



## EXMOP HIGHLIGHTS: THURSDAY, 25 MARCH 2004

Delegates met in a morning Plenary session to hear progress reports from the contact groups on critical-use nominations (CUNs) and on conditions for granting and reporting critical-use exemptions (CUEs). Both contact groups continued their deliberations in the afternoon. A contact group on the revitalization of the Methyl Bromide Technical Options Committee (MBTOC) also met. In an evening Plenary session, delegates considered outstanding conference room papers (CRPs). The contact group on nominations for CUEs reconvened in the evening.

### PLENARY

Reporting on progress in the contact group on CUNs, contact group Co-Chair Oladapo Afolabi (Nigeria) said delegates supported the adoption of the TEAP 2004 Supplementary Report on CUNs. He explained that three approaches to CUNs had emerged from discussions on proposals by the EC (UNEP/OzL.Pro.ExMP/1/CRP.5), the US (UNEP/OzL.Pro.ExMP/1/CRP.6) and Japan. He said they needed to be discussed further.

Regarding the contact group on conditions for granting and reporting CUEs, Co-Chair Pierre Pinault (Canada) said the contact group had made progress in merging proposals by the US and the EC (UNEP/OzL.Pro.ExMP/1/CRP.4 and 5). He said progress had also been made in discussing a framework for setting accountability and transparency for reporting formats (UNEP/OzL.Pro.ExMP/1/CRP.1). Co-Chair Sergio Sánchez Martínez (Mexico) noted that some Parties had expressed concern over the progressive reduction and ultimate phase-out of CUEs, and had requested that specific timetables and limits be established.

Noting the links between issues addressed by the two contact groups, several Parties proposed that, upon completion of its work, the contact group on conditions for granting and reporting CUEs provide feedback to the contact group on CUNs. Delegates decided to convene a contact group on the revitalization of MBTOC, co-chaired by Rosalinda Tirona (The Philippines) and Janus Koza-biewicz (Poland).

In the evening, delegates heard updated progress reports from the contact groups and considered additional CRPs. Reporting on the progress of the contact group on CUNs, Co-Chair Jukka Uosukainen (Finland) said a small drafting group was compiling a working paper combining the proposals of the US and EC (UNEP/OzL.Pro.ExMP/1/CRP.5 and CRP.6). He said a second drafting

group was addressing amendments and additional text on issues in Argentina's proposal on Article 5 Parties' accelerated phase-out agreements (UNEP/OzL.Pro.ExMP/1/CRP.8).

Reporting on the contact group on conditions for granting and reporting on CUEs, Co-Chair Pinault said the group had finalized its deliberations on reporting formats and on merging the US and EC proposals (UNEP/OzL.Pro.ExMP/1/CRP.1/Rev.1 and UNEP/OzL.Pro.ExMP/1/CRP.5/Rev.1). On the working group on the revitalization of MBTOC, Co-Chair Tirona said the group would finalize its work for presentation to Plenary on Friday.

EXMOP President Hlavacek opened discussion on proposals by Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Democratic Republic of Congo, Mali, Niger and Senegal, which request: the Executive Committee of the Multilateral Fund (MLF) to increase technical and financial support to identify methyl bromide alternatives; the Secretariat to translate the MBTOC assessment reports on alternatives into all UN languages; and TEAP to provide the scientific and technical bases for justifying CUEs for disinfecting agricultural foodstuffs for which alternatives were published in the 2002 MBTOC Report (UNEP/OzL.Pro.ExMP/1/CRP.2 and 3).

The US said this discussion was beyond the mandate of the ExMOP. Chair Hlavacek suggested, and Parties agreed, to forward the proposal to the 24th meeting of the Open-Ended Working Group (OEWG-24). VENEZUELA drew attention to the request for financial and technical assistance and asked whether discussion could be opened on the issue. Chair Hlavacek suspended discussion on this issue.

On a proposal by Guatemala requesting TEAP to conduct an assessment of issues related to quarantine and pre-shipment issues (UNEP/OzL.Pro.ExMP/1/CRP.9), Parties decided to add this issue to OEWG-24's agenda.

Delegates then discussed a proposal by Argentina to defer consideration on further adjustments on methyl bromide for Article 5 Parties until MOP-17 (UNEP/OzL.Pro.ExMP/1/CRP.10). ARGENTINA, MEXICO, CHINA, CHILE, BRAZIL, UGANDA and COLOMBIA stressed that the proposal reflects the difficulty for Article 5 Parties to adopt interim reductions between 2005 and 2015 while uncertainty remains about CUEs granted to non-Article 5 Parties.

The EC said that postponing discussions until MOP-17 was inconsistent with Decision IX/5 (Conditions for control measures on Annex E substances in Article 5 Parties), which requested Parties to consider interim reductions in 2003. ARGENTINA stressed that requiring a greater effort to phase out methyl bromide from Article 5 Parties than from non-Article 5 Parties would be unreasonable and invert the principle of common but differentiated

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responsibilities. JAPAN and the EC proposed considering interim reductions at MOP-16. COLOMBIA noted that MOP-16 would have the opportunity to consider commitments for eliminating CUEs in non-Article 5 Parties and that further work could take place at MOP-17. Noting legal constraints, the EC suggested that Parties decide in 2004 on further specific interim reductions for Article 5 Parties for the period beyond 2005, and proposed revisiting the issue at MOP-16. He also asked that the issue be added to the OEWG-24 agenda.

The DOMINICAN REPUBLIC presented a proposal to request a TEAP study of economic, trade related and other impacts on Article 5 Parties caused by CUEs granted to non-Article 5 Parties (UNEP/OzL.Pro.ExMP/1/CRP.11). The proposal, *inter alia*: supports TEAP's recommendation that CUEs not be granted where technically viable alternatives are available; requests TEAP to produce a report on modalities for granting CUEs to Article 5 Parties with early methyl bromide phase-out projects; and states that CUEs for non-Article 5 Parties shall not be granted for periods exceeding three years.

The US noted that these issues had been dealt with previously. CANADA expressed its discontent with several aspects of the proposal and said ExMOP should not discuss it in depth. VENEZUELA, CHILE and KENYA supported the proposal and stressed the need for discussion in Plenary. CHINA said some aspects of the proposal were already under consideration by contact groups. COSTA RICA and EL SALVADOR stressed the importance of the proposed study of impacts, while BRAZIL asked that the study also consider trade implications. MOROCCO reiterated the agreed upon principle of fairness. CHILE stressed the importance of flexibility. ExMOP President Hlavacek proposed, and Parties agreed, to continue discussing this issue in Plenary on Friday.

CALIFORNIA CERTIFIED ORGANIC FARMERS said that financial concerns of individual farmers cannot be considered more important than environmental concerns or human health. The ENVIRONMENTAL INVESTIGATION AGENCY urged Parties to take account of stockpiles before granting CUEs. GREENPEACE suggested that CUEs remain below 30%, and opposed multi-year CUEs.

## CONTACT GROUPS

### CONDITIONS FOR GRANTING AND REPORTING

**CUEs:** Parties considered a revised CRP incorporating elements from draft decisions submitted by the US and the EC (UNEP/OzL.Pro.ExMP/1/CRP.5/Rev.1). The revised CRP requests that Parties aim to provide information in their Management Strategies to phase out critical uses of methyl bromide on the potential market penetration of newly deployed alternatives, and alternatives that may be used in the near future. One Party emphasized that lack of trade implications should not be a condition for granting CUEs. Delegates agreed on wording requesting TEAP to identify factors that Article 5 Parties may take into account in evaluating whether they should undertake new accelerated phase-out commitments through the Multilateral Fund (MLF) or seek changes to already agreed accelerated phase-out projects. Following bilateral consultations, Parties agreed to remove a preambular reference to stockpiles of banked or recycled methyl bromide.

Parties also discussed a CRP submitted by Australia on requirements for annual reporting and a revised version thereof (UNEP/OzL.Pro.ExMP/1/CRP.1 and CRP.1/Rev.1), which reflects changes to, *inter alia*, reporting requirements on transition efforts and activities. Co-Chair Pinault adjourned the contact group and announced that he would forward its results to the contact group on CUNs for its consideration.

**NOMINATIONS FOR CUEs:** The contact group continued discussing proposals by the EC (UNEP/OzL.Pro.ExMP/1/CRP.5), the US (UNEP/OzL.Pro.ExMP/1/CRP.6) and Japan. Participants

charged a drafting group with merging these proposals. The contact group also considered a proposal by Argentina, which addresses concerns of Article 5 Parties about the consequences of anticipated phase-out of methyl bromide given ongoing consumption by some non-Article 5 Parties (UNEP/OzL.Pro.ExMP/1/CRP.8). The Argentinean proposal requests the Executive Committee to adopt a "flexible approach" to assess compliance with the reduction steps of Article 5 Parties' agreements for early phase-out of methyl bromide, and to consider a "prolongation" of the final reduction step of existing phase-out agreements when new circumstances make alternatives to methyl bromide economically and/or technically unfeasible. One delegation expressed concern that pronouncements about the possibility of conceding "prolongations" by the ExMOP could discourage compliance.

**REVITALIZATION OF MBTOC:** The contact group met to consider a CRP submitted by the EC on reviewing the working procedures and terms of reference of MBTOC (UNEP/OzL.Pro.ExMP/1/CRP.7). Delegates agreed that the review process should include consideration of, among others, expertise in methyl bromide alternatives, agricultural economy, technology transfer and the regulatory processes of registration. On establishing an *ad hoc* working group on this issue to be held prior to OEWG-24, several delegates proposed that the meeting be held over three days, instead of one, and comprise six instead of ten representatives, from both Article 5 and non-Article 5 Parties. The length and size of the working group remains bracketed. Many delegates opposed requiring OEWG-24 to take decisions related to MBTOC on behalf of the MOP, while others stressed the need to provide guidance on the level of transparency of the upcoming MBTOC nomination review process.

Several non-Article 5 Parties proposed additional text relating to the standard of review for CUNs. A non-Article 5 Party also called for publishing information tools used by MBTOC in assessing the technical feasibility of CUNs.

## IN THE CORRIDORS

As delegates prepared for the ExMOP's final day, many expressed regret at the limited progress achieved, particularly in relation to the amount of critical-use exemptions (CUEs) granted to non-Article 5 Parties. Many Article 5 Parties disagreed with the proposal by a large non-Article 5 Party to set the level of CUEs above the cap proposed by the Methyl Bromide Technical Options Committee (MBTOC).

The MBTOC was still on delegates' minds, with corridors buzzing with the repercussions of the MBTOC statement in Wednesday's Plenary that Parties grant the California Strawberry Commission's request to increase its CUE. Some thought that this was a surprising and troubling development for a historically well-respected scientific advisory committee, and felt that the MBTOC should publicly rectify its statement so as to prevent compromising its credibility.

## THINGS TO LOOK FOR TODAY

**PLENARY:** Plenary will convene at 10:00 am to hear reports from the Co-Chairs of the contact groups on CUNs and MBTOC revitalization. Delegates are expected to adopt draft decisions.

**CONTACT GROUPS:** The contact group on MBTOC revitalization will reconvene at 9:00 am in the Plenary Hall. A drafting group will convene at 10:00 am in Room 3 to finalize draft decisions on CUNs.

**ENB SUMMARY:** The *Earth Negotiations Bulletin* report containing a summary and analysis of this meeting will be available online on Monday, 29 March at <http://www.iisd.ca/ozone/exmp/>