



THE 13TH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER 16-19 OCTOBER 2001

The 13th Meeting of the Parties (MOP-13) to the Montreal Protocol on Substances that Deplete the Ozone Layer opens today at the Bandaranaike Memorial International Conference Hall in Colombo, Sri Lanka. A preparatory segment will take place from 16-17 October, followed by a high-level segment from 18-19 October.

During the preparatory segment, delegates will consider issues and draft decisions regarding: the terms of reference (TOR) for the study on the 2003-2005 replenishment of the Multilateral Fund; a proposal for an evaluation of the financial mechanism of the Montreal Protocol; the review of the fixed-exchange-rate mechanism and the impact of the mechanism on the Multilateral Fund and on funding for the phase out of ozone-depleting substances (ODS) in Article 5 Parties (developing countries) for the triennium 2000-2002; the phase-out schedule of hydrochlorofluorocarbons (HCFCs) in Article 5 Parties; information on new ODS; criteria for assessing the ozone-depleting potential of new chemicals; essential-use exemption applications; industrial rationalization; production of chlorofluorocarbons (CFCs) for metered dose inhalers (MDIs); assessment of the future need for halons for essential uses; monitoring of international trade and prevention of illegal trade in ODS and mixtures and products containing ODS; and reducing emissions of controlled substances from process-agent uses. Other items on the agenda include the reporting of data by Parties, compliance issues considered by the Implementation Committee, the financial statement and budget for the Trust Fund for the Protocol, and the selection of members of the Implementation Committee and the Executive Committee of the Multilateral Fund, and the Co-Chairs of the Open-Ended Working Group (OEWG).

A BRIEF HISTORY OF THE OZONE REGIME

Concerns that the Earth's stratospheric ozone layer could be at risk from CFCs and other anthropogenic substances were first raised during the early to mid-1970s. At that time, scientists warned that the release of CFCs and other substances into the atmosphere could deplete the ozone layer, thus hindering its ability to prevent harmful ultraviolet rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, as well as harm humans by causing higher rates of skin cancer and weakened immune systems. In response to this growing concern, the United Nations Environment

Programme (UNEP) convened a conference of experts from 32 countries in March 1977. This conference adopted a World Plan of Action on the Ozone Layer and established a Coordinating Committee to determine the extent of the problem as a guide for future international action.

VIENNA CONVENTION: In May 1981, the UNEP Governing Council launched negotiations on an international agreement to protect the ozone layer. The *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer, which included representatives from 24 nations, began meeting in 1982. Their work resulted in the adoption of the Vienna Convention for the Protection of the Ozone Layer in March 1985. The Convention established the need to cooperate on monitoring, research and data exchanges. However, it did not impose specific obligations to reduce production or consumption of ODS nor specify what substances cause ozone depletion. To date, the Convention has 181 Parties.

MONTREAL PROTOCOL: Efforts to negotiate binding country obligations and identify ODS continued in 1986, leading to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer on 16 September 1987. To date, the Protocol has 180 Parties. Under the Protocol, governments recognized the need to control CFC production and consumption. Developed countries (non-Article 5 Parties) pledged to reduce production and consumption of CFCs by 50% of 1986 levels by 1999 and to freeze production and consumption of halons at 1986 levels. Developing countries (Article 5 Parties) were granted a grace period allowing them to increase their use of these ODS before taking on commitments.

LONDON AMENDMENT AND ADJUSTMENTS: Further scientific evidence – including increasing information about the ozone hole over Antarctica and evidence of reductions in the ozone layer over the northern hemisphere – gave fresh impetus to negotiations and the regime-building process. Delegates to MOP-2, which took place in London in June 1990, agreed to amend and adjust the Protocol to include other ODS and accelerate existing phase-out timetables. The London Amendment added ten more CFCs to the list of ODS, as well as carbon tetrachloride and methyl chloroform, which were to be phased out by developed and developing countries by 2000 and 2005, respectively. The adjustment required developed countries to phase out CFCs and halons by 2000. To date, 153 Parties have ratified the London Amendment.

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Joanna Depledge <joanna@iisd.org>, Andrei Henry <andrei@iisd.org>, Laura Ivers <laurai@iisd.org> and Kira Schmidt <kira@iisd.org>. The Operations Manager is Marcela Rojo <marcela@iisd.org> and the On-Line Assistant is Diego Noguera <diego@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID and the Foreign & Commonwealth Office), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through the German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2001 is provided by the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministries of Foreign Affairs and Environment of Norway, Swan International, and the Japan Environment Agency (through the Institute for Global Environmental Strategies - IGES.) The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Director of IISD Reporting Services. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca>. The satellite image was taken above Nairobi ©2001 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin* or to arrange coverage of a meeting, conference or workshop, send e-mail to the Director of IISD Reporting Services at <kimo@iisd.org>.



In addition, MOP-2 established the Multilateral Fund for the Implementation of the Montreal Protocol, the first of its kind under an environmental agreement. The Fund meets the incremental costs of developing country implementation of the Protocol's control measures and finances all clearing-house functions, including technical assistance, information, training and costs of the Fund Secretariat. The Fund is administered by an Executive Committee, which is comprised of seven donor and seven recipient countries. Its finances are replenished every three years.

COPENHAGEN AMENDMENT AND ADJUSTMENTS:

MOP-4 took place in Copenhagen in 1992. Delegates agreed to enact non-compliance procedures and shorten the existing control schedule, so that developed countries would phase out CFCs, carbon tetrachloride and methyl chloroform by 1996, and halons by 1994. They also added methyl bromide, hydrobromofluorocarbons (HBFCs) and hydrochlorofluorocarbons (HCFCs) to the list of controlled ODS. For developed countries, production and consumption of methyl bromide was to be frozen at 1991 levels, HBFCs were to be phased out by 1996 and consumption of HCFCs was to be phased out by 2030, with a 99.5% cut to be achieved by 2020. The Copenhagen Amendment also enacted stronger import and export controls. To date, 128 Parties have ratified the Copenhagen Amendment.

VIENNA ADJUSTMENTS: At MOP-7, held in Vienna in December 1995, developing countries agreed to phase out HBFCs by 1996, to freeze their production and consumption of methyl bromide in 2002 at average 1995-1998 levels, and to freeze their consumption of HCFCs in 2016, leading to a phase out by 2040. The Vienna Adjustments also tightened the developed country commitments by adjusting the baseline for the HCFC target and setting a phase-out date of 2010 for methyl bromide.

MONTREAL AMENDMENT AND ADJUSTMENTS: At MOP-9, held in Montreal in September 1997, developed countries agreed to move forward the phase out of methyl bromide to 2005, while developing countries agreed to a phase out by 2015. Delegates also agreed to a new licensing system for controlling illegal trade in ODS based on licenses issued by Parties for each import and export, and on regular information exchanges between Parties. The aim of this licensing system was to enable customs officials and police to track trade in CFCs and detect illegal trade. To date, 63 Parties have ratified the Montreal Amendment.

BEIJING AMENDMENT AND ADJUSTMENTS: MOP-11 and the Fifth Conference of the Parties (COP-5) to the Vienna Convention met jointly in Beijing, China, from 29 November-3 December 1999. MOP-11 resulted in the adoption of the Beijing Amendment and Adjustments. The Beijing Amendment provides for: a freeze in the level of HCFC production in 2004 for developed countries and in 2016 for developing countries; the phase out of bromochloromethane by 2002; a ban on trade in HCFCs with non-Parties from 2004; and reporting on annual consumption of methyl bromide for quarantine and pre-shipment applications. To date, eleven Parties have ratified the Beijing Amendment, and it has yet to enter into force. The Amendment will enter into force 90 days after 20 Parties have ratified it. The adjustments stipulate the phase out of production allowances to meet the basic domestic needs of developing countries for CFCs, halons and methyl bromide. In addition, MOP-11/COP-5 adopted the Beijing Declaration and decided on the replenishment of the Multilateral Fund with US\$477.7 million for 2000-2002.

MOP-12: MOP-12 took place in Ouagadougou, Burkina Faso, from 11-14 December 2000. MOP-12 adopted decisions on, *inter alia*, a correction to the Beijing Adjustments; measures to facilitate the transition from CFC-based MDIs; disposal of controlled

substances; essential-use exemption applications; and monitoring of international trade and prevention of illegal trade in ODS and ODS-containing mixtures and products. MOP-12 also considered but did not adopt decisions on the use of HCFCs by Article 5 Parties, process agents and new ODS, specifically information on hexachlorobutadiene.

MOP-12 adopted the Ouagadougou Declaration, which encouraged Parties to, *inter alia*: take steps to prevent illegal production and consumption and trade in ODS and equipment and products containing them; cooperate on transfer of technology, know-how and capacity building, and harmonization of customs codes; integrate ozone layer protection into socioeconomic development programmes; and adopt and apply regulations and pursue awareness-raising campaigns for all stakeholders who use ODS.

INTERSESSIONAL HIGHLIGHTS

21ST MEETING OF THE OPEN-ENDED WORKING

GROUP: The 21st Meeting of the OEWG took place from 24-26 July 2001 in Montreal. Delegates to OEWG-21 considered the reports of the Technology and Economic Assessment Panel (TEAP) and Scientific Assessment Panel (SAP). The OEWG also addressed a number of topics in preparation for MOP-13, including: the TOR for the Multilateral Fund replenishment study; new ODS; international trade and prevention of illegal trade in ODS and mixtures and products containing ODS; the review of the fixed-exchange-rate mechanism; and the HCFC phase-out schedule for Article 5 Parties.

33RD AND 34TH MEETINGS OF THE EXECUTIVE COMMITTEE OF THE MULTILATERAL FUND: The 33rd and 34th meetings of the Executive Committee of the Multilateral Fund took place in Montreal from 28-30 March 2001 and from 18-20 July 2001, respectively. The Committee considered a number of issues, including: the status of contributions and disbursements; the achievements of the Fund; the status of Article 5 country compliance with the Protocol's initial control measures; strategic planning for the Multilateral Fund for 2000-2002; and actions taken to improve the Fund. The Committee will report to MOP-13 later this week.

27TH MEETING OF THE IMPLEMENTATION

COMMITTEE: The 27th meeting of the Implementation Committee took place on 13 October 2001 in Colombo. The Committee discussed the Secretariat's report on data provided by Parties on their production and consumption of ODS, and agreed to forward several draft decisions to MOP-13. The Implementation Committee considered: cases where data has not been provided; requests to Parties that may be out of compliance to provide further information; steps to be taken by Parties not in compliance; and the situation of Parties that were out of compliance, but are now in compliance. MOP-13 will consider draft decisions forwarded by the Committee later this week.

THINGS TO LOOK FOR TODAY

OPENING PLENARY: MOP-13 will open at 10:00 am at the Bandaranaike Memorial International Conference Hall. Following cultural performances, Sri Lankan Minister of Transport and Environment Dinesh Gunewardana and Ozone Secretariat Deputy Executive Secretary Michael Graber will deliver opening remarks. After adopting the agenda, delegates will consider the TOR for the Multilateral Fund replenishment study, hear a report from the Treasurer on the review of the fixed-exchange-rate mechanism's implementation, and consider the proposal for the evaluation of the financial mechanism.