



Distr.: General
14 February 2020
Original: English



**United Nations
Environment
Programme**

**Open-ended Working Group of the Parties to
the Montreal Protocol on Substances that
Deplete the Ozone Layer
Forty-second meeting**
Montreal, Canada, 13–17 July 2020**
Item 6 of the provisional agenda***

**Institutional processes to strengthen the effective
implementation and enforcement of the Montreal
Protocol (UNEP/OzL.Pro.31/9, para. 170)**

Overview of documents about the institutional processes for the effective implementation of the Montreal Protocol

Report by the Secretariat

I. Introduction

1. The present report provides, for the parties' ease of reference, an at-a-glance description of documents that have been presented by the Secretariat at recent meetings and may have a bearing on item 6 of the provisional agenda of the forty-second meeting of the Open-ended Working Group. The documents listed form part of the background documentation for the meeting and are available on the meeting portal at: <http://conf.montreal-protocol.org/meeting/oewg/oewg-42/SitePages/Home.aspx>. The documents are set out in chronological order.

<i>Document symbol</i>	<i>Document title</i>	<i>Relevant sections</i>
UNEP/OzL.Pro.WG.1/41/3	Report by the Secretariat entitled "Unexpected emissions of CFC-11: overview outlining the procedures under the Montreal Protocol on Substances that Deplete the Ozone Layer and the Multilateral Fund for the Implementation of the Montreal Protocol with reference to controlled substances by which parties review and ensure continuing compliance with the Protocol obligations and with the terms of agreements under the Fund"	Sections II, III and IV
Not applicable	Overview of the procedures under the Multilateral Fund by which the parties review and ensure continuing compliance with the terms of agreements under the Fund	Entire document

* Reissued for technical reasons on 3 June 2020.

** Some agenda items will be discussed online and others will be deferred to a later date.

*** UNEP/OzL.Pro.WG.1/42/1.

<i>Document symbol</i>	<i>Document title</i>	<i>Relevant sections</i>
UNEP/OzL.Pro.31/6	Report by the Secretariat entitled “Unexpected emissions of CFC-11: update to the overview provided at the forty-first meeting of the Open-ended Working Group”	Sections II B, II C, II D, annex
UNEP/OzL.Pro/ImpCom/63/6	Report of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on the work of its sixty-third meeting	Section VII, annexes II and III

II. Report by the Secretariat on unexpected emissions of CFC-11 (UNEP/OzL.Pro.WG.1/41/3)

2. The report by the Secretariat entitled “Unexpected emissions of CFC-11: overview outlining the procedures under the Montreal Protocol on Substances that Deplete the Ozone Layer and the Multilateral Fund for the Implementation of the Montreal Protocol with reference to controlled substances by which parties review and ensure continuing compliance with the Protocol obligations and with the terms of agreements under the Fund” (UNEP/OzL.Pro.WG.1/41/3) was prepared in response to paragraph 6 of decision XXX/3, adopted by the Thirtieth Meeting of the Parties in 2018.

3. The relevant sections of the document include the following:

(a) Section II provides an overview of the provisions of the Montreal Protocol and related procedures by which the parties review and ensure continuing compliance with their obligations under the Protocol. These include compliance-related provisions, reporting of data and information under the Protocol, voluntary reporting and actions, the non-compliance procedure, the ways in which a matter can be brought before the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol, the types of issues considered and approaches adopted by the Implementation Committee to date, as well as the approaches adopted by the Meeting of the Parties on compliance-related issues. The section also provides information on the role of the Vienna Convention for the Protection of the Ozone Layer and of the assessment panels under the Montreal Protocol in scientific and technical monitoring.

(b) Section III provides an overview of procedures under the Multilateral Fund by which the parties review and ensure the continuing fulfilment of obligations under funding agreements. These include enabling compliance through the strengthening of regulatory and institutional frameworks, and procedures for reporting, monitoring and evaluation under the Multilateral Fund. Verification, monitoring and reporting, the consequences of not meeting the funding agreements as well as monitoring and evaluation under the Multilateral Fund are also covered in this section.

(c) Section IV sets out a number of observations on the information provided in sections II and III.

III. Overview of the procedures under the Multilateral Fund by which the parties review and ensure continuing compliance with the terms of agreements under the Fund

4. The background document entitled “Overview of the procedures under the Multilateral Fund by which the parties review and ensure continuing compliance with the terms of agreements under the Fund” was prepared by the secretariat of the Multilateral Fund as a contribution to document UNEP/OzL.Pro.WG.1/41/3 and was made available on the meeting portal for the forty-first meeting of the Open-ended Working Group.

5. The relevant parts of the document include the following:

(a) The overview of the procedures under the Multilateral Fund provides detailed information on the procedures employed under the Fund in relation to reporting on the consumption and production of controlled substances, conditions for the release of funds, procedures for independent verification and the roles and responsibilities of the implementing agencies.

(b) Annex I sets out information on evaluations undertaken on CFC consumption and production.

(c) Annex II describes the tools, products and services relating to customs and enforcement provided by the UNEP OzonAction branch.

(d) Annex III, entitled “Overview of current monitoring, reporting, verification and enforceable licensing and quota systems”, was originally issued as document UNEP/OzL.Pro/ExCom/83/38 for the eighty-third meeting of the Executive Committee of the Multilateral Fund. It was annexed to the background document at the request of the Executive Committee at that meeting, as recorded in decision 83/60, in order to make it available to the parties at the forty-first meeting of the Open-ended Working Group. Paragraphs 51 to 76 of the annex include observations by the secretariat of the Multilateral Fund on various issues, including illegal trade and free trade zones, export of ozone-depleting substances in pre-blended polyols, atmospheric monitoring and sampling of products.

IV. Update to the overview on unexpected emissions of CFC-11 (UNEP/OzL.Pro.31/6)

6. The report by the Secretariat entitled “Unexpected emissions of CFC-11: update to the overview provided at the forty-first meeting of the Open-ended Working Group” (UNEP/OzL.Pro.31/6) provides information on issues that were discussed by the contact group established at the forty-first meeting of the Open-ended Working Group, in July 2019. The report of the contact group to the Open-ended Working Group at its forty-first meeting is set out in annex II to the report of the meeting (UNEP/OzL.Pro.WG.1/41/5, available at <http://conf.montreal-protocol.org/meeting/oewg/oewg-41/final-report/SitePages/Home.aspx>).

7. The relevant sections of document UNEP/OzL.Pro.31/6 include the following:

(a) Section II B focuses on the provisions of the Vienna Convention and actions by parties in terms of atmospheric monitoring, research and systematic observations.

(b) Section II C covers the provisions of the Montreal Protocol and implementation and enforcement by parties, including control of trade, licensing, illegal trade, data reporting, illegal production and polyols.

(c) Section II D considers the compliance mechanism, summarizing the information provided in document UNEP/OzL.Pro.WG.1/41/3.

(d) The annex sets out an extract from the meeting document prepared by the secretariat of the Multilateral Fund for the eighty-third meeting of the Executive Committee, entitled “Overview of current monitoring, reporting, verification and enforceable licensing and quota systems”, which listed a number of observations for consideration by the Executive Committee, as is mentioned in paragraph 5 (d) above.

V. Report of the sixty-third meeting of the Implementation Committee (UNEP/OzL.Pro/ImpCom/63/6)

8. The relevant parts of the report of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on the work of its sixty-third meeting (UNEP/OzL.Pro/ImpCom/63/6) include the following:

(a) Section VII sets out the Committee’s consideration of two documents prepared by the Secretariat on possible ways of dealing with illegal production of and illegal trade in controlled substances under the Montreal Protocol, identifying potential gaps in the non-compliance procedure, challenges, tools, ideas and suggestions for improvement. The section records the Committee’s agreement that the President should draw the attention of the Meeting of the Parties to the documents prepared by the Secretariat, which would be made available to all parties by appending them to the report of the Committee meeting, and should request that the matter be included on the agenda of the forty-second meeting of the Open-ended Working Group, in 2020.

(b) Annex II, entitled “Possible ways of dealing with illegal production of and illegal trade in controlled substances under the Montreal Protocol, identifying potential gaps in the non-compliance procedure, challenges, tools, ideas and suggestions for improvement”, was originally issued as document UNEP/OzL.Pro/ImpCom/63/R.4. It looks at existing arrangements under the Montreal Protocol and identifies a number of areas that the parties may wish to consider, including issues that are not currently addressed as compliance issues, reporting, monitoring, verification and implementation review, functions and membership of the Implementation Committee, triggers of the non-compliance procedure, decision-making on compliance-related matters, consequences of non-compliance and the role of the Secretariat. In addition, it provides a comparative overview of arrangements under other legal regimes, including multilateral environmental agreements, and

concludes with observations, set out in paragraphs 31–37, on potential areas for improvement. These include possible actions to strengthen the management of actions that may impede the effectiveness of the Protocol, the effectiveness of the non-compliance procedure, data reporting, and licensing systems.

(c) Annex III, entitled “Comparative information on implementation- and compliance-related mechanisms in selected multilateral legal regimes”, was originally issued as document UNEP/OzL.Pro/ImpCom/63/INF/R.3. It presents a table setting out comparative information on aspects of implementation- and compliance-related mechanisms in 12 multilateral legal regimes, including 10 multilateral environmental agreements.¹ It was not intended to provide a comprehensive review of all relevant entities, but simply to present a sample of arrangements for the consideration of the Implementation Committee.

¹ The Montreal Protocol on Substances that Deplete the Ozone Layer (1987); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973); the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989); the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (1998); the Cartagena Protocol on Biosafety (2000) to the Convention on Biological Diversity; the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization (2010) to the Convention on Biological Diversity; the Kyoto Protocol (1997) to the United Nations Framework Convention on Climate Change; the Paris Agreement (2015) under the United Nations Framework Convention on Climate Change; the Minamata Convention on Mercury (2013); the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998), whose amendment creating the compliance mechanism was adopted in 2019; the Trade Policy Review Mechanism of the World Trade Organization; and the Human Rights Council (2006).