

NINETEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER: 17 – 21 SEPTEMBER 2007

The nineteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-19) begins today in Montreal, Canada. The meeting will commence with a high-level segment for ministers and other heads of delegation. A preparatory segment will take place beginning Tuesday, 18 September, and the high-level segment will reconvene near the end of the week.

Throughout the meeting, delegates will consider decisions on a range of issues, including: adjustments to the hydrochlorofluorocarbons (HCFC) phase-out schedule; monitoring transboundary movements of, and preventing illegal trade in, ozone-depleting substances (ODS); essential-use exemptions for 2008 and 2009; and campaign production of chlorofluorocarbons (CFCs) for producing metered-dose inhalers (MDIs). Other matters to be addressed include: issues related to the Multilateral Fund for the Implementation of the Montreal Protocol (the Multilateral Fund); assessment of new very short-lived ODS; methyl bromide-related issues, including critical-use exemptions; carbon tetrachloride-related issues; compliance; and key challenges to be faced by parties in the future protection of the ozone layer.

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 in the early 1970s. At that time, scientists warned that the release of these substances into the atmosphere could deplete the ozone layer, hindering its ability to prevent harmful ultraviolet rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, and harm humans through higher rates of skin cancers, cataracts and weakened immune systems. In response to this growing concern, the United Nations Environment Programme (UNEP) convened a conference in March 1977 that adopted a World Plan of Action on the Ozone Layer and established a Coordinating Committee to guide future international action on ozone protection.

VIENNA CONVENTION: In May 1981, the UNEP Governing Council launched negotiations on an international agreement to protect the ozone layer and, in March 1985, the Vienna Convention for the Protection of the Ozone Layer was

adopted. The Convention called for cooperation on monitoring, research and data exchange, but did not impose obligations to reduce the use of ODS. The Convention now has 191 parties.

MONTREAL PROTOCOL: In September 1987, efforts to negotiate binding obligations to reduce the use of ODS led to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer. The Protocol introduced control measures for some CFCs and halons for developed countries (non-Article 5 parties). Developing countries (Article 5 parties) were granted a grace period allowing them to increase their use of these ODS before taking on commitments. The Protocol currently has 191 parties.

Since 1987, several amendments and adjustments to the Protocol have been adopted, adding new obligations and additional ODS, and adjusting existing control schedules. Amendments require ratification by a defined number of parties before their entry into force, while adjustments enter into force automatically.

LONDON AMENDMENT AND ADJUSTMENTS: Delegates to the second Meeting of the Parties (MOP-2), which took place in London, UK, in 1990, tightened control schedules and agreed to add ten more CFCs to the list of ODS, as well as carbon tetrachloride (CTC) and methyl chloroform. To date, 186 parties have ratified the London Amendment. MOP-2 also established the Multilateral Fund, which meets the incremental costs incurred by Article 5 parties in implementing the Protocol's control measures and finances clearinghouse functions, including technical assistance, information, training, and the costs of the Multilateral Fund Secretariat. The Fund is replenished every three years, and has received pledges of over US\$2 billion since its inception.

COPENHAGEN AMENDMENT AND ADJUSTMENTS: At MOP-4, held in Copenhagen, Denmark, in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons and HCFCs. MOP-4 also agreed to enact non-compliance procedures and to establish an Implementation Committee. The Implementation Committee examines cases of possible non-compliance by parties, and makes recommendations to the MOP aimed at securing full compliance. To date, 178 parties have ratified the Copenhagen Amendment.

MONTREAL AMENDMENT AND ADJUSTMENTS: At MOP-9, held in Montreal, Canada, in 1997, delegates agreed to a new licensing system for the import and export of ODS, in addition to tightening existing control schedules. They also agreed to a ban on trade in methyl bromide with non-parties to the Copenhagen Amendment. To date, 156 parties have ratified the Montreal Amendment.

BEIJING AMENDMENT AND ADJUSTMENTS: At MOP-11, held in Beijing, China, in 1999, delegates agreed to controls on bromochloromethane and additional controls on HCFCs, and to reporting on methyl bromide for quarantine and pre-shipment (QPS) applications. At present, 130 parties have ratified the Beijing Amendment.

MOPs 14-15: At MOP-14, held in Rome, Italy, in 2002, the MOP's decisions covered such matters as compliance, interaction with the World Trade Organization, and replenishment of the Multilateral Fund with US\$474 million for 2003-2005. MOP-15, held in Nairobi, Kenya, in 2003, resulted in decisions on issues including the implications of the entry into force of the Beijing Amendment. However, disagreements surfaced over exemptions allowing the use of methyl bromide beyond 2004 for "critical" uses where no technically or economically feasible alternatives are available. Delegates could not reach agreement and took the unprecedented step of calling for an "extraordinary" MOP.

FIRST EXTRAORDINARY MOP: The first Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP-1) took place in March 2004, in Montreal, Canada. Parties agreed to critical-use exemptions (CUEs) for methyl bromide for 2005 only. The introduction of a "double-cap" concept distinguishing between old and new production of methyl bromide was central to this compromise. Parties agreed to a cap for new production of 30% of parties' 1991 baseline levels, meaning that where the capped amount was insufficient for approved critical uses in 2005, parties were required to use existing stockpiles.

MOP-16: MOP-16 took place in Prague, Czech Republic, in November 2004. The parties adopted decisions on the Multilateral Fund, ratification, compliance, trade in ODS and other matters, but work on methyl bromide exemptions for 2006 was not completed. For the second time, parties decided to hold an extraordinary MOP.

SECOND EXTRAORDINARY MOP: ExMOP-2 was held in July 2005, in Montreal, Canada. Parties agreed to supplementary levels of CUEs for 2006 left unresolved at MOP-16. Under this decision, parties also agreed that: CUEs allocated domestically that exceed levels permitted by the MOP must be drawn from existing stocks; methyl bromide stocks must be reported; and parties must "endeavor" to allocate CUEs to the particular use categories specified in the decision.

COP-7/MOP-17: MOP-17 was held jointly with the seventh Conference of the Parties to the Vienna Convention in Dakar, Senegal, in December 2005. Parties approved essential-use exemptions for 2006 and 2007, supplemental CUEs for 2006 and CUEs for 2007, and production and consumption of methyl bromide in non-Article 5 parties for laboratory and analytical critical uses. Other decisions concerned, *inter alia*: submission of information on methyl bromide in space fumigation; replenishment of the Multilateral Fund with US\$470.4 million for 2006-2008; and the terms of reference for a feasibility study on developing a monitoring system for the transboundary movement of controlled ODS.

MOP-18: MOP-18 took place in New Delhi, India, from 30 October - 3 November 2006. Parties adopted decisions on: essential-use exemptions; future work following the Secretariat's workshop on the Special Report of the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel (TEAP); CUEs; difficulties faced by some Article 5 parties manufacturing CFC-based MDIs; treatment of stockpiled ODS relative to compliance; a feasibility study on developing a system for monitoring the transboundary movement of ODS; and key challenges to be faced by parties in protecting the ozone layer over the next decade. Parties deferred consideration, until OEWG-27, of multi-year exemptions for CUEs and options for preventing harmful trade in methyl bromide stocks.

CURRENT ODS CONTROL SCHEDULES: Under the amendments to the Montreal Protocol, non-Article 5 parties were required to phase out production and consumption of:

halons by 1994; CFCs, CTC, hydrobromochlorofluorocarbons and methyl chloroform by 1996; bromochloromethane by 2002; and methyl bromide by 2005. Consumption of HCFCs is to be phased out by 2030 (with interim targets prior to those dates), with production to have been stabilized by 2004. Article 5 parties were required to phase out production and consumption of bromochloromethane by 2002. These parties must still phase out: production and consumption of CFCs, halons and CTC by 2010, and methyl chloroform and methyl bromide by 2015; and consumption of HCFCs by 2040 (with interim reduction targets prior to phase-out). Production of HCFCs in Article 5 countries must be stabilized by 2016. There are exemptions to these phase-outs to allow for certain uses lacking feasible alternatives or in particular circumstances.

INTERSESSIONAL HIGHLIGHTS

DIALOGUE ON KEY FUTURE CHALLENGES FACED BY THE MONTREAL PROTOCOL: The dialogue was held from 2-3 June 2007, in Nairobi, Kenya. Parties considered key issues and challenges, including those related to scientific assessment, HCFCs and combating illegal trade, and the plan for future work under the Montreal Protocol.

OPEN-ENDED WORKING GROUP: The twenty-seventh meeting of the Montreal Protocol's Open-ended Working Group (OEWG-27) took place in Nairobi, Kenya, from 4-7 June 2007. Delegates agreed to forward fifteen draft decisions to MOP-19, including on: HCFCs; methyl bromide trade; preventing illegal trade in ozone-depleting substances; establishment of a multi-year agenda for the MOP; essential-use exemptions for CFCs; possible future amendment of the Protocol regarding n-propyl bromide; and the laboratory and analytical use exemption. Other matters discussed included multi-year exemptions for methyl bromide use, and accelerated phase-out of HCFCs.

EXECUTIVE COMMITTEE: The Executive Committee of the Multilateral Fund held its fifty-second session to consider issues associated with the Fund from 23-27 July 2007, in Montreal, Canada. A report on the activities of the Executive Committee will be considered at MOP-19.

TEAP and TOCs: A number of the Technical Options Committees (TOCs) met between February and August 2007 to further their work in the lead-up to MOP-19. In addition, the TEAP Task Force on HCFC issues met during the full TEAP meeting in Rome, Italy, from 26-30 March 2007, to assess options to reduce emissions. The work of the TOCs and the Task Force on HCFC Issues are included in the TEAP's 2007 reports, which will be considered at MOP-19.

INFORMAL CONSULTATIONS ON THE PROPOSALS TO PHASE OUT HCFCs: Informal consultations on the proposals to phase out HCFCs were held in Montreal, Canada, on 28 July 2007 and 15 September 2007. The informal consultations covered, *inter alia*: options for an adjusted baseline and freeze date; the need for exemptions and basic domestic needs provisions; the concept of a "worst-first" approach to an adjusted phase-out schedule; consideration of climate benefits; and related funding issues. The topic will be taken up further at MOP-19.

IMPLEMENTATION COMMITTEE: In its thirty-eighth session from 8-9 June 2007, in Nairobi, Kenya, and its thirty-ninth session from 12-15 September 2007, in Montreal, Canada, the Implementation Committee considered, *inter alia*, non-compliance and data reporting issues, and made related recommendations, which will be considered at MOP-19.

20TH ANNIVERSARY CELEBRATION SEMINAR ON THE MONTREAL PROTOCOL: This seminar, entitled "Celebrating 20 Years of Progress," was held on 16 September 2007 in Montreal, Canada, and included sessions on the Montreal Protocol, ozone science, links with other environmental issues, and future challenges. A full IISD-RS report of the seminar can be found at www.iisd.ca/ozone/mop19/anniversary.htm