydrocarbons with high global-warming potential, marking a significant change in the Multilateral Fund's approach. He also outlined a number of other policy issues related to HCFC phase-out, as detailed in document UNEP/OzL.Pro.22/8. HCFC production sector guidelines would be finalized at the sixty-second meeting of the Executive Committee.

181. The Executive Committee had been particularly concerned to ensure that funds were available for every party operating under paragraph 1 of Article 5 to receive assistance for projects to comply with the 2013 and 2015 control measures. To keep the budget within the remaining funds available for the 2009–2011 replenishment, the Committee had reallocated to the 2012–2014 triennium $22,190,000 of HCFC investment project funding in the agencies' business plans for non-low-volume-consuming parties. The Committee had approved five HCFC phase-out management plans and a total of 246 additional projects and activities with a planned phase-out of 5,641 ODP-tonnes of controlled ozone-depleting substances. The total funds approved amounted to over $96.5 million. In addition, $20,000 had been provided as emergency assistance for institutional strengthening in Haiti following the devastation caused by the 2010 earthquake there.

182. Significant progress had been made regarding the outstanding contributions of the Russian Federation. The Secretariat of the Multilateral Fund had been informed that the Ministry of Finance of the Russian Federation had taken steps to resolve the issue, and dialogue was continuing.

183. In summary, he said that 2010 had particular significance for the Montreal Protocol's control measures for CFCs, halons and carbon tetrachloride. In addition to phasing out methyl chloroform and methyl bromide by 2015, the parties faced the challenge of accelerated phase-out of HCFC, but the work undertaken to date placed the goals of the 2013 freeze and the 2015 10 per cent reduction firmly within reach.

184. He then spoke on behalf of the implementing agencies. The United Nations Development Programme (UNDP) was operating a programme with a total value of $525 million in over 100 countries, contributing, through the Multilateral Fund, to the phase-out of more than 64,700 tonnes per year of ozone-depleting substances. HCFC phase-out management plans and sector plans for 11 countries had been submitted to the Executive Committee, and were under development in another 20 countries where UNDP was the lead agency. UNDP had made progress with approved pilot and validation projects in the foam and refrigeration sectors in four countries, which aimed to develop replicable low-carbon options for replacing HCFCs. Work on ozone-depleting substance waste destruction projects was continuing in five countries. The Carbon Finance Unit of UNDP had

worked with Montreal Protocol bodies to consider ways to gain access to carbon markets and design a facility to finance the climate benefits of HCFC phase-out and destruction of banks of ozone-depleting substances.

185. UNEP was currently working with 77 countries as lead agency and 24 countries as cooperating agency in the preparation of HCFC phase-out management plans. Under the Compliance Assistance Programme, UNEP had been providing support to Governments in achieving compliance in 2010, meeting their data reporting commitments under Article 7 and promoting mechanisms to prevent illegal trade in ozone-depleting substances. UNEP had also been prioritizing assistance to ensure that all countries operating under paragraph 1 of Article 5 had HCFC licensing systems in place, and had been active in facilitating network meetings and workshops to address current issues and coordination between national ozone units and climate change focal points.

186. The United Nations Industrial Development Organization (UNIDO) had recruited 11 national programme officers to assist in the delivery and monitoring of projects. UNIDO had had funds approved for HCFC sector-based investment activities for 15 countries. Two HCFC phase-out management plans had been approved and a further 40 were being developed. As part of its aim to take a more holistic approach to the implementation of its projects, UNIDO had established a carbon working group to analyse possible options for attaining carbon credits, and other sources of funding for the climate benefits of HCFC phase-out and destruction of banks of ozone-depleting substances were being investigated. UNIDO had submitted a large array of projects for consideration by the Executive Committee at its sixty-second meeting.

187. The World Bank reported that, through support to parties operating under paragraph 1 of Article 5, over 300,000 tonnes of consumption and production of ozone-depleting potential had been eliminated, representing 68 per cent of the total phase-out achieved under the Multilateral Fund, with only 44 per cent of the total resources. That cost-effective phase-out was linked to the innovative delivery mechanisms of World Bank projects. The Bank had commenced work with some countries on HCFC phase-out management plans and sector plans, including those with climate linkages and those that addressed the wider environmental impact of projects, in accordance with decision XIX/6.

188. The parties took note of the information presented.

VI. Statements by heads of delegation

189. During the high-level segment, statements were made by heads of delegation of the following parties, listed in the order in which they spoke: Grenada, Japan, United States, Indonesia, Uganda, Armenia, Bosnia and Herzegovina, Zimbabwe, Lao People's Democratic Republic, United Kingdom (on behalf of the European Union), Belgium (on behalf of the European Union), Samoa, Serbia, India, Kenya, Mongolia, Malawi, Solomon Islands, Bahrain, Democratic Republic of the Congo, Micronesia (Federated States of), Angola, New Zealand, Dominican Republic, Cuba, Democratic People's Republic of Korea, Bhutan, Mozambique, Afghanistan, Iran (Islamic Republic of), Cook Islands, Malaysia, Iraq, Nepal, Zambia, Marshall Islands, Bangladesh, Niger, Brazil, China, Mexico, South Africa, Pakistan, Maldives, Sri Lanka, Tanzania, Libyan Arab Jamahiriya, Liberia, Mauritius, Philippines.

190. A statement was made by a representative of the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and of the Stockholm Convention on Persistent Organic Pollutants. Statements were also made by representatives of Greenpeace International, the International Institute of Refrigeration, the Natural Resources Defense Council, the World Customs Organization and the Technology, Education, Research and Rehabilitation for the Environment Policy Centre.

191. Many representatives congratulated the members of the bureau on their election and all thanked the Government and people of Thailand for their hospitality in hosting the current meeting. Many thanked UNEP and the Ozone Secretariat, the Multilateral Fund secretariat and implementing agencies, donor countries, the assessment panels, international organizations and other stakeholders for their roles in ensuring the success of the meeting and the successful development and implementation of the Protocol.

192. Many representatives outlined their countries' efforts to fulfil their obligations under the Protocol. Two announced that their Governments expected to phase out the use of CFCs in metered-dose inhalers ahead of the Protocol's target date of 2013. Achievements included the phase-out of the production and consumption of controlled substances, which in a notable number of cases had been achieved ahead of the deadlines under the Protocol; the promotion of alternative

substances and technologies, including climate-friendly technologies; training and capacity-building; awareness-raising through the mass media and educational institutions; and the enhancement of cooperation between government ministries, public and private stakeholders, the countries of the various regions and international organizations.

193. Representatives celebrated the success of the Montreal Protocol, including its achievement of universal ratification and the 2010 phase-out of most ozone-depleting substances, which demonstrated that global solutions could be found when all countries made determined efforts to implement internationally agreed protocols on global environmental problems. They also observed, however, that much remained to be done, including the reduction of methyl bromide use for quarantine and pre-shipment applications; the management and destruction of banks of ozone-depleting substances; combating illegal trade in ozone-depleting substances; and implementing the accelerated phase-out of HCFCs. Continued momentum was therefore needed to meet the remaining challenges.

194. Many representatives from parties operating under paragraph 1 of Article 5 said that implementing the accelerated phase-out schedule for HCFCs would require developed-country parties to fulfil their obligations to provide appropriate financial and technical assistance, capacity-building and technology transfer. Several stressed the need to provide financial and technical support to those industries that had already converted from CFCs to HCFCs and were being asked to undertake a second conversion to other climate-friendly technologies. One representative suggested that storage facilities for ozone-depleting substances should be constructed in small island countries and that periodic shipments of those substances to the nearest destruction facilities should be arranged. A number of representatives called for more analyses and information on HCFC alternatives, emphasizing the need for effective and economically, technically and environmentally viable alternatives for use in developing countries.

195. Many representatives, in particular from small island developing States, highlighted the growing threats associated with climate change. Many supported taking steps under the Protocol to begin addressing HFCs, noting that their expanding use was due almost entirely to the Protocol's controls on CFCs and HCFCs and that doing so would yield important climate benefits. Using the proven mechanisms of the Protocol would allow the parties to work synergistically with the Framework Convention on Climate Change and its Kyoto Protocol on a matter of significant common concern. One representative expressed disappointment that the Multilateral Fund provided no funding for activities under the Protocol that provided climate benefits. A number of other representatives, however, said that the parties should not address HFCs, arguing, among other things, that doing so was beyond the scope of the Protocol; that it was important not to infringe upon or impede the Framework Convention on Climate Change, which already covered HFCs; that time, effort and resources would be better spent ensuring the success of the CFC and HCFC phase-outs; that HFCs were required to achieve the HCFC phase-out; and that proven, cost-effective and environmentally safe alternatives to HFCs were not available in all sectors.

196. Many representatives agreed that ensuring the environmentally sound management and destruction of the growing amount of ozone-depleting-substance wastes, including those contained in banks, would help efforts to protect the ozone layer and mitigate climate change. A number of representatives of developing countries said that they were hampered in their ability to deal with banks of ozone-depleting substances owing to a lack of equipment and financial resources and called upon the Multilateral Fund to provide assistance in that area.

197. Many representatives, from both developed and developing countries, said that financial and technical assistance and the effective functioning of the Multilateral Fund had played a major role in the success of the Protocol. Many said that it was important for developed-country parties to fulfil their obligations to provide appropriate technical assistance; adequate financial assistance through the Multilateral Fund to meet the agreed incremental costs of developing-country parties in their transition away from ozone-depleting substances; and technology transfer as provided for in the Protocol.

198. Many representatives said that institutional strengthening had played an important role in building the capacity of developing countries to implement the Protocol. They called for continued funding for institutional strengthening in 2011 and beyond, for the accelerated phase-out of HCFCs, eliminating consumption of methyl bromide, including for quarantine and pre-shipment applications, and for tackling banks of obsolete ozone-depleting substances and illegal trade.

199. Many representatives expressed their appreciation for the long service and valuable work done by Mr. van der Leun. Many also paid tribute to the expertise, wisdom and generous spirit of Mr. Sarma, and expressed their condolences to his family at his passing.

200. The representative of the secretariats of the Basel, Rotterdam and Stockholm conventions reported that the secretariats of the Montreal Protocol and the Basel and Stockholm conventions, together with the OzonAction programme, were collaborating on an initiative for the destruction of ozone-depleting substances and persistent organic pollutants.

201. The representative of the International Institute of Refrigeration, an intergovernmental organization, noted that many refrigerants were ozone-depleting substances and greenhouse gases. With demand for refrigeration expected to grow, in particular in developing countries, the Institute had developed a number of recommendations, including coordination between the Kyoto and Montreal protocols, improved design and maintenance of refrigeration equipment, continued development of alternatives and elimination of incentives for projects that used substances with high global-warming potential.

202. The representative of the World Customs Organization (WCO) outlined the efforts of his organization to combat illegal trade in ozone-depleting substances worldwide and the results achieved, warning that illegal trade was likely to grow as further bans came into effect. WCO would continue to work with UNEP to control such trade and to help parties to remain in compliance with their obligations under the Protocol.

203. Noting that the Scientific Assessment Panel had concluded that HFCs could erase all climate gains made to date, the representative of an international environmental non-governmental organization urged the parties to take action on HFCs. It was not necessary to amend the Protocol to do so, since its preamble provided clearly that parties should take appropriate measures to protect human health and the environment against adverse effects of human activities likely to modify the ozone layer.

VII. Report by the co-chairs of the preparatory segment and consideration of the decisions recommended for adoption by the Twenty-Second Meeting of the Parties

204. Reporting on the preparatory segment of the meetings, the Co-Chair said that much had been achieved during the preparatory segment through negotiations that were difficult but marked throughout by cooperation and compromise. He thanked the parties for their great efforts, the contact group chairs for their leadership, the Secretariat for its excellent work and professionalism and the interpreters and other behind-the-scenes staff for making it possible for the parties to do their work.

VIII. Dates and venue for the Twenty-Third Meeting of the Parties

205. In his statement during the high-level segment, the representative of Indonesia conveyed an offer by his Government to host the Twenty-Third Meeting of the Parties. In the light of that offer the parties agreed that the Twenty-Third Meeting of the Parties would take place in 2011 in Bali, Indonesia, at a time to be determined.

IX. Other matters

Declaration on the global transition away from hydrochlorofluorocarbons and chlorofluorocarbons

206. The representative of Mexico introduced a declaration on the global transition away from HCFCs and CFCs, reporting that it had been signed by 91 parties. He then read the declaration, which is set out in annex III to the present report, as submitted and without formal editing, and invited other parties to sign it.

X. Adoption of decisions by the Twenty-Second Meeting of the Parties

207. *The Twenty-Second Meeting of the Parties decides:*

XXII/1: 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 at 1 November 2010, 195 parties had ratified the London Amendment to the Montreal Protocol, 192 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 181 parties had ratified the Montreal Amendment to the Montreal Protocol and 165 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;

XXII/2: Terms of reference for an evaluation of the financial mechanism of the Montreal Protocol

1. To approve the terms of reference for an evaluation of the financial mechanism of the Montreal Protocol contained in the annex to the present decision;

2. To set up a steering panel of eight members to supervise the evaluation process, to select an evaluator to carry out the evaluation, to act as a point of contact for the evaluator during the evaluation and to ensure that the terms of reference are implemented in the most appropriate manner possible;

3. To select from among the parties to the Montreal Protocol the following eight parties to serve as the members of the steering panel: Austria, Canada, Colombia, India, Japan, Nigeria, the former Yugoslav Republic of Macedonia and the United States of America, thereby ensuring that the appointed panel has equal representation of individuals selected by parties operating under paragraph 1 of Article 5 of the Montreal Protocol and parties not so operating;

4. To request the Ozone Secretariat to finalize the procedure for the selection of the qualified external and independent evaluator: on the basis of submitted proposals, the Secretariat shall prepare a shortlist of qualified applicants and facilitate the review of relevant proposals by the steering panel;

5. To instruct the steering panel to organize its meetings with the assistance of the Ozone Secretariat with dates and venues selected, as far as possible, to coincide with other Montreal Protocol meetings, thereby reducing related costs;

6. To approve a total budget for the evaluation of up to 200,000 United States dollars, with the amount of $70,000 to start the application bidding process to come from the 2011 budget of the Trust Fund for the Montreal Protocol on the understanding that the parties will decide in 2011 on the funding source for the balance of the budget;

7. To ensure that the final report and recommendations of the evaluator are made available to parties for consideration at the Twenty-Fourth Meeting of the Parties;

Annex to decision XXII/2

Terms of reference for an evaluation of the financial mechanism of the Montreal Protocol

A. Preamble

1. The achievements of the financial mechanism of the Montreal Protocol have often been recognized by the international community, and there is no doubt that the mechanism is both a

cornerstone of the Protocol and an outstanding example of multilateral cooperation. Indeed, by the end of 2009 the Multilateral Fund had approved projects to phase out the consumption and production of about 458,000 ozone-depleting-potential (ODP) tonnes of ozone-depleting substances in developing countries, and over 85 per cent of this amount had already been phased out. As a result of those activities, nearly all parties operating under paragraph 1 of Article 5 of the Protocol are in compliance with their obligations under the Protocol, while most of their consumption and production of ozone-depleting substances, except for hydrochlorofluorocarbons (HCFCs), has been eliminated.

2. The financial mechanism was established by Article 10 of the Montreal Protocol to provide financial and technical cooperation to parties operating under paragraph 1 of Article 5 to enable their compliance with the Protocol's control measures. The Fourth Meeting of the Parties to the Montreal Protocol recognized the need to review periodically the operation of the financial mechanism to ensure maximum effectiveness in pursuing the goals of the Montreal Protocol. Since its inception in 1991, the mechanism, which includes the Multilateral Fund, an Executive Committee, a Secretariat and implementing and bilateral agencies, has been evaluated twice by the parties, in 1994–1995 and 2003-2004.

3. The year 2010 is a landmark year in the history of both the Montreal Protocol and the financial mechanism, as virtually all remaining production and consumption of chlorofluorocarbons (CFCs), halons and carbon tetrachloride was to be phased out by 1 January 2010. In the light of this major milestone, it is particularly timely for the parties to the Protocol to take a retrospective look at the achievements of the financial mechanism, the challenges that it has faced, the manner in which they have been addressed and the lessons that have been learned, with a view to ensuring that the mechanism is well placed to address the challenges of the future effectively. Those challenges include phasing out HCFCs and the remaining consumption of methyl bromide and implementing ozone-depleting substance destruction pilot projects.

B. Purpose

4. In the light of the above, and considering that it has been more than five years since the last evaluation was conducted, the Twenty-Second Meeting of the Parties decided that it was appropriate to evaluate and review the financial mechanism with a view to ensuring its effective functioning in meeting the needs of parties operating under paragraph 1 of Article 5 and parties not so operating in accordance with Article 10 of the Protocol. The study should be based on the present terms of reference, defined by the scope described below and carried out by an independent evaluator and completed by May 2012, in time for consideration by the Open-ended Working Group of the Parties to the Montreal Protocol at its thirty-second meeting.

C. Scope

5. In carrying out the study, the evaluator should consider the results, policy framework, organizational structure and lessons learned associated with the financial mechanism as follows:

(a) Results of the financial mechanism:

(i) Extent to which both investment and non-investment projects approved under the Multilateral Fund have contributed to phasing out ozone-depleting substances in parties operating under paragraph 1 of Article 5 in accordance with Montreal Protocol compliance targets;

(ii) Total reductions of ozone-depleting substances in ODP-tonnes and metric tonnes resulting from Multilateral Fund activities;

(iii) Analysis of other environmental and health co-benefits, including climate benefits, as well as adverse effects resulting from activities funded by the Multilateral Fund to phase out ozone-depleting substances;

(iv) Comparison of ozone-depleting substance phase-out planned in approved projects and ozone-depleting substance phase-out achieved;

(v) Comparison of planned cost-effectiveness of approved projects and actual cost-effectiveness;

(vi) Comparison of planned project implementation time and implementation time achieved;

(vii) Effectiveness of capacity-building provided, including institutional strengthening and compliance assistance;

(b) Policies and procedures:

(i) Effectiveness of timing between meetings, submission deadlines and reporting deadlines;

(ii) Effectiveness, consistency and efficiency of procedures and practices to develop, review and approve project proposals under the Multilateral Fund;

(iii) Ability of the project and activity planning and implementation process to ensure compliance;

(iv) Effectiveness and efficiency of monitoring, reporting procedures and practices;

(v) Ability and efficiency of internal evaluation and verification mechanisms to monitor and confirm results, including an analysis of existing databases;

(vi) Extent to which policies and procedures are adapted or improved based on experiences and relevant circumstances;

(c) Other issues:

(i) Review of the distribution of funding among regions where parties operating under paragraph 1 of Article 5 are located, as well as between low-volume consuming countries and non-low-volume consuming countries;

(ii) Extent to which programmes and projects approved under the financial mechanism have facilitated the implementation of the technology transfer provisions under Articles 10 and 10A of the Montreal Protocol and related decisions of the Parties, taking into account the geographical origin by region of technology provided in a representative sample of projects;

(d) Lessons learned:

(i) Lessons learned in view of the future challenges of the Montreal Protocol and the Multilateral Fund;

(ii) Lessons learned from other international environmental institutions and agreements.

D. Form and presentation of the study

6. The study shall be presented using a practical, easy-to-use and easy-to-read layout, and should include a comprehensive summary for policymakers of some 30 pages and a detailed index followed by the body of the study and its annexes.

E. Conclusions and recommendations

7. In carrying out the study, the evaluator will identify the strengths, weaknesses, opportunities and threats associated with the financial mechanism and, where relevant, make recommendations suggesting possible improvements with regard to: results achieved; organizational effectiveness and decision-making processes; effectiveness of technology transfer; information dissemination and capacity-building activities; cooperation with other organizations; and any other area of particular relevance.

F. Sources of information

8. The Multilateral Fund Secretariat, the Ozone Secretariat, the Executive Committee, the implementing and bilateral agencies, the Treasurer, ozone offices, recipient countries and companies are invited to cooperate with the evaluator and to provide all necessary information including information on cost-effectiveness. The Multilateral Fund Secretariat is invited to provide all necessary data related to the items listed above in paragraphs 5 (a) (i), (ii), (iv), (v) and (vi). The evaluation should take into account the relevant decisions of the Meeting of the Parties and the Executive Committee.

9. The evaluator should widely consult relevant persons and institutions and other relevant sources of information deemed useful.

G. Time frame and milestones

10. The following table presents a tentative time frame and milestones for the study.

November 2010	Approval of the terms of reference by the Meeting of the Parties
	Selection of a steering panel by the Meeting of the Parties
January 2011	Finalization of the criteria and procedure for the selection of the qualified external and independent evaluator
March 2011	Analysis of bids by the Ozone Secretariat and, on the basis of the criteria, recommendations to steering panel
	Independent evaluator selected by the panel
April 2011	Contract awarded
	Evaluator provides an inception report and meets the steering panel to discuss study modalities and details
December 2011	Mid-term review: preliminary draft report submitted to and reviewed by the steering panel
February 2012	Final draft report submitted to and reviewed by the steering panel
May 2012	Final draft report submitted to the Open-ended Working Group at its thirty-second meeting
September 2012	Final report submitted to the Twenty-Fourth Meeting of the Parties

XXII/3: Terms of reference for the study on the 2012–2014 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

Recalling the parties' decisions on previous terms of reference for studies on the replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol,

Recalling also the parties' decisions on previous replenishments of the Multilateral Fund,

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Twenty-Third Meeting of the Parties, and to present it through the Open-ended Working Group at its thirty-first meeting, to enable the Twenty-Third Meeting of the Parties to take a decision on the appropriate level of the 2012–2014 replenishment of the Multilateral Fund;

2. That, in preparing the report referred to in the preceding paragraph, the Panel should take into account, among other things:

(a) All control measures and relevant decisions agreed upon by the parties to the Montreal Protocol and the Executive Committee, in particular those related to the special needs of low-volume- and very-low-volume-consuming countries, and decisions agreed upon by the Twenty-Second Meeting of the Parties and the Executive Committee at its sixty-first and sixty-second meetings insofar as those decisions will necessitate expenditure by the Multilateral Fund during the period 2012–2014;

(b) The need to allocate resources to enable all parties operating under paragraph 1 of Article 5 of the Montreal Protocol to maintain compliance with Articles 2A–2E, 2G and 2I of the Protocol;

(c) The need to allocate resources to enable all parties operating under paragraph 1 of Article 5 to meet 2013 and 2015 compliance obligations in respect of Articles 2F and 2H of the Protocol;

(d) Rules and guidelines agreed upon by the Executive Committee at all meetings, up to and including its sixty-second meeting, for determining eligibility for the funding of investment projects, non-investment projects, including institutional strengthening, measures to combat illegal trade and sectoral or national phase-out plans, including hydrochlorofluorocarbon phase-out management plans, measures to manage banks of ozone-depleting substances and ozone-depleting substance destruction projects;

(e) The impact that the international market, ozone-depleting substance control measures and country phase-out activities are likely to have on the supply of and demand for ozone-depleting substances, the corresponding effects on the price of ozone-depleting substances and the resulting incremental costs of investment projects during the period under review;

3. That, in preparing the report referred to above, the Panel should consult widely all relevant persons and institutions and other relevant sources of information deemed useful;

4. That the Panel shall strive to complete the report referred to above in time to enable it to be distributed to all parties two months before the thirty-first meeting of the Open-ended Working Group;

5. That the Panel should provide indicative figures for the periods 2015–2017 and 2018-2020 to support a stable and sufficient level of funding, on the understanding that those figures will be updated in subsequent replenishment studies;

XXII/4: Essential-use nominations for controlled substances for 2011

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

Mindful that, according to decision IV/25, the use of chlorofluorocarbons for metered-dose inhalers does not qualify as an essential use if technically and economically feasible alternatives or substitutes are available that are acceptable from the standpoint of environment and health,

Noting the Panel's conclusion that technically satisfactory alternatives to chlorofluorocarbon-based metered-dose inhalers are available for some therapeutic formulations for treating asthma and chronic obstructive pulmonary disease,

Taking into account the Panel's analysis and recommendations for essential-use exemptions for controlled substances for the manufacture of metered-dose inhalers used for asthma and chronic obstructive pulmonary disease,

Noting that the Medical Technical Options Committee continued to have difficulty assessing some nominations submitted by parties in accordance with the criteria of decision IV/25 and subsequent relevant decisions owing to a lack of certain information,

Noting also that, notwithstanding the insufficient information referred to in the preceding paragraph, the Medical Technical Options Committee gave due consideration to the health and safety of patients with regard to the amounts recommended,

Welcoming the continued progress in several parties operating under paragraph 1 of Article 5 in reducing their reliance on chlorofluorocarbon-based metered-dose inhalers as alternatives are developed, receive regulatory approval and are marketed for sale,

Welcoming also the announcements by India and the Islamic Republic of Iran that they will not require pharmaceutical-grade chlorofluorocarbons under essential-use nominations for 2011 or beyond for the manufacture of metered-dose inhalers, and acknowledging their efforts in their phase-out of chlorofluorocarbons in metered-dose inhalers,

Acknowledging Bangladesh's efforts in its phase-out of chlorofluorocarbons in metered-dose inhalers, and taking into account the economic difficulties faced by that party,

Welcoming the announcement by Bangladesh that it will not, in the future, submit essential-use nominations for the use of chlorofluorocarbons in salbutamol, beclomethasone or levosalbutamol metered-dose inhalers,

1. To authorize the levels of production and consumption for 2011 necessary to satisfy essential uses of chlorofluorocarbons for metered-dose inhalers for asthma and chronic obstructive pulmonary disease as specified in the annex to the present decision;

2. To request nominating parties to supply to the Medical Technical Options Committee information to enable assessment of essential-use nominations in accordance with the criteria set out in decision IV/25 and subsequent relevant decisions as set out in the handbook on essential-use nominations;

3. To encourage parties with essential-use exemptions in 2011 to consider sourcing required pharmaceutical-grade chlorofluorocarbons initially from stockpiles where they are available and accessible;

4. To encourage parties with stockpiles of pharmaceutical-grade chlorofluorocarbons potentially available for export to parties with essential-use exemptions in 2011 to notify the Ozone Secretariat of such quantities and of a contact point by 31 December 2010;

5. To request the Secretariat to post on its website details of the potentially available stocks referred to in the preceding paragraph;

6. That the parties listed in the annex to the present decision shall have full flexibility in sourcing the quantity of pharmaceutical-grade chlorofluorocarbons to the extent required for manufacturing metered-dose inhalers, as authorized in paragraph 1 above, from imports, from domestic producers or from existing stockpiles;

7. To approve the authorization given to the Dominican Republic by the Secretariat, in consultation with the Technology and Economic Assessment Panel, of the emergency essential use of 1.832 metric tonnes of CFC-113 as a diluter for silicon grease during the manufacture of medical devices, to cover the period 2010–2011;

Annex to decision XXII/4

Essential-use authorizations for 2011 of chlorofluorocarbons for metered-dose inhalers (in metric tonnes)

Party	*2011*
Argentina	107.2
Bangladesh	57.0
China	741.15
Pakistan	39.6
Russian Federation	212.0

XXII/5: Essential-use exemption for chlorofluorocarbon 113 for aerospace applications in the Russian Federation

Noting the evaluation and recommendation of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee in respect of the essential-use nomination for chlorofluorocarbon 113 (CFC-113) for aerospace applications in the Russian Federation,

Noting also that the Russian Federation has continued to explore the possibility of importing CFC-113 to meet its aerospace industry needs from available global stocks,

Noting further that the Russian Federation has been successful in reducing its use and emissions of CFC-113 in line with a timetable of technical transformation developed in collaboration with the Chemicals Technical Options Committee,

Noting, however, that the Chemicals Technical Options Committee has recommended greater efforts to introduce appropriate alternatives,

1. To authorize an essential-use exemption for the production and consumption in 2011 of 100 metric tonnes of CFC-113 in the Russian Federation for chlorofluorocarbon applications in its aerospace industry;

2. To request the Russian Federation to continue to explore further the possibility of importing CFC-113 for its aerospace industry needs from available global stocks;

3. To urge the Russian Federation to continue its efforts on the introduction of alternative solvents and the adoption of newly designed equipment to complete the phase-out of CFC-113 according to an accelerated time schedule;

XXII/6: Critical-use exemptions for methyl bromide for 2011 and 2012

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

Recognizing the significant reductions made in critical-use nominations for methyl bromide in many parties,

Recalling paragraph 10 of decision XVII/9,

Recalling also that all parties that have nominated critical-use exemptions are to report data on stocks using the accounting framework agreed on by the Sixteenth Meeting of the Parties,

Recognizing that the production and consumption of methyl bromide for critical uses should be permitted only if methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide,

Recognizing also that parties operating under a critical-use exemption should take into account the extent to which methyl bromide is available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide in licensing, permitting or authorizing the production and consumption of methyl bromide for critical uses,

Stressing that parties should reduce their stocks of methyl bromide retained for employment in critical-use exemptions to a minimum in as short a time period as possible,

1. To permit, for the agreed critical-use categories for 2011 set forth in table A of the annex to the present decision for each party, subject to the conditions set forth in the present decision and decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2011 set forth in table B of the annex to the present decision which are necessary to satisfy critical uses, in addition to the amounts permitted in decision XXI/11;

2. To permit, for the agreed critical-use categories for 2012 set forth in table C of the annex to the present decision for each party, subject to the conditions set forth in the present decision and in decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2012 set forth in table D of the annex to the present decision which are necessary to satisfy critical uses, with the understanding that additional levels of production and consumption and categories of uses may be approved by the Meeting of the Parties in accordance with decision IX/6;

3. That parties shall endeavour to license, permit, authorize or allocate quantities of methyl bromide for critical uses as listed in tables A and C of the annex to the present decision;

4. To recognize the continued contribution of the Methyl Bromide Technical Options Committee's expertise and to agree that, in accordance with section 4.1 of the terms of reference of the Technology and Economic Assessment Panel, the Committee should ensure that it develops its recommendations in a consensus process that includes full discussion among all available Committee members and should ensure that members with relevant expertise are involved in developing its recommendations;

5. That each party that has an agreed critical-use exemption shall renew its commitment to ensuring that the criteria in paragraph 1 of decision IX/6, in particular the criterion laid down in paragraph 1 (b) (ii) of decision IX/6, are applied in licensing, permitting or authorizing critical uses of methyl bromide, with each party requested to report on the implementation of the present provision to the Ozone Secretariat by 1 February for the years to which the present decision applies;

6. To urge parties operating under a critical-use exemption to put in place an effective system to discourage the accumulation of methyl bromide produced under the exemption;

Annex to decision XXII/6

Table A
Agreed critical-use categories for 2011 (metric tonnes)

Australia	Strawberry runners (5.950)
Canada	Pasta (2.084)
Israel	Broomrape – protected (12.500), cucumbers (12.500), cut flowers and bulbs – protected (52.330), cut flowers – open field (23.292), melons – protected and open field (35.000), strawberry fruit – Sharon and Gaza (41.875), strawberry runners – Sharon and Gaza (27.000), sweet potatoes (20.000)

Table B
Permitted levels of production and consumption for 2011 (metric tonnes)

Australia	5.950
Canada	2.084
Israel	224.497

Table C
Agreed critical-use categories for 2012 (metric tonnes)

Australia	Strawberry runners (29.760), rice (3.653)
Canada	Mills (11.020), strawberry runners (Prince Edward Island) (5.261)
Japan	Chestnuts (3.489), cucumbers (26.162), ginger – field (42.235), ginger – protected (6.558), melons (67.936), peppers – green and hot (61.154), watermelons (12.075)
United States of America	Commodities (2.419), National Pest Management Association food-processing structures (0.200), mills and processors (74.510), dried cured pork (3.730), cucurbits (59.500), eggplant – field (6.904), forest nursery seedlings (34.230), nursery stock – fruit, nuts, flowers (1.591), orchard replants (18.324), ornamentals (48.164), peppers – field (28.366), strawberry – field (678.004), strawberry runners (3.752), tomatoes – field (54.423), sweet potato slips (8.709)

Table D
Permitted levels of production and consumption for 2012 (metric tonnes)

Australia	33.413
Canada	16.281
Japan	219.609
United States of America	922.826*

[* Minus available stocks.]

XXII/7: Global laboratory and analytical use exemption

Recalling paragraph 7 of decision XXI/6, which allows parties operating under paragraph 1 of Article 5 until 31 December 2010 to deviate from the existing laboratory and analytical use bans in individual cases, where a party considers that this is justified, and asks parties to revisit the issue at the Twenty-Second Meeting of the Parties,

Considering that the Technology and Economic Assessment Panel did not provide all information requested by decision XXI/6 in time for the Twenty-Second Meeting of the Parties and that the parties were therefore unable to evaluate the situation in respect of laboratory and analytical uses by parties operating under paragraph 1 of Article 5 of the Protocol,

Noting that some parties operating under paragraph 1 of Article 5 continue to have difficulty adopting alternatives for those laboratory and analytical uses already banned under the global exemption and need more time for information collection and related policy framework development,

1. To allow parties operating under paragraph 1 of Article 5 until 31 December 2011 to deviate from the existing laboratory and analytical use bans in individual cases, where a party considers that this is justified, and to ask parties to revisit the issue at the Twenty-Third Meeting of the Parties;

2. To request parties to continue to investigate domestically the possibility of replacing ozone-depleting substances in those laboratory and analytical uses listed in the reports of the Technology and Economic Assessment Panel prepared in accordance with decisions XVII/10 and XIX/18 and to report progress to the Ozone Secretariat by 30 April 2011;

XXII/8: Uses of controlled substances as process agents

Noting with appreciation the 2009 and 2010 progress reports of the Technology and Economic Assessment Panel on process agents,

Noting that table A in decision X/14 on process-agent uses has been updated by decisions XV/6, XVII/7 and XIX/15,

Noting also that the Panel's 2010 progress report indicates that several parties not operating under paragraph 1 of Article 5 of the Montreal Protocol included in table B of decision X/14 have

reported that they no longer use any controlled substances as process agents, and that three process-agent uses have been discontinued in the European Union,

Recalling that the Panel's 2009 progress report on process agents indicated that Israel had reported the use of controlled substances for a process-agent application included in table A of decision X/14,

Recalling also that, according to decision X/14, quantities of controlled substances produced or imported by parties operating under paragraph 1 of Article 5 for use as process agents in plants and installations in operation before 1 January 1999 should not be taken into account in the calculation of production and consumption from 1 January 2002 onwards, provided that emissions of those substances have been reduced to levels agreed by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to be reasonably achievable in a cost-effective manner without undue abandonment of infrastructure,

Recognizing that, in the light of the phase-out dates of 1 January 2010 applicable to chlorofluorocarbons and carbon tetrachloride under the Montreal Protocol, the Executive Committee is unlikely to agree on any further emission levels for the use of such substances as process agents in parties operating under paragraph 1 of Article 5 beyond 2010,

Recognizing also the substantial progress undertaken by parties operating under paragraph 1 of Article 5 in reducing the use and emissions of controlled substances used as process agents,

Aware that the use and emissions of controlled substances used as process agents will continue beyond 2010 in only two parties operating under paragraph 1 of Article 5,

Agreeing that both parties operating under paragraph 1 of Article 5 and those not so operating that report process agent uses should now be listed in table B of decision X/14 and that those of the latter parties not using controlled substances as process agents should be removed from that table,

Noting that the Technology and Economic Assessment Panel and the Executive Committee of the Multilateral Fund will provide a joint report to the Open-ended Working Group at its thirty-first meeting, in 2011, on further efforts to reduce uses of process agents,

1. That quantities of controlled substances produced or imported by parties operating under paragraph 1 of Article 5 for use as process agents in plants and installations in operation before 1 January 1999 should not be taken into account in the calculation of production and consumption from 1 January 2011 onwards, provided that emissions of those substances are within the levels defined in the updated table B of decision X/14 included in the annex to the present decision;

2. To update tables A and B of decision X/14 as set out in the annex to the present decision;

3. To request each party to report to the Ozone Secretariat, by 15 March 2011, if possible, or 1 July 2011 at the latest, the specific applications for which it uses controlled substances as process agents and to continue to report such information in the context of the annual reports required by decision X/14;

4. To request the Technology and Economic Assessment Panel to include, in its 2011 progress report, a table listing process agent uses by individual parties;

5. To request the Technology and Economic Assessment Panel, beyond the reporting and assessment in respect of process agent uses requested for 2011, to review in 2013, and every second year thereafter, progress made in reducing process agent uses and to make any additional recommendations to parties on further actions to reduce uses and emissions of process agents;

6. That, once all process agent projects approved by the Executive Committee are completed, reporting by the Executive Committee to the parties as requested in decision XVII/6 will no longer be required;

Annex to decision XXII/8

Table A: List of uses of controlled substances as process agents

No.	*Process agent application*	*Substance*
1	Elimination of NCl_3 in chlor-alkali production	Carbon tetrachloride (CTC)
2	Chlorine recovery by tail gas absorption in chlor-alkali production	CTC
3	Production of chlorinated rubber	CTC
4	Production of endosulfan	CTC
5	Production of chlorosulfonated polyolefin (CSM)	CTC
6	Production of aramid polymer (PPTA)	CTC
7	Production of synthetic fibre sheet	CFC-11
8	Production of chlorinated paraffin	CTC
9	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
10	Preparation of perfluoropolyether diols with high functionality	CFC-113
11	Production of cyclodime	CTC
12	Production of chlorinated polypropene	CTC
13	Production of chlorinated ethylene vinyl acetate (CEVA)	CTC
14	Production of methyl isocyanate derivatives	CTC
15	Production of 3-phenoxybenzaldehyde	CTC
16	Production of 2-chloro-5-methylpyridine	CTC
17	Production of imidacloprid	CTC
18	Production of buprofenzin	CTC
19	Production of oxadiazon	CTC
20	Production of chloradized N-methylaniline	CTC
21	Production of 1,3-dichlorobenzothiazole	CTC
22	Bromination of a styrenic polymer	BCM
23	Synthesis of 2,4-D (2,4- dichlorophenoxyacetic acid)	CTC
24	Synthesis of di-(2-ethylhexyl) peroxydicarbonate (DEHPC)	CTC
25	Production of high modulus polyethylene fibre	CFC-113
26	Production of vinyl chloride monomer	CTC
27	Production of sultamicillin	BCM
28	Production of prallethrin (pesticide)	CTC
29	Production of o-nitrobenzaldehyde (for dyes)	CTC
30	Production of 3-methyl-2-thiophenecarboxaldehyde	CTC
31	Production of 2-thiophenecarboxaldehyde	CTC
32	Production of 2-thiophene ethanol	CTC
33	Production of 3,5-dinitrobenzoyl chloride (3,5-DNBC)	CTC
34	Production of 1,2-benzisothiazol-3-ketone	CTC
35	Production of *m*-nitrobenzaldehyde	CTC
36	Production of tichlopidine	CTC
37	Production of *p*-nitro benzyl alcohol	CTC
38	Production of tolclofos methyl	CTC
39	Production of polyvinylidene fluoride (PVdF)	CTC
40	Production of tetrafluorobenzoylethyl acetate	CTC
41	Production of 4-bromophenol	CTC

Table B: Limits for process-agent uses (all figures are in metric tonnes per year)

Party	*Make-up or consumption*	*Maximum emissions*
European Union	1 083	17
United States of America	2 300	181
Russian Federation	800	17
Switzerland	5	0.4
Israel	3.5	0
Brazil	2.2*	2.2*
China	1 103	1 103
Total	**5 296.71**	**1 320.61**

* In accordance with decision 54/36 of the Executive Committee of the Multilateral Fund, the annual make-up or consumption and maximum emissions for Brazil will be 2.2 metric tonnes up to and including 2013 and zero thereafter.

XXII/9: Hydrochlorofluorocarbons preblended in polyols

Taking into account the importance of the phase-out of hydrochlorofluorocarbons in the polyurethane foams sector for compliance with the adjusted phase-out schedule for hydrochlorofluorocarbons in accordance with decision XIX/6,

Acknowledging with appreciation the efforts by India to bring the issue of hydrochlorofluorocarbons in preblended polyols to the attention of the parties,

Recognizing the fruitful discussions by the parties on the issue at the thirtieth meeting of the Open-ended Working Group,

1. To note with appreciation the cooperative manner in which the members of the Executive Committee of the Multilateral Fund addressed this issue at the Committee's sixty-first meeting through decision 61/47, by agreeing on a framework on eligible incremental costs for parties operating under paragraph 1 of Article 5 of the Montreal Protocol in their transition from the use of hydrochlorofluorocarbons in preblended polyols;

2. To affirm that the issue of the use of hydrochlorofluorocarbons in preblended polyols has been addressed to the satisfaction of the parties;

XXII/10: Destruction technologies with regard to ozone-depleting substances

Recalling the work of the Technology and Economic Assessment Panel and its associated task forces in assessing existing and emerging destruction technologies and in making recommendations for technologies to be added to the list of approved destruction technologies, as last requested in decision XVI/15,

Noting with appreciation the organization and content of the seminar on the environmentally sound management of banks of ozone-depleting substances held pursuant to decision XXI/2,

Acknowledging that one of the significant themes of the seminar was the need to ensure the appropriate destruction of ozone-depleting substances recovered from products and equipment at the end of their lives and that criteria for the verification of destruction of ozone-depleting substances would contribute to increased confidence in destruction capabilities in a number of regions of the world, including in parties operating under paragraph 1 of Article 5 of the Montreal Protocol,

Noting that the Code of Good Housekeeping Procedures set out in annex III to the report of the Fifteenth Meeting of the Parties[1] in accordance with paragraph 6 of decision XV/9 provides a useful basis for local management in respect of the appropriate handling, transportation, monitoring, measurement and control of ozone-depleting substances in destruction facilities but does not provide a framework that can be used for comprehensive verification,

1 UNEP/OzL.Pro.15/9.

Recalling decision XV/9 on the approval of destruction technologies and annex II to the report of the Fifteenth Meeting of the Parties,[2] which lists approved destruction processes by source and destruction method,

Recalling also that, by paragraph (c) of decision VII/5 and paragraph 7 of decision XI/13, parties are urged to adopt recovery and recycling technologies for quarantine and pre-shipment uses of methyl bromide, to the extent technically and economically feasible, until alternatives are available,

Recalling further that, by paragraph 6 of decision XX/6, the Technology and Economic Assessment Panel is requested, in its report on opportunities for reductions in methyl bromide use or emissions for quarantine and pre-shipment purposes, to provide to the Meeting of the Parties a list of available methyl bromide recapture technologies for consideration by the parties,

Noting that the Panel was able to provide a list of examples of commercial recapture units in operation in several countries in its report to the Twenty-First Meeting of the Parties,

Noting also that the Panel has reported on a number of emerging technologies for the destruction of ozone-depleting substances that complement those reported on previously,

1. To request the Panel and the relevant technical options committees, in consultation with other relevant experts, for consideration at the thirty-first meeting of the Open-ended Working Group and with a view to possible inclusion in the Montreal Protocol handbook:

(a) To evaluate and recommend the appropriate destruction and removal efficiency for methyl bromide and to update the destruction and removal efficiency for any other substance already listed in annex II to the report of the Fifteenth Meeting of the Parties;

(b) To review the list of destruction technologies adopted by parties, taking into account emerging technologies identified in its 2010 progress report and any other developments in this sector, and to provide an evaluation of their performance and commercial and technical availability;

(c) To develop criteria that should be used to verify the destruction of ozone-depleting substances at facilities that use approved ozone-depleting-substance destruction technologies, taking into account the recommended destruction and removal efficiencies for the relevant substance;

2. To invite submissions to the Ozone Secretariat by 1 February 2011 of data relevant to the tasks set out in paragraph 1 above;

XXII/11: Progress by the International Civil Aviation Organization in the transition from the use of halon

Recognizing with appreciation that the International Civil Aviation Organization General Assembly adopted resolution A37-9, on halon replacement, at its thirty-seventh session;

Acknowledging that resolution A37-9 states that there is an urgent need to continue developing and implementing halon alternatives for civil aviation; to intensify development of acceptable halon alternatives for fire-extinguishing systems in cargo compartments and engine/auxiliary power units; and to continue work to improve halon alternatives for hand-held fire extinguishers and directs the International Civil Aviation Organization Council to establish a mandate for the replacement of halon:

(a) In lavatory fire-extinguishing systems used in aircraft produced after a specified date in the 2011 time frame;

(b) In hand-held fire extinguishers used in aircraft produced after a specified date in the 2016 time frame;

(c) In engine and auxiliary power unit fire-extinguishing systems used in aircraft for which applications for type certification will be submitted after a specified date in the 2014 time frame,

Recalling that decision XXI/7 expresses the parties' continued support for the implementation of mandatory dates by which halon alternatives will be used in agreed applications for newly designed aircraft and requests that the Technology and Economic Assessment Panel and the Halons Technical Options Committee continue to engage the International Civil Aviation Organization on this issue and report on progress at the Twenty-Second Meeting of the Parties to the Montreal Protocol,

2 Ibid.

1. To request the Secretariat to convey to the International Civil Aviation Organization secretariat the parties' appreciation for the continued work of its General Assembly and the adoption of resolution A37-9;

2. To express the parties' continued support for the implementation of mandatory dates by which halon alternatives will be used in previously agreed-on applications in newly designed or newly produced aircraft consistent with resolution A37-9;

3. To request that the Secretariat ask the International Civil Aviation Organization secretariat to send halon reserves data reported to the International Civil Aviation Organization to the Secretariat annually;

4. To request that the Technology and Economic Assessment Panel and the Halons Technical Options Committee continue to engage with the International Civil Aviation Organization on further uses of halon on aircraft and report on progress at the Twenty-Third Meeting of the Parties;

XXII/12: Situation of Haiti

Noting with appreciation the efforts and commitment made by the Government of Haiti to sustain compliance with the Montreal Protocol,

Recognizing the extraordinary difficulties now faced by Haiti as a result of the devastating 7.2 magnitude earthquake that occurred on 12 January 2010, which has had adverse effects on the economic and social welfare of the people of Haiti,

Understanding Haiti's commitment to meeting its obligations in respect of phasing out ozone-depleting substances under the Montreal Protocol and its amendments,

1. To encourage all parties to assist Haiti by controlling the export of ozone-depleting substances and technologies dependent on ozone-depleting substances to Haiti through the control of trade in accordance with decision X/9 and other relevant decisions;

2. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, when considering project proposals for Haiti, to take into account the special situation of Haiti and the special difficulties that it may pose in respect of the phase-out of ozone-depleting substances, including in particular the accelerated phase-out of hydrochlorofluorocarbons, in accordance with the requirements of the Montreal Protocol;

3. To request the implementing agencies to consider providing appropriate assistance to Haiti in the areas of institutional strengthening, capacity-building, data collection and monitoring and control of trade in ozone-depleting substances;

4. Also to request the implementing agencies to consider providing appropriate assistance for the development of a strategy to achieve the reorganization of Haiti's national ozone unit and in the continuation of its efforts to report to the Ozone Secretariat data on consumption of ozone-depleting substances in accordance with the requirements of the Montreal Protocol;

5. That recommendations made by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol are to be considered in the light of the difficulties faced by Haiti as a result of the earthquake;

XXII/13: Non-compliance with the Montreal Protocol by Singapore

1. To note that Singapore reported the export of 32 metric tonnes of methyl bromide in 2008 to a State classified as operating under paragraph 1 of Article 5 of the Protocol that is also a State not party to the Copenhagen Amendment to the Montreal Protocol, which places the party in non-compliance with the restriction on trade with non-parties to the Protocol;

2. To urge Singapore to refrain from engaging in trade in methyl bromide with States not party to the Copenhagen Amendment;

3. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol;

XXII/14: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

Noting with appreciation that 196 parties of the 196 that should have reported data for 2009 have done so and that 68 of those parties reported their data by 30 June 2010 in accordance with decision XV/15,

Noting further that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures,

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

XXII/15: Non-compliance with the Montreal Protocol by Saudi Arabia

Noting that Saudi Arabia ratified the Montreal Protocol and the London and Copenhagen Amendments on 1 March 1993 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved 2,749,975 United States dollars from the Multilateral Fund to enable Saudi Arabia's compliance in accordance with Article 10 of the Protocol, and that Saudi Arabia had its country programme approved by the Executive Committee in November 2007,

Noting further that Saudi Arabia reported annual consumption for the controlled substances listed in Annex A, group I (chlorofluorocarbons), of 657.8 ODP-tonnes for 2007 and of 365 ODP-tonnes for 2008, which exceeds the party's maximum allowable consumption of 269.8 ODP-tonnes for those controlled substances for those two years, and that the party was therefore in non-compliance with the control measures for chlorofluorocarbons under the Protocol for 2007 and 2008,

Noting, however, that Saudi Arabia reported consumption of Annex A, group I, substances (chlorofluorocarbons) of 190 ODP-tonnes for 2009, which places the party in compliance with the chlorofluorocarbon control measures for that year,

1. To note with appreciation Saudi Arabia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, Saudi Arabia specifically commits itself:

(a) To reducing chlorofluorocarbon consumption to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

(b) To monitoring its system for licensing the import and export of ozone-depleting substances;

2. To urge Saudi Arabia to work with the relevant implementing agencies to implement its plan of action to phase out the consumption of chlorofluorocarbons;

3. To monitor closely the progress of Saudi Arabia with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Saudi Arabia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

4. To caution Saudi Arabia, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that it fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance;

XXII/16: Non-compliance with the Montreal Protocol by the Republic of Korea

1. To note that the Republic of Korea reported the export of 37 metric tonnes of hydrochlorofluorocarbons in 2008 and 18.2 metric tonnes of hydrochlorofluorocarbons in 2009 to a State classified as not operating under paragraph 1 of Article 5 of the Montreal Protocol that is also a State not party to the Copenhagen Amendment to the Protocol, which places the party in non-compliance with the trade restriction against non-parties to the Protocol;

2. To note, however, that the party has taken measures not to export hydrochlorofluorocarbons to any State not party to the Copenhagen and Beijing Amendments to the Montreal Protocol in 2010 and in subsequent years except to parties operating under paragraph 1 of Article 5 of the Protocol;

3. That no further action is necessary in view of the undertaking by the Republic of Korea not to authorize any further exports of hydrochlorofluorocarbons to any non-party to the relevant amendments to the Montreal Protocol except to parties operating under paragraph 1 of Article 5 of the Protocol;

4. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol;

XXII/17: Ratification of the Copenhagen, Montreal and Beijing amendments to the Montreal Protocol by Kazakhstan

1. To note with concern that Kazakhstan is the only party not operating under paragraph 1 of Article 5 of the Montreal Protocol that has not ratified the Copenhagen Amendment to the Protocol;

2. Mindful that this situation prevents Kazakhstan from trading in ozone-depleting substances, and particularly in hydrochlorofluorocarbons, with parties to the Protocol;

3. To urge Kazakhstan to ratify, approve or accede to all amendments to the Montreal Protocol so that it can trade in all ozone-depleting substances with parties to those amendments;

XXII/18: Non-compliance with the Montreal Protocol by Vanuatu

Noting that Vanuatu ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 November 1994 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved 120,520 United States dollars from the Multilateral Fund and additional assistance through projects approved for the Pacific Island countries, of which Vanuatu is an integral part, to enable Vanuatu's compliance in accordance with Article 10 of the Protocol, and that Vanuatu had its country programme approved by the Executive Committee in March 2002,

Noting further that Vanuatu reported annual consumption of the controlled substances listed in Annex A, group I (chlorofluorocarbons), of 0.3 ODP-tonnes for 2007 and 0.7 ODP-tonnes for 2008, which exceeded the party's maximum allowable consumption of zero ODP-tonnes for those controlled substances for those years, and that the party is therefore in non-compliance with the control measures for those substances under the Protocol for those years,

1. To note with appreciation Vanuatu's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Vanuatu specifically commits itself:

(a) To reducing its consumption of chlorofluorocarbons to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

(b) To monitoring its import licensing system for ozone-depleting substances;

2. To urge Vanuatu to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;

3. To monitor closely the progress of Vanuatu with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the party is working towards

and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Vanuatu should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

4. To caution Vanuatu, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Vanuatu fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance;

XXII/19: Status of establishment of licensing systems under Article 4B of the Montreal Protocol

Noting that paragraph 3 of Article 4B of the Montreal Protocol requires each party, within three months of the date of introducing its system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that 176 of the 181 parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required under the terms of the amendment,

Noting also with appreciation that 12 parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems for ozone-depleting substances,

Recognizing that licensing systems provide for the monitoring of imports and exports of ozone-depleting substances, prevent illegal trade and enable data collection,

1. To urge Brunei Darussalam, Ethiopia, Lesotho, San Marino and Timor-Leste, which are the remaining parties to the Montreal Amendment to the Protocol that have not yet established import and export licensing systems for ozone-depleting substances, to do so and to report to the Secretariat by 31 May 2011 in time for the Implementation Committee and the Twenty-Third Meeting of the Parties, in 2011, to review their compliance situation;

2. To encourage Angola, Botswana and Vanuatu, which are the remaining parties to the Protocol that have neither ratified the Montreal Amendment nor established import and export licensing systems for ozone-depleting substances, to do so;

3. To urge all parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;

4. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all parties to the Protocol, as called for in Article 4B of the Protocol;

XXII/20: Treatment of stockpiled ozone-depleting substances

Recalling that in decision XVIII/17 the Secretariat was requested to maintain a consolidated record of the cases in which parties had explained that their excess production and consumption of ozone-depleting substances in a given year were a consequence of the production or import of ozone-depleting substances in that year that were stockpiled for some specified purposes in a future year,

Recalling also that the Secretariat was also requested to incorporate that record in the documentation prepared for each meeting of the Implementation Committee, for information purposes only, as well as in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol,

Noting that the Secretariat has reported 29 cases since 1999 involving 12 parties that have exceeded the allowed level of production or consumption of a particular ozone-depleting substance in a given year and explained that their excess production or consumption resulted from one of the scenarios mentioned above,

1. To remind all parties to report all production of ozone-depleting substances, whether intended or unintended, to enable the calculation of their production and consumption according to Article 3 of the Protocol;

2. To request parties, when reporting data under Article 7 of the Protocol, to identify any excess production and consumption that is a consequence of ozone-depleting substance production in the reporting year:

(a) For domestic destruction or export for destruction in a future year;

(b) For domestic feedstock use or export for that use in a future year;

(c) For export to meet basic domestic needs of developing countries in a future year;

3. That in any case mentioned in paragraph 2 no follow-up action from the Implementation Committee is deemed necessary if the party reports that it has the necessary measures in place to prohibit the use of the ozone-depleting substances for any other purpose than those designated in items (a)–(c) of paragraph 2 at the time of production;

4. To request the Secretariat to continue to maintain a consolidated record of the cases covered by paragraph 2, to incorporate that record in the documentation prepared for each meeting of the Implementation Committee, and to include it in the Secretariat's report on data submitted by the parties in accordance with Article 7 of the Protocol;

XXII/21: Administrative and financial matters: financial reports and budgets

Recalling decision XXI/32 on financial matters,

Taking note of the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2008–2009, ended 31 December 2009,

Recognizing that voluntary contributions are an essential complement for the effective implementation of the Montreal Protocol,

Welcoming the continued efficient management by the Secretariat of the finances of the Montreal Protocol Trust Fund,

1. To approve the revised 2010 budget in the amount of 4,955,743 United States dollars and the 2011 budget in the amount of $4,835,740 and to take note of the proposed budget of $4,943,796 for 2012, as set out in annex I to the report of the Twenty-Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;[3]

2. To authorize the Secretariat to draw down $558,807 in 2011 and to note the proposed drawdown of $666,863 in 2012;

3. To approve, as a consequence of the drawdowns referred to in paragraph 2 above, total contributions to be paid by the parties of $4,276,933 for 2011 and to note the contributions of $4,276,933 for 2012, as set out in annex II to the report of the Twenty-Second Meeting of the Parties;

4. That the contributions of individual parties for 2011 shall be listed in annex II to the report of the Twenty-Second Meeting of the Parties;

5. To authorize the Secretariat to maintain the operating cash reserve at 15 per cent of the 2011 budget to be used to meet the final expenditures under the Trust Fund;

6. To urge all parties to pay both their outstanding contributions and their future contributions promptly and in full;

XXII/22: Membership changes on the assessment panels

1. To thank Mr. Jan C. van der Leun, who has served as Co-Chair of the Environmental Effects Assessment Panel since its inception, for his long and outstanding service on behalf of the Montreal Protocol;

2. To endorse Mr. Nigel D. Paul as Co-Chair of the Environmental Effects Assessment Panel;

3 UNEP/OzL.Pro.22/9.

3. To thank Mr. José Pons Pons for his long and outstanding service as Co-Chair of the Technology and Economic Assessment Panel;

4. To endorse the selection of Ms. Marta Pizano as Co-Chair of the Technology and Economic Assessment Panel for a term of four years, subject to re-endorsement by the parties in accordance with section 2.3 of the terms of reference of the Technology and Economic Assessment Panel;

5. To thank Mr. Thomas Morehouse for his long and outstanding service as a Senior Expert of the Technology and Economic Assessment Panel and as a member and Co-Chair of the Halons Technical Options Committee;

6. To endorse the selection of Ms. Bella Maranion as a Senior Expert of the Technology and Economic Assessment Panel for a term of four years, subject to re-endorsement by the parties in accordance with section 2.3 of the terms of reference of the Technology and Economic Assessment Panel;

7. To request the Technology and Economic Assessment Panel and its technical options committees to draw up guidelines for the nomination of experts by the parties, in accordance with section 2.9 of the terms of reference of the Technology and Economic Assessment Panel, for presentation to the parties prior to the thirty-first meeting of the Open-ended Working Group;

8. To request that the Technology and Economic Assessment Panel consider the need for balance and appropriate expertise when appointing members of the technical options committees, task forces and other subsidiary groups in accordance with sections 2.1, 2.5 and 2.8 of the terms of reference of the Panel;

XXII/23: Membership of the Implementation Committee

1. To note with appreciation the work done by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol in 2010;

2. To confirm the positions of Egypt, Jordan, the Russian Federation, Saint Lucia and the United States of America as members of the Committee for one further year and to select Algeria, Armenia, Germany, Nicaragua and Sri Lanka as members of the Committee for a two-year period beginning 1 January 2011;

3. To note the selection of Ms. Elisabeth Munzert (Germany) to serve as President and of Mr. Ghazi Al Odat (Jordan) to serve as Vice-President and Rapporteur of the Committee for one year beginning 1 January 2011;

XXII/24: Membership of the Executive Committee of the Multilateral Fund

1. To note with appreciation the work done by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund secretariat in 2010;

2. To endorse the selection of Australia, Belgium, the Czech Republic, France, Japan, Switzerland and the United States of America as members of the Executive Committee representing parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of Argentina, China, Cuba, Grenada, Kenya, Kuwait and Morocco as members representing parties operating under that paragraph, for one year beginning 1 January 2011;

3. To note the selection of Mr. Patrick John McInerney (Australia) to serve as Chair and Mr. Wurui Wen (China) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2011;

XXII/25: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

To endorse the selection of Mr. Ndiaye Cheikh Sylla (Senegal) and Ms. Gudi Alkemade (Netherlands) as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2011;

XXII/26: Twenty-Third Meeting of the Parties to the Montreal Protocol

To convene the Twenty-Third Meeting of the Parties to the Montreal Protocol in Bali, Indonesia, and to announce a firm date for the meeting as soon as possible.

Comments made at the time of adoption of decisions

208. Following the adoption of the decision on administrative and financial matters the representative of Japan commented on footnote 1 of annex I to the present report decision, relating to the parties' desire to retain the services of the current Executive Secretary of the Montreal Protocol through 2015. He emphasized that there was very strong support for raising the level of the position from D-2 to the level of Assistant Secretary-General and that the parties called upon the President of the Bureau of the Twenty-First Meeting of the Parties to work with the Executive Director of UNEP to explore any means to retain the Executive Secretary through 2015 and to convey to the Secretary-General of the United Nations the parties' will in that regard. Asking that his comments be reflected in the present report, he also emphasized his country's strong desire that the President and the Executive Director should take the steps outlined in the footnote to ensure the continuity of the current Executive Secretary.

XI. Adoption of the report of the Twenty-Second Meeting of the Parties

209. The present report was adopted on Friday, 12 November 2010, on the basis of the draft report submitted to the parties.

210. Following adoption of the report Ms. Gudi Alkemade (Netherlands), speaking on behalf of herself and Mr. Ndiaye Cheikh Sylla (Senegal), expressed her gratitude to the parties for their trust and support in selecting her and Mr. Sylla as Co-Chairs of the Open-ended Working Group for 2011. She pledged their best efforts in working with the parties and the Secretariat to achieve success in 2011.

XII. Closure of the meeting

211. Following the customary exchange of courtesies, the President declared the meeting closed at 8.15 p.m. on Friday, 12 November 2010.

Annex I

Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer

Approved 2010 and 2011 and proposed 2012 budgets (in United States dollars)

				w/m	2010 Approved revision	w/m	2011	w/m	2012
10	**Project personnel component**								
	1100	Project personnel							
		1101	Executive Secretary (D-2) (shared with the Vienna Convention, (VC))[1]	6	161 900	6	166 757	6	171 760
		1102	Deputy Executive Secretary (D-1)	12	252 000	12	259 560	12	267 347
		1103	Senior Legal Officer (P-5)	12	196 730	12	202 632	12	208 711
		1104	Senior Scientific Affairs Officer (P-5) (shared with VC)	6	128 159	6	130 000	6	133 900
		1105	Administrative Officer (P-5) (paid by UNEP)	12	—		—		—
		1106	Database Manager (Information Systems and Technology (P-4))	12	145 743	12	150 115	12	154 618
		1107	Programme Officer (Communication and Information (P-3)) (paid from VC)	12		12		12	
		1108	Programme Officer (Monitoring and Compliance (P4))	12	185 400	12	188 000	12	193 640
	1199	*Subtotal*			*1 069 932*		*1 097 064*		*1 129 976*
	1200	Consultants							
		1201	Assistance in data-reporting, analysis and promotion of the implementation of the Protocol		40 000		40 000		40 000
	1299	*Subtotal*			*40 000*		*40 000*		*40 000*
	1300	Administrative support							
		1301	Administrative Assistant (G-7) (shared with VC)	6	21 250	6	21 250	6	21 888
		1302	Administrative Assistant (G-6)	12	26 625	12	27 000	12	27 810
		1303	Programme Assistant (G-6) (paid from VC)	12	—	12	—	12	—
		1304	Programme Assistant (Data) (G-6) (shared with VC)	6	17 573	6	17 573	6	17 573
		1305	Information Assistant (Research) (G-6) (shared with VC)	6	16 295	6	16 295	6	16 295
		1306	Information management (Assistant/Documentation Clerk) (G-6)	12	27 560	12	27 560	12	27 560
		1307	Data Assistant (Computer Information Systems Assistant) (G-7)	12	42 174	12	42 174	12	43 439
		1308	Administrative Assistant - Fund (G-7) (paid by UNEP)	12	—	12	—	12	—
		1309	Team Assistant/Logistics Assistant (G-4) (paid by UNEP)	12	—	12	—	12	—
		1310	Meetings services (Assistant/Bilingual Senior Secretary) (G-6) (paid from VC)	12	—	12	—	12	—
		1320	Temporary assistance	12	21 300		21 300		21 300
		1321	Open-ended Working Group Meetings[2]		523 704		490 000		490 000
		1322	Preparatory and parties meetings (shared with VC every three years, applies to the Twenty-Third Meeting of the Parties to the Montreal Protocol and Ninth meeting of the Conference of the Parties to the Vienna Convention in 2011)		500 000		350 000		500 000
		1323	Assessment panel meetings		100 000		75 000		75 000
		1324	Bureau meeting		20 000		20 000		20 000
		1325	Implementation Committee meetings		111 200		111 200		111 200
		1326	MP informal consultation meetings		10 000		10 000		10 000
	1399	*Subtotal*			*1 437 681*		*1 229 352*		*1 382 065*

				w/m	2010 Approved revision	w/m	2011	w/m	2012
	1600	Travel on official business							
		1601	Staff travel on official business		210 000		210 000		210 000
		1602	Conference services staff travel on official business		15 000		15 000		15 000
	1699	*Subtotal*			*225 000*		*225 000*		*225 000*
1999	**Component total**				**2 772 613**		**2 591 416**		**2 777 041**
2000	**Contracts**[3]						70 000		
30	**Meeting/participation component**								
	3300	Support for participation							
		3301	Assessment panel meetings[4]		500 000		500 000		500 000
		3302	Preparatory and party meetings (Montreal Protocol bears the cost of the participation of MP & VC representatives from article 5 parties at the joint 23rd MOP and 9th COP in 2011)		350 000		350 000		350 000
		3303	Open-ended Working Group meetings		300 000		300 000		300 000
		3304	Bureau meeting		20 000		20 000		20 000
		3305	Implementation Committee meetings		125 000		125 000		125 000
		3306	Consultations in an informal meeting		10 000		10 000		10 000
	3399	*Subtotal*			*1 305 000*		*1 305 000*		*1 305 000*
3999	**Component total**				**1 305 000**		**1 305 000**		**1 305 000**
40	**Equipment and premises component**								
	4100	Expendable equipment (items under $1,500)							
		4101	Miscellaneous expendables (shared with VC)		22 000		22 000		22 000
	4199	*Subtotal*			*22,000*		*22 000*		*22 000*
	4200	Non-expendable equipment							
		4201	Personal computers and accessories		10 000		20 000		5 000
		4202	Portable computers		5 000		5 000		15 000
		4203	Other office equipment (server, fax, scanner, furniture, etc.)		20 000		20 000		10 000
		4204	Photocopiers		5 000		5 000		5 000
	4299	*Subtotal*			*40 000*		*50 000*		*35 000*
	4300	Premises							
		4301	Rental of office premises (shared with VC)		48 000		48 000		48 000
	4399	*Subtotal*			*48 000*		*48 000*		*48 000*
4999	**Component total**				**110 000**		**120 000**		**105 000**
50	**Miscellaneous component**								
	5100	Operation and maintenance of equipment							
		5101	Maintenance of equipment and others (shared with VC)		25 000		25 000		25 000
	5199	Subtotal			25 000		25 000		25 000
	5200	Reporting costs							
		5201	Reporting		45 000		35 000		35 000
		5202	Reporting (assessment panels)		10 000		10 000		10 000
		5203	Reporting (Protocol awareness)		5 000		5 000		5 000
	5299	*Subtotal*			*60 000*		*50 000*		*50 000*

			w/m	2010 Approved revision	w/m	2011	w/m	2012
	5300	Sundry						
		5301 Communications		36 000		36 000		36 000
		5302 Freight charges		35 000		35 000		35 000
		5303 Training		12 000		12 000		12 000
		5304 Others (International Ozone Day)		10 000		10 000		10 000
	5399	*Subtotal*		*93 000*		*93 000*		*93 000*
	5400	Hospitality						
		5401 Hospitality		20 000		25 000		20 000
	5499	Subtotal		20 000		25 000		20 000
5999	**Component total**			**198,000**		**193 000**		**188 000**
99	**Total direct project cost**			**4 385 613**		**4 279 416**		**4 375 041**
	Programme support costs (13 per cent)			**570 130**		**556 324**		**568 755**
	Grand total (inclusive of programme support costs)			**4 955 743**		**4 835 740**		**4 943 796**
	Operating cash reserve exclusive of programme support costs			**—**		**—**		**—**
	Total budget			**4 955 743**		**4 835 740**		**4 943 796**
	Drawdown[5]			**678 810**		**558 807**		**666 863**
	Contribution from the parties			**4 276 933**		**4 276 933**		**4 276 933**

1 In the light of the unparalleled effectiveness of the Montreal Protocol, the parties express their strong desire to ensure continued leadership and consistency in the Ozone Secretariat during the period leading up to 2015, which is a critical period for the implementation of the most recent adjustment to that treaty. There is a pressing need to retain the current Executive Secretary of the Ozone Secretariat through 2015 to provide this leadership and consistency during this critical period. The parties therefore request the President of the Bureau of the Twenty-First Meeting of the Parties to work with the Executive Director of the United Nations Environment Programme to explore any means to retain the current Executive Secretary through 2015 and to convey to the Secretary-General of the United Nations the parties' request to find means to extend the tenure of the current Executive Secretary of the Ozone Secretariat through 2015. The parties authorize the use of budget line transfers of funds without increasing the size of the budget if such transfers are necessary to facilitate the extension. Regardless of any change in the post of Executive Secretary that may be used to achieve the extension through 2015, the position will revert to that of a non-extended D-2 position at the end of 2015 or, if the incumbent leaves earlier, at that earlier date.

2 An amount up to $400,000 had been added to the 2010 budget line to accommodate the cost of additional activities discussed by the Twenty-First Meeting of the Parties. Expenditure against this activity was $50,000; hence budget line 1321 in 2010 is being reduced by $350,000. The savings revert to the Trust Fund. The parties request the Ozone Secretariat, in cases where Open-ended Working Group and Multilateral Fund Executive Committee meetings are held back to back, to consult with the Multilateral Fund Secretariat with a view to selecting meeting locations which are the most cost-effective, taking into account the budgets of both secretariats.

3 The Twenty-Second Meeting of the Parties approved a total budget for an evaluation of the Financial Mechanism of up to $200,000 with the understanding that $70,000 would be available to the Secretariat in 2011 to start the application and bidding process needed to hire an appropriate entity to undertake the evaluation and that the Twenty-Third Meeting of the Parties would decide on the funding source for the balance of the budget for the evaluation.

4 The budget line covers the participation of Technology and Economic Assessment Panel experts to enable the timely completion of the work requested by the parties.

5 Drawdown levels were set with a view to maintaining the level of contributions constant through 2013. A drawdown for 2012 has been included by the Secretariat only for information. The amount may be changed by the parties when the budget proposals for 2012 and 2013 are presented for consideration in 2011.

Annex II

Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer

Scale of contributions by the parties for 2011 and 2012 based on the United Nations scale of assessments

(General Assembly resolution 64/248 of 24 December 2009 with a maximum assessment rate of 22 per cent)

(in United States dollars)

	Name of party	UN scale of assessment for 2010–2012	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	2011 contributions by parties	Indicative 2012 contributions by parties
1.	Afghanistan	**0.004**	**0.000**	**0.000**	**—**	**—**
2.	Albania	**0.010**	**0.000**	**0.000**	**—**	**—**
3.	Algeria	**0.128**	**0.128**	**0.128**	**5 465**	**5 465**
4.	Andorra	**0.007**	**0.000**	**0.000**	**—**	**—**
5.	Angola	**0.010**	**0.000**	**0.000**	**—**	**—**
6.	Antigua and Barbuda	**0.002**	**0.000**	**0.000**	**—**	**—**
7.	Argentina	**0.287**	**0.287**	**0.287**	**12 255**	**12 255**
8.	Armenia	**0.005**	**0.000**	**0.000**	**—**	**—**
9.	Australia	**1.933**	**1.933**	**1.930**	**82 537**	**82 537**
10.	Austria	**0.851**	**0.851**	**0.850**	**36 337**	**36 337**
11.	Azerbaijan	**0.015**	**0.000**	**0.000**	**—**	**—**
12.	Bahamas	**0.018**	**0.000**	**0.000**	**—**	**—**
13.	Bahrain	**0.039**	**0.000**	**0.000**	**—**	**—**
14.	Bangladesh	**0.010**	**0.000**	**0.000**	**—**	**—**
15.	Barbados	**0.008**	**0.000**	**0.000**	**—**	**—**
16.	Belarus	**0.042**	**0.000**	**0.000**	**—**	**—**
17.	Belgium	**1.075**	**1.075**	**1.073**	**45 901**	**45 901**
18.	Belize	**0.001**	**0.000**	**0.000**	**—**	**—**
19.	Benin	**0.003**	**0.000**	**0.000**	**—**	**—**
20.	Bhutan	**0.001**	**0.000**	**0.000**	**—**	**—**
21.	Bolivia (Plurinational State of)	**0.007**	**0.000**	**0.000**	**—**	**—**
22.	Bosnia and Herzegovina	**0.014**	**0.000**	**0.000**	**—**	**—**
23.	Botswana	**0.018**	**0.000**	**0.000**	**—**	**—**
24.	Brazil	**1.611**	**1.611**	**1.608**	**68 788**	**68 788**
25.	Brunei Darussalam	**0.028**	**0.000**	**0.000**	**—**	**—**
26.	Bulgaria	**0.038**	**0.000**	**0.000**	**—**	**—**
27.	Burkina Faso	**0.003**	**0.000**	**0.000**	**—**	**—**
28.	Burundi	**0.001**	**0.000**	**0.000**	**—**	**—**
29.	Cambodia	**0.003**	**0.000**	**0.000**	**—**	**—**
30.	Cameroon	**0.011**	**0.000**	**0.000**	**—**	**—**
31.	Canada	**3.207**	**3.207**	**3.202**	**136 935**	**136 935**
32.	Cape Verde	**0.001**	**0.000**	**0.000**	**—**	**—**
33.	Central African Republic	**0.001**	**0.000**	**0.000**	**—**	**—**

	Name of party	UN scale of assessment for 2010–2012	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	2011 contributions by parties	Indicative 2012 contributions by parties
34.	Chad	**0.002**	**0.000**	**0.000**	**—**	**—**
35.	Chile	**0.236**	**0.236**	**0.236**	**10 077**	**10 077**
36.	China	**3.189**	**3.189**	**3.184**	**136 167**	**136 167**
37.	Colombia	**0.144**	**0.144**	**0.144**	**6 149**	**6 149**
38.	Comoros	**0.001**	**0.000**	**0.000**	**—**	**—**
39.	Congo	**0.003**	**0.000**	**0.000**	**—**	**—**
40.	Cook Islands	-	**0.000**	**0.000**	**—**	**—**
41.	Costa Rica	**0.034**	**0.000**	**0.000**	**—**	**—**
42.	Côte d'Ivoire	**0.010**	**0.000**	**0.000**	**—**	**—**
43.	Croatia	**0.097**	**0.000**	**0.000**	**—**	**—**
44.	Cuba	**0.071**	**0.000**	**0.000**	**—**	**—**
45.	Cyprus	**0.046**	**0.000**	**0.000**	**—**	**—**
46.	Czech Republic	**0.349**	**0.349**	**0.348**	**14 902**	**14 902**
47.	Democratic People's Republic of Korea	**0.007**	**0.000**	**0.000**	**—**	**—**
48.	Democratic Republic of the Congo	**0.003**	**0.000**	**0.000**	**—**	**—**
49.	Denmark	**0.736**	**0.736**	**0.735**	**31 426**	**31 426**
50.	Djibouti	**0.001**	**0.000**	**0.000**	**—**	**—**
51.	Dominica	**0.001**	**0.000**	**0.000**	**—**	**—**
52.	Dominican Republic	**0.042**	**0.000**	**0.000**	**—**	**—**
53.	Ecuador	**0.040**	**0.000**	**0.000**	**—**	**—**
54.	Egypt	**0.094**	**0.000**	**0.000**	**—**	**—**
55.	El Salvador	**0.019**	**0.000**	**0.000**	**—**	**—**
56.	Equatorial Guinea	**0.008**	**0.000**	**0.000**	**—**	**—**
57.	Eritrea	**0.001**	**0.000**	**0.000**	**—**	**—**
58.	Estonia	**0.040**	**0.000**	**0.000**	**—**	**—**
59.	Ethiopia	**0.008**	**0.000**	**0.000**	**—**	**—**
60.	European Union	**2.500**	**2.500**	**2.496**	**106 747**	**106 747**
61.	Fiji	**0.004**	**0.000**	**0.000**	**—**	**—**
62.	Finland	**0.566**	**0.566**	**0.565**	**24 168**	**24 168**
63.	France	**6.123**	**6.123**	**6.113**	**261 445**	**261 445**
64.	Gabon	**0.014**	**0.000**	**0.000**	**—**	**—**
65.	Gambia	**0.001**	**0.000**	**0.000**	**—**	**—**
66.	Georgia	**0.006**	**0.000**	**0.000**	**—**	**—**
67.	Germany	**8.018**	**8.018**	**8.005**	**342 360**	**342 360**
68.	Ghana	**0.006**	**0.000**	**0.000**	**—**	**—**
69.	Greece	**0.691**	**0.691**	**0.690**	**29 505**	**29 505**
70.	Grenada	**0.001**	**0.000**	**0.000**	**—**	**—**
71.	Guatemala	**0.028**	**0.000**	**0.000**	**—**	**—**
72.	Guinea	**0.002**	**0.000**	**0.000**	**—**	**—**
73.	Guinea-Bissau	**0.001**	**0.000**	**0.000**	**—**	**—**
74.	Guyana	**0.001**	**0.000**	**0.000**	**—**	**—**
75.	Haiti	**0.003**	**0.000**	**0.000**	**—**	**—**
76.	Holy See	**0.001**	**0.000**	**0.000**	**—**	**—**

	Name of party	UN scale of assessment for 2010–2012	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	2011 contributions by parties	Indicative 2012 contributions by parties
77.	Honduras	**0.008**	**0.000**	**0.000**	**—**	**—**
78.	Hungary	**0.291**	**0.291**	**0.291**	**12 425**	**12 425**
79.	Iceland	**0.042**	**0.000**	**0.000**	**—**	**—**
80.	India	**0.534**	**0.534**	**0.533**	**22 801**	**22 801**
81.	Indonesia	**0.238**	**0.238**	**0.238**	**10 162**	**10 162**
82.	Iran (Islamic Republic of)	**0.233**	**0.233**	**0.233**	**9 949**	**9 949**
83.	Iraq	**0.020**	**0.000**	**0.000**	**—**	**—**
84.	Ireland	**0.498**	**0.498**	**0.497**	**21 264**	**21 264**
85.	Israel	**0.384**	**0.384**	**0.383**	**16 396**	**16 396**
86.	Italy	**4.999**	**4.999**	**4.991**	**213 452**	**213 452**
87.	Jamaica	**0.014**	**0.000**	**0.000**	**—**	**—**
88.	Japan	**12.530**	**12.530**	**12.509**	**535 017**	**535 017**
89.	Jordan	**0.014**	**0.000**	**0.000**	**—**	**—**
90.	Kazakhstan	**0.076**	**0.000**	**0.000**	**—**	**—**
91.	Kenya	**0.012**	**0.000**	**0.000**	**—**	**—**
92.	Kiribati	**0.001**	**0.000**	**0.000**	**—**	**—**
93.	Kuwait	**0.263**	**0.263**	**0.263**	**11 230**	**11 230**
94.	Kyrgyzstan	**0.001**	**0.000**	**0.000**	**—**	**—**
95.	Lao People’s Democratic Republic	**0.001**	**0.000**	**0.000**	**—**	**—**
96.	Latvia	**0.038**	**0.000**	**0.000**	**—**	**—**
97.	Lebanon	**0.033**	**0.000**	**0.000**	**—**	**—**
98.	Lesotho	**0.001**	**0.000**	**0.000**	**—**	**—**
99.	Liberia	**0.001**	**0.000**	**0.000**	**—**	**—**
100.	Libyan Arab Jamahiriya	**0.129**	**0.129**	**0.129**	**5 508**	**5 508**
101.	Liechtenstein	**0.009**	**0.000**	**0.000**	**—**	**—**
102.	Lithuania	**0.065**	**0.000**	**0.000**	**—**	**—**
103.	Luxembourg	**0.090**	**0.000**	**0.000**	**—**	**—**
104.	Madagascar	**0.003**	**0.000**	**0.000**	**—**	**—**
105.	Malawi	**0.001**	**0.000**	**0.000**	**—**	**—**
106.	Malaysia	**0.253**	**0.253**	**0.253**	**10 803**	**10 803**
107.	Maldives	**0.001**	**0.000**	**0.000**	**—**	**—**
108.	Mali	**0.003**	**0.000**	**0.000**	**—**	**—**
109.	Malta	**0.017**	**0.000**	**0.000**	**—**	**—**
110.	Marshall Islands	**0.001**	**0.000**	**0.000**	**—**	**—**
111.	Mauritania	**0.001**	**0.000**	**0.000**	**—**	**—**
112.	Mauritius	**0.011**	**0.000**	**0.000**	**—**	**—**
113.	Mexico	**2.356**	**2.356**	**2.352**	**100 599**	**100 599**
114.	Micronesia (Federated States of)	**0.001**	**0.000**	**0.000**	**—**	**—**
115.	Monaco	**0.003**	**0.000**	**0.000**	**—**	**—**
116.	Mongolia	**0.002**	**0.000**	**0.000**	**—**	**—**
117.	Montenegro	**0.004**	**0.000**	**0.000**	**—**	**—**
118.	Morocco	**0.058**	**0.000**	**0.000**	**—**	**—**
119.	Mozambique	**0.003**	**0.000**	**0.000**	**—**	**—**

	Name of party	UN scale of assessment for 2010–2012	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	2011 contributions by parties	Indicative 2012 contributions by parties
120.	Myanmar	**0.006**	**0.000**	**0.000**	**—**	**—**
121.	Namibia	**0.008**	**0.000**	**0.000**	**—**	**—**
122.	Nauru	**0.001**	**0.000**	**0.000**	**—**	**—**
123.	Nepal	**0.006**	**0.000**	**0.000**	**—**	**—**
124.	Netherlands	**1.855**	**1.855**	**1.852**	**79 206**	**79 206**
125.	New Zealand	**0.273**	**0.273**	**0.273**	**11 657**	**11 657**
126.	Nicaragua	**0.003**	**0.000**	**0.000**	**—**	**—**
127.	Niger	**0.002**	**0.000**	**0.000**	**—**	**—**
128.	Nigeria	**0.078**	**0.000**	**0.000**	**—**	**—**
129.	Niue	-	**0.000**	**0.000**	**—**	**—**
130.	Norway	**0.871**	**0.871**	**0.870**	**37 191**	**37 191**
131.	Oman	**0.086**	**0.000**	**0.000**	**—**	**—**
132.	Pakistan	**0.082**	**0.000**	**0.000**	**—**	**—**
133.	Palau	**0.001**	**0.000**	**0.000**	**—**	**—**
134.	Panama	**0.022**	**0.000**	**0.000**	**—**	**—**
135.	Papua New Guinea	**0.002**	**0.000**	**0.000**	**—**	**—**
136.	Paraguay	**0.007**	**0.000**	**0.000**	**—**	**—**
137.	Peru	**0.090**	**0.000**	**0.000**	**—**	**—**
138.	Philippines	**0.090**	**0.000**	**0.000**	**—**	**—**
139.	Poland	**0.828**	**0.828**	**0.827**	**35 355**	**35 355**
140.	Portugal	**0.511**	**0.511**	**0.510**	**21 819**	**21 819**
141.	Qatar	**0.135**	**0.135**	**0.135**	**5 764**	**5 764**
142.	Republic of Korea	**2.260**	**2.260**	**2.256**	**96 499**	**96 499**
143.	Republic of Moldova	**0.002**	**0.000**	**0.000**	**—**	**—**
144.	Romania	**0.177**	**0.177**	**0.177**	**7 558**	**7 558**
145.	Russian Federation	**1.602**	**1.602**	**1.599**	**68 404**	**68 404**
146.	Rwanda	**0.001**	**0.000**	**0.000**	**—**	**—**
147.	Saint Kitts and Nevis	**0.001**	**0.000**	**0.000**	**—**	**—**
148.	Saint Lucia	**0.001**	**0.000**	**0.000**	**—**	**—**
149.	Saint Vincent and the Grenadines	**0.001**	**0.000**	**0.000**	**—**	**—**
150.	Samoa	**0.001**	**0.000**	**0.000**	**—**	**—**
151.	San Marino	**0.003**	**0.000**	**0.000**	**—**	**—**
152.	Sao Tome and Principe	**0.001**	**0.000**	**0.000**	**—**	**—**
153.	Saudi Arabia	**0.830**	**0.830**	**0.829**	**35 440**	**35 440**
154.	Senegal	**0.006**	**0.000**	**0.000**	**—**	**—**
155.	Serbia	**0.037**	**0.000**	**0.000**	**—**	**—**
156.	Seychelles	**0.002**	**0.000**	**0.000**	**—**	**—**
157.	Sierra Leone	**0.001**	**0.000**	**0.000**	**—**	**—**
158.	Singapore	**0.335**	**0.335**	**0.334**	**14 304**	**14 304**
159.	Slovakia	**0.142**	**0.142**	**0.142**	**6 063**	**6 063**
160.	Slovenia	**0.103**	**0.103**	**0.103**	**4 398**	**4 398**
161.	Solomon Islands	**0.001**	**0.000**	**0.000**	**—**	**—**
162.	Somalia	**0.001**	**0.000**	**0.000**	**—**	**—**

	Name of party	UN scale of assessment for 2010–2012	Adjusted UN scale to exclude non-contributors	Adjusted UN scale with 22% maximum assessment rate considered	2011 contributions by parties	Indicative 2012 contributions by parties
163.	South Africa	**0.385**	**0.385**	**0.384**	**16 439**	**16 439**
164.	Spain	**3.177**	**3.177**	**3.172**	**135 654**	**135 654**
165.	Sri Lanka	**0.019**	**0.000**	**0.000**	**—**	**—**
166.	Sudan	**0.010**	**0.000**	**0.000**	**—**	**—**
167.	Suriname	**0.003**	**0.000**	**0.000**	**—**	**—**
168.	Swaziland	**0.003**	**0.000**	**0.000**	**—**	**—**
169.	Sweden	**1.064**	**1.064**	**1.062**	**45 432**	**45 432**
170.	Switzerland	**1.130**	**1.130**	**1.128**	**48 250**	**48 250**
171.	Syrian Arab Republic	**0.025**	**0.000**	**0.000**	**—**	**—**
172.	Tajikistan	**0.002**	**0.000**	**0.000**	**—**	**—**
173.	Thailand	**0.209**	**0.209**	**0.209**	**8 924**	**8 924**
174.	The former Yugoslav Republic of Macedonia	**0.007**	**0.000**	**0.000**	**—**	**—**
175.	Timor-Leste	**0.001**	**0.000**	**0.000**	**—**	**—**
176.	Togo	**0.001**	**0.000**	**0.000**	**—**	**—**
177.	Tonga	**0.001**	**0.000**	**0.000**	**—**	**—**
178.	Trinidad and Tobago	**0.044**	**0.000**	**0.000**	**—**	**—**
179.	Tunisia	**0.030**	**0.000**	**0.000**	**—**	**—**
180.	Turkey	**0.617**	**0.617**	**0.616**	**26 345**	**26 345**
181.	Turkmenistan	**0.026**	**0.000**	**0.000**	**—**	**—**
182.	Tuvalu	**0.001**	**0.000**	**0.000**	**—**	**—**
183.	Uganda	**0.006**	**0.000**	**0.000**	**—**	**—**
184.	Ukraine	**0.087**	**0.000**	**0.000**	**—**	**—**
185.	United Arab Emirates	**0.391**	**0.391**	**0.390**	**16 695**	**16 695**
186.	United Kingdom of Great Britain and Northern Ireland	**6.604**	**6.604**	**6.593**	**281 983**	**281 983**
187.	United Republic of Tanzania	**0.008**	**0.000**	**0.000**	**—**	**—**
188.	United States of America	**22.000**	**22.000**	**21.964**	**939 375**	**939 375**
189.	Uruguay	**0.027**	**0.000**	**0.000**	**—**	**—**
190.	Uzbekistan	**0.010**	**0.000**	**0.000**	**—**	**—**
191.	Vanuatu	**0.001**	**0.000**	**0.000**	**—**	**—**
192.	Venezuela (Bolivarian Republic of)	**0.314**	**0.314**	**0.313**	**13 407**	**13 407**
193.	Viet Nam	**0.033**	**0.000**	**0.000**	**—**	**—**
194.	Yemen	**0.010**	**0.000**	**0.000**	**—**	**—**
195.	Zambia	**0.004**	**0.000**	**0.000**	**—**	**—**
196.	Zimbabwe	**0.003**	**0.000**	**0.000**	**—**	**—**
	Total	**102.501**	**100.165**	**100.000**	**4 276 933**	**4 276 933**

Annex III

Declaration on the global transition away from hydrochlorofluorocarbons (HCFCs) and chlorofluorocarbons (CFCs)

Recognizing that hydrofluorocarbons (HFCs) are replacements for ozone-depleting substances being phased out under the Montreal Protocol, and that the projected increase in their use is a major challenge for the world's climate system that must be addressed through concerted international action,

Recognizing also that the Montreal Protocol is well-suited to making progress in replacing hydrochlorofluorocarbons (HCFCs) and chlorofluorocarbons (CFCs) with low-global warming potential alternatives,

Mindful that certain high-global warming potential alternatives to HCFCs and other ozone-depleting substances are covered by the United Nations Framework Convention on Climate Change and its Kyoto Protocol and that action under the Montreal Protocol should not have the effect of exempting them from the scope of the commitments contained thereunder,

Interested in harmonizing appropriate policies toward a global transition from HCFCs to environmentally sound alternatives,

Encourage all Parties to promote policies and measures aimed at selecting low-GWP alternatives to HCFCs and other ozone-depleting substances;;

Declare our intent to pursue further action under the Montreal Protocol aimed at transitioning the world to environmentally sound alternatives to HCFCs and CFCs.

Afghanistan, Antigua and Barbuda, Armenia, Austria, Australia, Bahamas, Bangladesh, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, Estonia, European Union, Federated States of Micronesia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Haiti, Hungary, Indonesia, Iraq, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mauritius, Macedonia, Malta, Mexico, Micronesia, Montenegro, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Philippines, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Sao Tome and Principe, Senegal, Serbia, Slovakia, Slovenia, Spain, Somalia, Sri Lanka, Sweden, Switzerland, Timor-Leste, Togo, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.